

**I. OPENING**

**CALL TO ORDER:** The General Business Meeting of Lower Saucon Township Council was called to order on Wednesday, March 19, 2008 at 7:12 P.M., at 3700 Old Philadelphia Pike, Bethlehem, PA, with Mr. Thomas Maxfield, Council Vice President, presiding.

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

**PLEDGE OF ALLEGIANCE**

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

**Mr. Maxfield said Council met in executive session, prior to this evening's meeting to discuss land acquisition issues.**

**MOTION BY:** Mrs. Yerger moved for authorization to the Township to order appraisals for land acquisition not to exceed \$3,500 each for the property discussed in Executive Session.  
**SECOND BY:** Mrs. deLeon  
Mr. Maxfield asked if anyone had any questions? No one raised their hand  
**ROLL CALL:** 3-0 (Mr. Horiszny & Mr. Kern Absent)

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

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

**III. PRESENTATIONS/HEARINGS**

**A. PUBLIC HEARING – ORDINANCE 2008-01 – NO PARKING ON SAUCON AVENUE**

Mr. Maxfield said Ordinance 2008-01 has been advertised for a public hearing and possible adoption to prohibit parking on the south side of Saucon Avenue between Riverside Drive and Roberts Avenue.

**MOTION BY:** Mrs. Yerger moved to open the hearing.  
**SECOND BY:** Mr. Maxfield  
Mr. Maxfield asked if anyone had any questions? No one raised their hand  
**ROLL CALL:** 3-0 (Mr. Horiszny & Mr. Kern Absent)

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Attorney Shafkowitz said exhibits are Township Ordinance 2008-01 and a copy of the legal notice advertising the hearing tonight.

Mr. Cahalan said we had given Council a series of police reports that go back several years about issues of parking on both sides of Saucon Avenue from the Riverside Drive up to Roberts Avenue. The concern that was indicated in the police reports was that with parking on both sides, it was deemed to be difficult to get an emergency vehicle up Saucon Avenue. There were some recommendations made in the police reports that the township Council enacted a ban on parking on one side of Saucon Avenue. Most of the reports favored the ban that we did put through, which was the ban on parking on the south side, and that's what we brought to Council and they authorized for this ordinance to be advertised.

Mr. Tom Kovacs, 2080 Ivywood Avenue, said their home is not facing Saucon Avenue, but they have a piece of property that is facing Saucon Avenue. Their opinion is if parking is prohibited on the south side, people will park on the north side. Right now, they have no vision on the right or the left going out of the driveway. They agree that there should be parking on one side of the street and they believe parking should be on the south side of the street. There have been injuries caused by the parking on Saucon Avenue. On December 29, 2007, there was a van parked there. His wife rushed out and ran over to the Strain's house, and by the time he got out, she walked up to the door, fell down their steps, and broke her ankle. If you are going to restrict parking, consider the south side. The problem is not because of cars parked out there, there's a big roll back tow truck that sets there and if it wasn't there, there wouldn't be a problem.

Elaine Kovacs said the Strains park this truck next to the house. They park on the street. All the other homes on Saucon Avenue have indentations so they can get their cars off the street. This truck is like a tractor trailer and totally obstructs their view. They back out their driveway and pray there is nothing coming because if there was, they'd be dead. Her concern is for her safety, and her family's safety, she wants to be able to back out of her driveway and be able to see. The truck takes up more than half of the roadway. It's not his place of business. She cut an article out of the Morning Call and there can be an ordinance made by the Township. She has the article with her. Even if you allowed cars to park on both side of the street, it would be better than having that truck park there. Mr. Cahalan said as long as that van is parked on the street, it's not in any violation. Mrs. Kovacs said two weeks ago the township road crew was there trying to do tarring and they couldn't even do the job. The township guys left and later the police came. Then the township truck came back and the roll back truck was still there. People have knocked on their door asking them to move the truck. They said no. They left her laying there on their sidewalk and didn't even come out to see if she was okay. She'd like an ordinance passed and it can be done.

Mr. Maxfield said doing an account of residences, it looks like on the south side there are 7 owners and the north side is 9 owners. It would make sense to have parking on the south side as it would impose on less people. Mrs. Kovacs said she doesn't want to see that truck there. You don't need a state survey to do an ordinance prohibiting that kind of truck parking and have cars only. Mr. Cahalan said the article she's referring to have a gross vehicle limit is over 11,000 lbs. and the roll back you are talking about is less than 6,000 lbs. The ordinance would not cover that roll back then. Mrs. Kovacs said a while back that truck rolled down the street and crashed through a house at the bottom of the hill. Fortunately, the man was not in his kitchen, but he was inconvenienced and not once did that family approach and go and see the damage that the truck had done. It's a threat to our safety. Attorney Shafkowitz said in the article Mrs. Kovacs is referring to, Allentown is a third class city and the regulations that govern a third class city are entirely different. The point is well taken and Council will let us take a look at it. We have to look at federal laws when you ban truck parking. There's a series of considerations that have to be taken into place before we can do anything.

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Mrs. deLeon said she lives on Saucon Avenue in the next block and she travels on that road, and the problem is that truck. She's concerned if a fire or an ambulance needs to get up there, they can't get up that street and go the long way around. Anyone exiting their driveway, they are going to have the same problem because cars can park right up on to the driveway. We're creating a problem for every driveway on the street because of site distance. Which is the best side? She asked if there was something legally they could do and maybe park 10 feet away from the driveway.

Mr. Maxfield said we understand the problem, and it's got multiple levels and the recommendation of the police and what they attempted to do was to give you some immediate relief. What you are asking the township to do is going to take a lot of background work and we should look into it and find out exactly what we can do. We have to see how it applies to the whole township and what is going on there is obviously not right. The situation does have to change. We can give you some immediate relief. He likes the parking on the south side. As we see less driveways on the south side, he'd like to see less people inconvenienced. We will work on it and try to start that action tonight.

Mr. Frank Klement, 2081 Saucon Avenue, said he lives right next to the house that has the truck. Coming out of his driveway, he can't see anything. He's backing out and he doesn't know where he's at.

Mr. Don Krajczar, 2088 Saucon Avenue, said the only problem is the truck we are talking about. As far as parking along both sides of the street, they've never had any problem until this truck starting to park there. Give him a ticket.

Mr. Bruce Kipp, 2084 Saucon Avenue, said he has about 120 feet of frontage on the road across from where the truck is. The south side should be posted and he's on the south side. The neighbors are trying to push the parking on his side. They have about six houses on the south side and they have room to park off the street. There's an alley in front of the Kovacs garage, and all they have to do is back out of the garage and go down the alley. The people with the truck use that alley every day. When Kovacs said it's dangerous to their family, they have the alternative to go down the alley, where on the south side no one has the alternative to go down an alley, they have no other way out. Parking on the south side is the answer. On the north side, there's a couple of houses and they park off the street. Mrs. deLeon said what alley are you talking about? Mr. Kipp said the alley between Ivywood and Saucon Avenue. It's a paper street. Mrs. deLeon said how do the Strain's get to their property? Mr. Kipp said the alley that Shook has, you can go in from Ivywood or Saucon Avenue or behind Frank's house and to Kovac's garage. That alley continues past their garage and dead ends up farther. The Kovacs have another access. He's the one that called the cops as the Strain's have about six vehicles and they keep parking on the grass. The only answer is the south side. Strain uses the alley every day.

Mrs. Yerger said her concern is it was the opinion of the police, that when they looked at this, beyond the truck and past the bottleneck, there were issues about emergency vehicles getting through if cars were parked on both side of the streets. The truck issue has to be investigated by our Solicitor and if cars are parked on both sides, it creates a traffic issue. Mr. Cahalan said there could be a problem. Mrs. deLeon said the twenty years she lived there, and people were parked on both sides of the street, there was no issue of a fire truck not being able to get through until this big truck was parked there. Mr. Maxfield said we have to find a creative way to accomplish what we want to accomplish. This ordinance will give some kind of relief and he'd prefer the south side as it impacts less residents. He'd like to have Staff look into the route of what the problem is and make it a better situation. We're going to have to re-advertise this ordinance.

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Kareen Bleam lives on Fritz Avenue, but when she does go to Saucon, it's not just Saucon Avenue. If you are going to do streets that are narrow, look at all the streets in Steel City. There's a lot of streets you can't get a vehicle through when you park on both sides. Because of the roll back sitting there, she couldn't get through with her SUV. There's a lot of elderly people who live in Steel City and we're going to need ambulances and fire trucks there every once in a while. Mrs. Yerger said she knows how valuable seconds and minutes are when you have to call a fire truck. Three to five minutes make a difference when you need to get a fire truck through. There used to be a sign that said no trucks unless local deliveries and it's not there any more. Mr. Maxfield said we may be heading or suggesting the same solution here. The truck and the whole situation needs to be addressed. The parking on the one side of the street, he'd like to advertise it for two weeks. Mrs. Yerger said she would like to have staff look at all the streets in Steel City. Mr. Cahalan said you are looking at engineering and traffic studies on the roads. Mrs. deLeon said let the police look at this and see which is the safe side. Mrs. Bleam said we never had a problem until the roll back started parking there and that's what created the problem. She's been there for 36 years and never had any problem going up Saucon Avenue. Now there's just no room to get through there. Mrs. Yerger said this is a good time to start thinking about this. Mrs. Bleam said that truck was the main problem. We haven't had problems in Steel City for 36 years. Mr. Cahalan said the zoning officer has looked into the truck and said there is no zoning violation so there's nothing we can do to the homeowner. Most of the police reports, when the police went out, they all concluded that the road was passable. There has been a concern by the police that an ambulance or fire truck might have trouble going up Saucon Avenue, that's why there was a recommendation to park on one side. We had a nice conversation with the Kovacs. He discussed it with the Chief and he said it probably would be better to change it to the south side of the street because of the issues with the line of sight coming out of the driveway. That's what Chief Lesser's opinion is. We wanted you to hear both sides of the story. There are some things we can look into with the Engineer and get back to you and provide more information. Mrs. deLeon said this has been an ongoing type issue. She's been following up on this also.

Karen Kovacs, 2080 Ivywood Drive, said all the neighbors are here speaking with each other and can work out our differences, and we are here with one exception, and that is where the problem lies. This is the root of the problem and she would thank you for your consideration to get to the root of this problem. They all value each other and will work out their differences.

**MOTION BY:** Mr. Maxfield moved to close the hearing.  
**SECOND BY:** Mrs. Yerger  
Mr. Maxfield asked if anyone had any questions? No one raised their hand  
**ROLL CALL:** 3-0 (Mr. Horiszny & Mr. Kern Absent)

Mr. Maxfield thanked everyone for their comments. He takes the recommendations of the police very seriously. He thinks we need to deal with this other problem. He'd like to re-advertise this for the other side of the road for the next meeting and direct Staff look at the problem with the truck and bring it back to the next meeting.

Mrs. deLeon said are we not taking any action tonight? Mr. Maxfield said not unless we want to vote for parking on the north side. Mrs. deLeon said police recommended that was the appropriate side and didn't Jack just read that because of sight distances. Mr. Maxfield said he thought he read it would be to go to the south side. Mr. Cahalan said the way the ordinance reads is the south side of the public road. Tom is saying it move to the north side which is conflicting with the police record. Mrs. deLeon said this person is going to still be parking there and she'd like to entertain some action tonight and then ask staff to look into this and come back with some recommendations, and then advertise. We're advertising for the other side without ever hearing from the police. The way it's advertised is on the south side. Mr. Cahalan said most of the reports recommended the south side. Mr. Cahalan said if you put this ordinance in effect, they will park on the north side.

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The way this was advertised was to ban them parking on the south side, and park on the north side or the Kovacs side of the street. What Tom is saying, is to switch it to the other side and ban parking on the north side and park on the south side of Saucon Avenue. Mrs. deLeon said which ever way we pick, residents are going to be inconvenienced. Mr. Kipp said Kovacs do have an alternative way out. If you put it on the south side, you will inconvenience him. Mrs. deLeon said since this is going to go back and forth, if we can have the police and engineer come up with a fair recommendation, what would be the best side to pick, and then you guys will have to live with it. Mr. Cahalan said the Chief has recommended that parking be banned on the north side. This came in after we met with Mr. and Mrs. Kovacs. Mrs. deLeon asked why didn't we have a copy of this recommendation? Mr. Cahalan said he met with the residents and recommended what Council was going to do. The Chief put it down in writing prior to the meeting. Mrs. deLeon said this was dated March 17, 2008 which was two days ago and she's offended as a Council person that they are getting piece information. This could have been forwarded to us prior to this meeting. Mr. Maxfield said we do have the suggested ordinance which basically provides a ban on the north and parking on the south. Mrs. Yerger said that's not what's here.

Mr. Kipp said the residents do not want parking on the south side, they'd like it posted on the north side, that's where the truck parks. All the residents on the north side, park in front of their houses and they are off of the road. The Kovacs are concerned about backing out of their driveway. First of all, you're not supposed to back out on a public street and they do have an alternative. If it's that unsafe, then they use their alternative. The truck shouldn't be there, and if it wasn't there, we wouldn't be here. We don't want to base this on just one family; we want to base it on several families. Your letter says post the south side, and that's the most reasonable one. Mrs. deLeon said the police have re-evaluated this and switched and we used their recommendation to come up with this ordinance. Mr. Kipp said then they'll put that truck over on his side, and he won't be able to see. Mr. Klement said he can't see now. If he drives out, he can't see anything. Have the cops come out and evaluate this. Mr. Maxfield said we can't follow the current recommendation of the Police Chief tonight as it wasn't advertised. Let's table this until we find out what's going on. Mrs. Yerger said her only concern is that nothing is going to happen between now and two weeks. Mr. Maxfield said we should do it once and do it right and have the staff look and see what they can do to solve the bigger problem. In two weeks, he hopes we won't have to enact this ordinance and we'll have another solution to this problem. Get a definitive statement from the police.

Mrs. deLeon said we've closed the hearing and now we're tabling this. Under public discussion we can open it up to the public, even though we closed the hearing. Attorney Shafkowitz said you didn't take any action that didn't change from what we heard in the public part. Mr. Maxfield said we're still proceeding along the same lines. Mrs. deLeon said the public can still comment.

- MOTION BY:** Mr. Yerger moved to table Ordinance #2008-01.  
**SECOND BY:** Mrs. deLeon  
Mr. Maxfield asked if anyone had any questions? No one raised their hand.  
**ROLL CALL:** 3-0 (Mr. Horiszny & Mr. Kern Absent)

**IV. DEVELOPER ITEMS**  
None

**V. TOWNSHIP BUSINESS ITEMS**

**A. WAIVER OF TOWNSHIP FEES AT IESI LANDFILL FOR GREAT PA CLEANUP EVENTS**

Mr. Maxfield said Council has in the past waived the Township portion of the tipping fee for any trash that is collected and taken to the Landfill by groups who are registered with PennDOT to

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participate as an official Great PA Cleanup event which runs from March 1 through May 31. IESI has in the past waived their fees for trash dumped at the landfill from these events.

Mr. Cahalan said this Great PA Cleanup events are organized. You must register with PennDOT and they will supply supplies. If they are allowed to take the refuse that's collected to the landfill and the landfill waives their portion of their fee, and we also waive the fee. We'd need a motion to do this.

Mrs. Yerger said does this pertains to just township residents? Mr. Cahalan said no, there could be some registered events. Mrs. Yerger said Cooks Creek Watershed Association is just across the road, so she'd like to bring it to their attention.

- MOTION BY:** Mrs. deLeon moved to support the waiver of township fees at IESI landfill for Great PA cleanup events.
- SECOND BY:** Mrs. Yerger
- Mr. Maxfield asked if anyone had any questions? No one raised their hand
- ROLL CALL:** 3-0 (Mr. Horiszny & Mr. Kern Absent)

**B. APPROVAL OF SVP LETTER TO NORTHAMPTON COUNTY EXECUTIVE CALLING FOR COUNTY RECYCLING COORDINATOR**

Mr. Maxfield said at its last meeting on March 12, 2008 the SV Partnership (SVP) recommended sending a letter to Northampton County Executive John Stoffa urging him to fill the position of County Recycling Coordinator.

Mr. Cahalan said at the SVP meeting, there was a discussion about the need for a County Recycling Coordinator. The partnership was behind starting the SV Compost center between Hellertown and LST to accept yard waste at the Hellertown Borough property on Springtown Hill Road. It's very successful and we do need to acquire some equipment up there to grind up material and turn it into useable mulch. We were looking for some assistance from the County at their level. Northampton has not filled the position of Coordinator and Lehigh County has and they offered a great deal of support to the municipalities in the recycling and other efforts. The thing that triggered it was an announcement that came out from DEP indicating the counties that were to receive funding from PADEP to reimburse the counties for a portion of the salary and expenses of the Coordinator and they noted Northampton County as not there. After a discussion with SVP, they felt it would be useful and helpful to draft a letter to John Stoffa and we are calling on Mr. Stoffa to fill this which we feel is a critical need. The Coordinator would be able to interact with state officials and lobby for funding and be able to organize and coordinate household hazardous waste and electronic recycling waste. They would be able to develop and present educational programs. They could provide regional support for municipal yard waste recycling and compost programs through the acquisition of equipment needed for yard waste composing programs. Lehigh County owns the equipment, and we are not at the level of the City of Bethlehem center right now. They'd like the County to own the equipment and rotate it around to the municipalities. There's a letter from SVP to Mr. Stoffa to fill this position and it has to go to the township. Hellertown did approve the letter on Monday night and it has to go to the school yet. The county is close to filling the position. Mr. Maxfield said he's happy to see the hazardous waste treatment is mentioned in there. Mrs. deLeon wondered if our COG could write a letter to Lehigh Valley COG and see if we could share items. Mr. Cahalan said they could do that.

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**MOTION BY:** Mrs. Yerger moved for approval of the SVP letter being sent to Northampton County Executive calling for a County Recycling Coordinator.  
**SECOND BY:** Mrs. deLeon  
Mr. Maxfield asked if anyone had any questions? No one raised their hand  
**ROLL CALL:** 3-0 (Mr. Horiszny & Mr. Kern Absent)

**C. RESOLUTION #32-2008 – LIQUIDATION OF CERTAIN BANK ACCOUNTS**

Mr. Maxfield said resolution 32-2008 has been prepared to liquidate two funds that are no longer being utilized and transfer the monies to current funds.

**RESOLUTION #32-2008**

**A RESOLUTION AUTHORIZING THE LIQUIDATION OF CERTAIN  
TOWNSHIP BANK ACCOUNTS**

Section 1.

The Council of Lower Saucon Township hereby authorizes the liquidation of the following Township Bank accounts in accordance with Article XXXII, Section 3204(a) (3) of the Second Class Township Code, and in accordance with the 2008 Township budget:

LIQUIDATE ACCOUNT

Fire Protection Fund  
New Building Fund

DEPOSIT TO ACCOUNT

Fire Equipment Replacement Fund  
Capital Fund

Section 2.

The Township Manager is hereby directed to take the necessary steps to implement this Resolution.

RESOLVED AND ENACTED this 19<sup>th</sup> day of March, 2008.

Mr. Cahalan said these are two accounts that are no longer utilized and Cathy Gorman is requesting we liquidate the two funds and transfer the money to the fire protection fund and any monies remaining would go to the capital fund.

Dan Andrews, Morning Call asked how much was in these funds? Mr. Cahalan said he doesn't have a correct amount, he'd have to get them from the Finance Director. Most of these, the amount has dwindled down and the recommendation was to move it to the larger fund. Mrs. deLeon said is that this year's auditor's recommendation for the 2007? Mr. Cahalan said he doesn't have a specific audit report. It's in the general. Mrs. deLeon said why wouldn't it be in the right report? We went through this before. Mr. Cahalan said its' a recommendation that we consolidate accounts. Mrs. Yerger said it seems like Cathy is doing some house cleaning.

**MOTION BY:** Mr. Maxfield moved for approval of resolution 32-2008.  
**SECOND BY:** Mrs. Yerger  
Mr. Maxfield asked if anyone had any questions? No one raised their hand  
**ROLL CALL:** 3-0 (Mr. Horiszny & Mr. Kern Absent)

**D. RESOLUTION #33-2008 – APPOINT SPECIAL FIRE POLICE**

**RESOLUTION #33-2008  
SPECIAL FIRE POLICE**

**WHEREAS**, following nomination by one of our Township fire departments of any of its members whom they have concluded is fit for duty, all nominees shall be appointed/confirmed by Lower Saucon Township yearly and be sworn in within thirty (30) days of their initial appointment/confirmation; and

**WHEREAS**, said appointment/confirmation shall immediately be null and void upon the termination of membership in any of the Township fire departments; and

**WHEREAS**, the fire department shall then insure that its special fire police are equipped with, at a minimum, a badge and identifying hat or uniform; and

**WHEREAS**, whenever a Township fire company is dispatched or whenever the Manager authorizes response to an event, such as a carnival, Lower Saucon Township shall be responsible for Worker's Compensation Insurance; and

**WHEREAS**, prior to participating in non-emergency activities and emergencies where their fire company has not been called out, unless they come upon an emergency and no police are on scene, in other municipalities our special fire police shall insure that they have written authorization from the governing body of that municipality stating specifically the date(s), time(s), location, and duties the fire police are requested for. The written authorization shall then be forwarded to the Township Manager for final approval; and

**WHEREAS**, all Township Fire Police shall complete the Basic Fire Police program and a yearly, in-house refresher program or other State certified course, and must produce documentation for such to the Township each year.

**NOW, THEREFORE, BE IT RESOLVED**, that the following persons, and only these persons, are confirmed as Lower Saucon Township Special Fire Police. This resolution supersedes all previous resolutions confirming Special Fire Police and all those operating as Lower Saucon Township Special Fire Police prior to this date shall no longer be active and unless listed herein are not confirmed.

Mr. Maxfield said resolution 33-2008 has been prepared to appoint Special Fire Police to participate in non-emergency activities and emergencies.

Mr. Cahalan said this is an annual process we follow. We have recommendations from Se-Wy-Co and Steel City. These are referring to the police chief and he passed a recommendation to township council. The recommendation from Se-Wy-Co is to appoint Ronald Horiszny, Cynthia Messics, and Stanley Turel, Jr. For Steel City, it's Ron Beck, Silvio Cruciani, Frank Gergar, Joanne Overbeck, and Chris Snyder.

Mrs. deLeon said should we be concerned as we don't have special police appointed for Leithsville and Southeastern as we have four fire companies? We're missing half the township, now what happens? Mr. Cahalan said they make do with the special fire police that are there. He doesn't know if they are being stretched thin, but it looks like it. Mrs. deLeon said how do you generate this list? Mr. Cahalan said the fire companies come up with volunteers and generate the list. This is what they come up with and submit it to the police. Mrs. deLeon said can we direct you to see who the fire police are for the other two fire departments? Mr. Cahalan said sure.

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- MOTION BY:** Mrs. deLeon moved for approval of Resolution #33-2008 with the addition of the date on the second page.
- SECOND BY:** Mrs. Yerger  
Mr. Maxfield asked if anyone had any questions? No one raised their hand
- ROLL CALL:** 3-0 (Mr. Horiszny & Mr. Kern Absent)

**E. ADOPTION OF PA STATE ASSOCIATION OF BOROUGHES (PSAB) MUNICIPAL RETIREMENT TRUST (MRT) INVESTMENT POLICY**

Mr. Maxfield said the township pension advisory committee is recommending that the Council adopt the PSAB MRT investment policy. In September 2005, when the Township joined the PSAB MRT to manage the two (2) employee pension funds, the Township had previously adopted an investment policy in December 2003. The Pension Advisory Committee has compared the Township's Investment Policy with the PSAB MRT Investment Policy and has found for investment in international stocks. After discussions with the Township pension consultants, the Pension Advisory Committee is recommending that (a) the prohibition against investments in international stocks be lifted and (b) that the township adopt the PSAB MRT investment policy as the Township Investment policy.

Mr. Cahalan said that describes what we're bringing to Council. We have a pension advisory committee made up of the two pensions. At one of the previous meetings, Priscilla brought up the issue that we had two policies, one was the Township's and the other was the PSAB and the question was asked how do they compare. We asked the representatives from PSAB and Merrill Lynch to make a comparison and they did do that and reported back to us during the January meeting. There's a copy of the letter that is dated 1/25/08 from Chris Capp and he summarized that he did do the comparison and he said the only major difference between the two policies is that the MRT has an allocation to international stocks up to 20% of the portfolio. The township policy was created before he was here and there has been a pension advisory committee and Council was looking for some policy that would direct how investments would be made from the two employee investment funds. The aim was to get a return on those pension funds each year so they could grow. They brought together a group of experts and drew up a policy and it was adopted in 2003 by Council. When you compare that policy to the one that the municipal retirement trust has, that is several pages longer than the one the township adopted and it's almost identical in terms of objectives and do and don'ts that are in our policy with the one exception of international stocks. They asked the consultants from MRT and Merrill Lynch to talk to them about this and there was a meeting on February 28. The recommendation was that they gave us was we are putting our funds at greater risk if we don't have investment in international stocks. It maximizes the gain but minimizes the risk overall if we don't have a blend of all of the different stocks. We had a discussion at the meeting and the consensus was to recommend to Council to lift the prohibition of international stock, which has been happening since we joined the PASB. The second recommendation to make it a little bit easier to adopt the PASB in lieu of the township policy and follow this policy and retire the township policy. It's difficult to keep up two different policies and they are basically providing the same guidance directions.

Mrs. deLeon said the committee recommended both of those options? Mr. Cahalan said yes.

- MOTION BY:** Mrs. deLeon moved to make the recommendation that (a) the prohibition against investments in international stocks be lifted and (b) that the township adopt the PSAB MRT investment policy as the Township Investment policy.
- SECOND BY:** Mr. Maxfield  
Mr. Maxfield asked if anyone had any questions? No one raised their hand.
- ROLL CALL:** 3-0 (Mr. Horiszny & Mr. Kern Absent)

F. ORDINANCE #2008-04 – WALLS/FENCES/HEDGES ORDINANCE – AUTHORIZE ADVERTISEMENT FOR PUBLIC HEARING

Mr. Maxfield said the proposed ordinance would amend the existing zoning ordinance. The proposed ordinance will, among other things provide standards for fences/walls/hedges in front yards and contain provisions for maintenance.

Ms. Stern Goldstein said in the past there have been issues with fences, walls and hedges in front yards that were not permitted and people were going to the ZHB after having built very costly structures in their front yard and it came back to study to problem and come up with some recommendations. There's a draft ordinance in front of you with regulations for fence, walls and hedges if they are in the front yards, that they not be located at street corners so as to interfere with the clear sight triangle of the corner lots, as established by drawing a line between two points on the street center line, each point being 75 feet from the center line intersection for local streets and 100 feet from the center line intersection for intersection involving a non local street. It prohibits fences, walls and hedges in the street right to way, it requires maintenance of walls and hedges, it prohibits electrified fences except for agricultural use and prohibits barbed wire except for security. It's all laid out in the ordinance.

Mr. Maxfield said he had questions about conflicts of our existing vegetation ordinance and how the township has been lenient in the last few years with traffic calming and trying to keep our roads rural. The 75 feet for local streets and 100 feet for main ways seems like a lot to him and it seems it would put our current intersections make them inconsistent. Mrs. Stern Goldstein said that's our current clear sight triangle for intersections already. We're just requiring that fences adhere to those provisions. You see that more often as the subdivision plans come through and they are usually screened and it's not much of the individual properties and most in the right-of-way, where you can't plant anyway. If there's existing vegetation in the right of way, it's permitted to stay, but if it's in the clear sight triangle, it should come down. These are intersections, not driveways. Mrs. Yerger said looking at the composition of the hedges, she saw that you aren't supposed to have thorny bushes, can we encourage the vegetation to be native? Mrs. Stern Goldstein said in the zoning ordinance, you can't encourage the type of vegetations. We're having regulations about what they are not permitted to do with hedges. If this was a screen buffer, we do have planting recommendations. This is someone using a hedge as a fence row wall. We can certainly have input, but can't require. Mrs. Yerger said can we require not to contain species in the PA invasive list? Mrs. Stern Goldstein said we could do that.

Mr. Maxfield said in the sight triangle, in our vegetation ordinance, we are allowed to have deciduous trees as long as they are cut to a certain height where this prohibits any planting at all. Mrs. Stern Goldstein said it prohibits hedges. PennDOT is interesting when they deal with deciduous trees. In our ordinance we don't permit people to plant trees in the clear sight triangle and don't make them take it down unless it's hazardous. We're not advocating planting in the areas that will be regulated.

Mr. Maxfield said in our existing ordinance, there's something about distance from a property line where fences are constructed. He thought it was 30 inches and Chris said 6 inches to 30 inches was the zone that the fence can be planted in from the property line. This does not give any guidelines for planting near or on property lines and he's worried about the long term maintenance and ownership issues. Mrs. Stern Goldstein said the real concern with regulations of fences not to be placed on the property line is you end up in no mans land and you have two property owners, you have a foot no one can maintain it or mow it. It really becomes no mans land and it's difficult. It's like a dog run. If people are permitted where they can put their fence, they put it in 5 yards from their property line and they don't let that land come out of their use, and the larger properties have more maintenance on the fences. The smaller properties they need to have the right to put the fence

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up and their obligation to maintain the fence, and there are ways to do it. If it's a split rail fence, that's easy to do, and they have to work it out with their neighbor if they have to get to the other side of the property. Mr. Maxfield said that was his concern. Mrs. Stern Goldstein said gates have to open on your property and if your fence is on the property line, and it's their obligation to do so. If a neighbor doesn't want to permit someone on their property, it's their obligation to figure out a way to maintain it. It's the township not stepping in where they don't belong. The township shouldn't be involved in neighbor disputes and a 6 inch or 30 inch could create neighbor disputes.

Mrs. Yerger said she'd like that added to the ordinance about the prohibiting the PA noxious weeds. Mrs. Stern Goldstein said they'll put it in the ordinance when she gets back from vacation.

**MOTION BY:** Mr. Maxfield moved for approval of advertisement with changes.  
**SECOND BY:** Mrs. Yerger  
Mr. Maxfield asked if anyone had any questions? No one raised their hand  
**ROLL CALL:** 3-0 (Mr. Horiszny & Mr. Kern Absent)

**G. RENEWAL OF LAWN MOWING AGREEMENT WITH CYPRES**

Mr. Maxfield said per the agreement signed with Cypres in 2007 for lawn mowing services for Township parks and properties, the township would like to exercise the renewal option in this agreement for a period of one (1) year through 2008 at an amended price of \$53,348.00 due to addition to special mowing requirements to this agreement.

Mr. Cahalan said the Solicitor wanted to look at this and see if it permits a renewal, which it does. He finds everything in order. It's a one year agreement with Cypres and they are amending the price due to some additional mow requirements. The one big change is Polk Valley Park. They made some changes on the mowing of the retention basin. Southeastern Park they increased the frequency.

Mrs. deLeon said on September 3 and 10, on Wednesday, she'd like to have the grass cutting people not come on those two days as there is a paint out party. She'd like an explanation on the treatment on the Heller Homestead barn ruins? Mr. Cahalan said they will eradicate the weeds to a chemical treatment. That should take care of the weeds on an annual basis. She'd like to know when these treatments are going to take place. Mr. Cahalan said they will use Roundup.

**MOTION BY:** Mrs. Yerger moved for approval of renewal of lawn mowing agreement with Cypres for \$53,348.00  
**SECOND BY:** Mr. Maxfield  
Mr. Maxfield asked if anyone had any questions? No one raised their hand  
**ROLL CALL:** 3-0 (Mr. Horiszny & Mr. Kern Absent)

**H. REVIEW OF REPORT ON THE GEOMORPHIC INSTABILITY OF THE WOODLAND HILL TRIBUTARY TO THE EAST BRANCH OF THE SAUCON CREEK**

Mr. Maxfield said we have received the report that has been prepared by Dru Germanoski evaluating the areas of the headwaters of the East Branch of the Saucon Creek in the vicinity of Lower Saucon Road near Woodland Hills Country Club. If Council would like, they can direct the Engineer and Planner to review the report and provide recommendations for any changes in our ordinances or for any other steps based on the findings in this report.

Mr. Cahalan said this came out the day of the last meeting, so they didn't get it to you. It's an excellent report that you asked to be produced by Dr. Dru Germanoski. We would like you to direct the Engineer and Planner to review the report and come back with any recommendations.

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Mrs. deLeon said she's just seeing this for the first time. Mr. Maxfield said they are talking about the tributary that comes out of the Woodland Hills Country Club down through the hillside and ends up at the east branch of the Saucon creek. It talks about the different soils how they are eroded and how there's deposition of certain stones, silt and sediment, and makes recommendations on how to treat it. It's incredibly thorough and a great report. He's learned so much looking through it. Mrs. Yerger said he came recommended by the Conservation District. Mr. Maxfield said it talks about how PennDOT treated the road on Lower Saucon Road when there was the hurricane. He really pinpoints two areas that are real problem areas. Those are just some of the issues that need to be addressed.

**MOTION BY:** Mr. Maxfield moved to direct the Engineer and Planner to review the report by Dru Germanoski.  
**SECOND BY:** Mrs. Yerger  
Mr. Maxfield asked if anyone had any questions? No one raised their hand  
**ROLL CALL:** 3-0 (Mr. Horiszny & Mr. Kern Absent)

**VI. MISCELLANEOUS BUSINESS ITEMS**

**A. APPROVAL OF MARCH 5, 2008 MINUTES**

Mr. Maxfield said the March 5, 2008 minutes have been prepared and are ready for Council's review and approval.

Mrs. deLeon said she wasn't there. Attorney Shafkowitz said if either board member can advise Mrs. deLeon the minutes are an actual reflection, she can vote on the minutes. Mrs. deLeon said if she abstains, the motions passes. You only have to have a majority of full Council or those present.

**MOTION BY:** Mr. Maxfield moved for approval of the March 5, 2008 minutes.  
**SECOND BY:** Mrs. Yerger  
Mr. Maxfield asked if anyone had any questions? No one raised their hand  
**ROLL CALL:** 2- 0 (Mrs. deLeon abstained, she wasn't at the meeting, Mr. Horiszny & Mr. Kern Absent)

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

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

**MOTION BY:** Mrs. deLeon moved for approval of the February 2008 financial reports.  
**SECOND BY:** Mrs. Yerger  
Mr. Maxfield asked if anyone had any questions? No one raised their hand  
**ROLL CALL:** 3-0 (Mr. Horiszny & Mr. Kern Absent)

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

- Stephanie Brown, resident, said she wanted to know about the Meadows Road Bridge in terms of County Council. Has any comment been made to the County about the bridge? Jack said no. She asked is the Council interested in keeping up? Mrs. deLeon asked Jack to send a letter and ask for an update. Mr. Cahalan said that's fine. Ms. Brown said this bridge is 150 years old and we are celebrating its anniversary this year. She said the stop signs that were talked about for that area, they are still going up? Mr. Cahalan said the stop signs at either side of the bridge? She said yes. Mr. Kocher said the traffic study is done and the last he remembers is they wrote a letter to the County to put the signs up, and apparently they never put them up. Mrs. deLeon asked to also put that in the letter about the stop signs. Ms. Brown said this isn't a big problem, but she observed

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over the years and the past few months. Kids fish and hang out on the bridge and kids like to hang out there. She walked over it the other day and the bikes were in the path of traffic. With all the signs up around the bridge, something needs to be done about standing on the bridge, what could we do about that? Mrs. Yerger said that's the county's situation again. Mr. Kocher said in the letter, mention they noticed loitering on the bridge. Ms. Brown said they had told her they were looking into lowering the weight limit on the bridge and that was supposed to be done last year, so could we add that in also about the weight limit. Mr. Cahalan will put all the above in a letter to the County. Ms. Brown thanked Mrs. Yerger for being able to sit in on the Historical Committee meeting. She's learned about the historical markers being put up and is excited about that. It's a really good thing. We were talking about at one time to commemorate the bridge's history. Mrs. Yerger said we will do it in Fall and it's always welcomed. Mrs. deLeon said a couple years back, we did a resolution about the bridge, and she'd like a copy of that as there is a painting of the bridge Stephanie gave for the Heller Homestead and she'd like to put it beneath the painting. Ms. Brown said she uses the township website a lot and there have been problems with the township newsletter. Ms. Huhn tried it and it worked, so Ms. Brown said it must be her computer. She'd like to know when the Township building is closed for holidays and hours. Mr. Cahalan said there is a monthly schedule on the calendar section. Ms. Brown said the ZHB was not updated and she needed to know if there was something going on as it was after hours and neither is the EAC. Mr. Cahalan said let them know, they try to get everything updated.

**VIII. COUNCIL & STAFF REPORTS**

**A. TOWNSHIP MANAGER**

- Mr. Cahalan said Chief Lesser gave him a copy of a grant application to submit to the PA Liquor Control board for \$2,227.49. It's focusing on reduction on underage drinking and high risk drinking and would fund the salary and benefits to patrol the roadways during the Lehigh football campus this year to target students under 21 years of age who are drinking illegally.

**MOTION BY:** Mrs. Yerger moved for approval of the grant

**SECOND BY:** Mr. deLeon

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

**ROLL CALL:** 3-0 (Mr. Horiszny & Mr. Kern Absent)

**B. COUNCIL/JR. COUNCIL**

**Mr. Kern**

- Absent

**Mr. Maxfield**

- Nothing to report

**Mrs. Yerger**

- The Cooks Creek Association is hosting a clean up day and at the Springtown Fire House on 9 AM to 4 PM on Saturday, April 5, 2008. It does go all day.

**Mr. Horiszny**

- Absent

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**Mr. deLeon**

- She asked about the casino with the fifth participant. Mr. Cahalan said just what they read in the paper that the fifth participant decided not to join.
- She was thinking about the Narrows and it's opened and there was a question about there's overweight trucks using that section of the Narrows and we need to pay attention to that. Mr. Cahalan said the Chief has sent something to PennDOT and he will give her a copy of that. Mrs. deLeon said there's a two year and twelve year plan with PennDOT and when the Narrows was closed, they talked about being aggressive and getting on that list and we need to do that. Mr. Kocher said it's the LVPC list. She asked if we can do that?

**MOTION BY:** Mrs. deLeon moved to authorize our staff with the proper procedure to get us on the list and need a PennDOT letter notifying them about the deteriorating conditions.

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

**ROLL CALL:** 3-0 (Mr. Horiszny & Mr. Kern Absent)

**C. SOLICITOR**

- Nothing to report

**D. ENGINEER**

- Nothing to report

**E. PLANNER**

- Nothing to report.

**IX. ADJOURNMENT**

**MOTION BY:** Mr. Maxfield moved to adjourn. The time was 9:22 PM.

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

**ROLL CALL:** 3-0 (Mr. Horiszny & Mr. Kern Absent)

Submitted by:

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Mr. Jack Cahalan  
Township Manager

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Glenn Kern  
President of Council