

I. OPENING

- A. Call to Order
- B. Roll Call
- C. Pledge of Allegiance
- D. Announcement of Executive Session (if applicable)

REVISED

II. PUBLIC COMMENT PROCEDURE

III. PRESENTATIONS/HEARINGS

IV. DEVELOPER ITEMS

- A. Scenic View Apartments – 2021 Scenic View Lane – Revised Submission
- B. Lehigh Gas – Route 378 – Request End of Maintenance
- C. Old Saucon – Route 378 – Upper Saucon – Waiver Request Staff Update

V. TOWNSHIP BUSINESS ITEMS

- A. Staff Report from IESI Bethlehem Landfill Presentation – Analysis of Potential Applebutter Road Rezoning
- B. Jill Mickley – 2634 Easton Road – Request to Amend Maintenance Agreement for Small Flow Treatment Facility
- C. Approval of Modified 2012 Contract with Center for Animal Health & Welfare
- D. Update on Repairs at Heller Homestead
- E. Review of Bid Results for Heller Homestead Window/Door Painting – Bid Advertisement
- F. Resolution #41-2012 – Adopting Police Pay Scale for Part-Time Employees
- G. Resolution #42-2012 – Authorizing Support of Springfield Township DCNR Grant Application for Hans Reimann

VI. MISCELLANEOUS BUSINESS ITEMS

- A. Approval of March 7, 2012 Minutes
- B. Approval of February 2012 Financial Reports

VII. PUBLIC COMMENT/CITIZEN NON-AGENDA ITEMS

VIII. COUNCIL & STAFF REPORTS

- A. Township Manager
- B. Council/Jr. Council Member
- C. Solicitor
- D. Engineer
- E. Planner

IX. ADJOURNMENT

Next Planning Commission Meeting: March 22, 2012
Next Park & Rec Meeting: April 2, 2012
Next Council Meeting: April 4, 2012
Next EAC Meeting: April 10, 2012
Next Saucon Valley Partnership: April 11, 2012 @ HB
Next Zoning Hearing Board Meeting: April 16, 2012

I. OPENING

CALL TO ORDER: The General Business & Developer meeting of Lower Saucon Township Council was called to order on Wednesday, March 21, 2012 at 7:11 P.M., at Lower Saucon Township, 3700 Old Philadelphia Pike, Bethlehem, PA with Mr. Glenn Kern, President, presiding.

ROLL CALL: Present: Glenn Kern, President; Tom Maxfield, Vice President; Ron Horiszny, David Willard and Priscilla deLeon, Council members; Jack Cahalan, Township Manager; Leslie Huhn, Assistant Township Manager; Karen Mallo, Township Planner; Brien Kocher, Township Engineer; Linc Treadwell, Township Solicitor; Jameson Packer, Jr. Council Member.

PLEDGE OF ALLEGIANCE

ANNOUNCEMENT OF ANY EXECUTIVE SESSION (IF APPLICABLE)

Mr. Kern said Council did meet in Executive Session prior to this meeting. Attorney Treadwell said it was to discuss the potential acquisition of a conservation easement with Springfield Township and Bucks County.

II. PUBLIC COMMENT/CITIZEN AGENDA ITEMS

Mr. Kern said if you are on the agenda, you have Council and staff's undivided attention for the discussion period. At the conclusion of the discussion period, we do open it up to the public at each and every agenda item, so you have an opportunity to comment. If you do choose to comment, we ask that you use one of the three microphones that you see here as the minutes are transcribed verbatim. We want to make sure we get every word into the record. We also ask that you state your name for the record so the transcriptionist can duly note that.

III. PRESENTATION/HEARINGS – None

IV. DEVELOPER ITEMS

A. SCENIC VIEW APARTMENTS – 2012 SCENIC VIEW LANE – REVISED SUBMISSION

Mr. Kern said the applicant is seeking final land development approval to construct a new four-unit apartment building.

David Harte from Harte Engineering was present. He said along with him is Mr. Hill. They are here this evening is for final plan approval for the Scenic Apartments. They are looking to construct one additional building on the property with four units in a one floor configuration. The Planning Commission has previously recommended approval and we're here seeking a conditional approval from the Council. He is in receipt of Hanover Engineering's letter dated March 15, 2012 and the short version would be to say they would agree, for the most part, with those comments. A few of the items are drafting issues which he believes are already taken care on the plan. If you go to page 3 of that letter, item F, what they are phrasing as likely conditions on plan approval, if the Council is agreeable, they would agree to those conditions. He believes the Planning Commission has recommended all the waivers listed in G, possible waivers. They would respectfully request that Council take action on those waivers also. He's also in receipt of a letter from Boucher & James dated March 14, 2012. They agree to those conditions. You will notice in Hanover Engineering's letter, it calls for a recreation fee, contribution fee of \$13,240.00, which is agreeable. It calls for a contribution of \$2,800.00 to the Conectiv tree fund in lieu of planting additional trees.

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Mrs. deLeon said somewhere she saw Conectiv spelled wrong, it's only one "n". Mr. Harte said that is in Hanover's letter. Mrs. deLeon said it's now Calpine, so she doesn't know if that makes a difference. Attorney Treadwell said he doesn't know what the fund is called. He thinks it's called the Conectiv fund. Mrs. deLeon said it should be in parenthesis now as it's Calpine. People might not know what Conectiv was. Attorney Treadwell said the Township would need to change the fund then. Mr. Cahalan said he thinks we are referring to a budget title account, which is in the 2012 budget and labeled as that. Mrs. deLeon said it doesn't have anything to do with the plant as it's a fund we have, but that's where the money came from. Mr. Harte said they would definitely agree to that. It's not a problem.

Mr. Kern said the engineering letter from Hanover is extensive. We have no staff recommendation letter for anything on this. It's just a recommendation letter. It might be difficult for Council to proceed with an approval at this point.

Mr. Harte said what he didn't want to do was go through this letter and show you everywhere on the drawings what is in Hanover's drawing is on the plans. If you would like to do that, he would be happy to go through the letter with you. He would think it would be a better spending of time if they just agreed to them and he could work it out with Hanover before the plan gets recorded. If you wish for the two engineers to go back and forth, he's prepared to do that. He believes there was a staff recommendation of approval letter back in November or December. There was some combining of plans they did, so if you go back in your file, you already had a staff recommendation letter of approval. Mr. Kern said he would be more comfortable than hearing from Mr. Harte that everything is okay. He'd rather hear from our Staff that everything is okay. Mr. Kocher said Mr. Harte is correct that they did have a staff recommendation back in last fall. The last three pages of the letter are what you'd typically see with a staff recommendation. The first two details are drafting changes that would occur with the plan to clarify the difference between the old engineer and the new engineer, and that's really the best way to summarize it. They are drafting issues. Mr. Harte said many of the comments are that they had to sign and seal the plans and that they have to agree to a best management practice maintenance agreement with the attorney, that they have to provide you stormwater easements in writing, which they agree too. They agree to all of the conditions. If he came back to you in another month, the letter would be the same, expect he would spell the word Counsel/Council correctly and that comment would disappear. Attorney Treadwell said maybe he can move it forward. He asked Mr. Kocher if he would be okay with a conditional final approval based on the likely conditions of approval that you enumerated in your letter? Mr. Kocher said yes. Attorney Treadwell asked Ms. Mallo if she was okay with just referencing your memo letter? If Council tonight were to grant conditional final approval to the plan, you're okay with the reference to your letter dated March 14, 2012? Ms. Mallo said correct - the waiver for fee in lieu of the plants for the Conectiv fund, so that might void some of the comments in their letter. She doesn't know what plants that's in lieu of.

Mr. Maxfield said we have a five page engineering letter, and he realizes Mr. Kocher said three of the pages are normal things. We have a four page planning letter, why do we want to move this along? Why do we want to sit and waste time with the engineers discussing this at a meeting? Let's have the work done so that the next time this plan arrives before us, we don't have a five page review letter and we have a plan that's ready to go with the changes made that need to be made. We asked that of others, why not do it this time? This plan has been around forever. He thinks there's been plenty of time to make these changes. Quite frankly, he's tired of seeing it here and at the Planning Commission. He thinks the changes need to be made before it comes back again. He will not vote for a five page review letter to go through for a preliminary approval. There's things on here, even like the EAC letter, they must have addressed this five or six times over the years and the same conditions are still there. In fact, there are invasive plants listed on the map which we don't allow anywhere. This is a lot of things that need to be cleaned up, and clean up is something we've ask for in the past and we need to ask for it again.

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Mrs. deLeon asked Mr. Harte how long it would take him to clean up these conditions? Mr. Harte said with all due respect, he truly believes the letter would be the same if they came back again. He doesn't want to put words in Mr. Kocher's mouth, but the last two pages are likely conditions of plan approval. If you want, he'd be happy to review a few of these things. He doesn't want to waste your time, but if you look at the first page of the letter, comment A the erosion sedimentation plan must specify planting within 60 days of ground breaking. If you turn to page 6 of 8 of the plan, look in the middle near the top of the page, specifications for seeding and stabilization, all planting must be done within 60 days or shorter as specified by the Commonwealth of Pennsylvania. Those were in a prior review letter by Hanover Engineering. We took care of the comment and we submitted the plan. They may have missed it. He's sorry, but it's in the letter and it lengthens the letter. Stormwater management again, not to put words in Mr. Kocher's mouth, all the comments about impervious coverage diagrams, he spent a lengthy amount of time with Hanover Engineering, prepared a letter, emailed this back and forth, provided calculations. What he did was eliminate the comment that they needed to do stormwater calculations. He believes that they agree with that comment as he doesn't see it in the letter. Certainly, if there are a couple of things, a couple of words on the plan, he'd be happy to put that on and get in agreement with Mr. Kocher before the plan is recorded. That takes care of the first page.

Mr. Kern said what Mr. Harte's trying to say is he is agreeing to every condition in the Hanover letter, and so if in a month we come back and there are differences and not agreements based on discussions with the engineers, we can act at that time, is that correct? Mr. Harte said he's respectfully requesting that you move this on and pass it with conditions this evening? They are agreeing to everything in the letter. If you make that a condition, and everything in the Boucher & James letter, and you make that a condition, they will take the conditional approval and clean it up. You don't sign the plans until Hanover Engineering is happy. That's plain and simple.

Mr. Maxfield said just to remind Council that preliminary plan approval allows for things to get moving, infrastructure to be built, all those sorts of things. Keep that in mind. Attorney Treadwell said the Planning Commission recommended a waiver to allow preliminary final plan at the same time, so this would be preliminary/final. Mr. Maxfield said he's not voting for a five-page letter. This is preliminary/final and allows things to start. This allows basically the development to go ahead. There are things that are unsatisfied. If we give preliminary/final approval, for instance, the EAC letter goes away as it's not covered in Hanover's letter. He thinks these things need to be done. This plan has been through the system for over two or three years, if not, longer. There's been plenty of time. A lot of these comments have been around for two and three years. Mrs. deLeon said she saw the comments and it didn't say EAC, but maybe it did. She thought she read somewhere that the plants were supposed to be changed. Ms. Mallo said yes, that's in their letter. Mr. Maxfield said that's on the Planning letter? Ms. Mallo said yes. Mr. Maxfield said the plants are still listed there as invasive plants. Mrs. deLeon said that would have to be changed? If we approved it with condition of their letter, then the plans need to be changed. Mr. Harte said they will agree to change the plans. Mrs. deLeon said she believes the EAC comments are covered. Attorney Treadwell said Boucher & James letter talks about the landscaping requirements and the invasive species that are shown currently on the plan. Mr. Harte is saying he will change it. Mr. Maxfield said is he fair in saying that it's been a comment in your letters pretty well all along? Ms. Mallo said she can pull the file and see how far back they go, but yes. Mr. Maxfield said he's sure it goes back pretty far.

Mr. Kern said the point is Mr. Harte said he is agreeing to everything that we are asking of him. Mr. Maxfield said he wished we'd ask that the plans come in nice and clean. Mr. Kern said they will in a month. Mr. Maxfield said then let's approve it in a month. Let them come back in a month. Mrs. deLeon said we always approve with conditions. Mr. Maxfield said not five pages of conditions plus we didn't even talk about the five or six waivers yet. Mr. Kern said how does the rest of Council feel about it?

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Mr. Horiszny said has the fire company looked at it? Mr. Harte said you should have a letter in your file from the fire company. They have viewed it and said that it's adequate. We agreed to it, but it's already taken care of and next month if you want him to come back, it will still be in the letter. You have the letter. It's on the paper. There are so many items here and that's why he respectfully started off that he doesn't want to go back and forth whether these things are on the plan or not on the plan.

Mr. Kern said we need some direction and action. Attorney Treadwell said including the nine conditions of approval listed as likely conditions in the Hanover letter dated March 15, 2012 and the nine waivers that were recommended by the Planning Commission listed as possible waivers in that same letter. Mr. Kern said what about the EAC letter? Mrs. deLeon said that's already included, but if you want her to include it, she can.

MOTION BY: Mrs. deLeon moved for approval of the preliminary/final approval including the nine conditions of approval listed as likely conditions in the Hanover letter dated March 15, 2012 and the nine waivers that were recommended by the Planning Commission listed as possible waivers in that same letter as well as the EAC letter.

SECOND BY:
No second, motion fails.

Attorney Treadwell said you should make a motion to table this until April 18, 2012

MOTION BY: Mr. Maxfield moved to table this agenda item until April 18, 2012.
SECOND BY: Mr. Horiszny
ROLL CALL: 5-0

B. LEHIGH GAS – ROUTE 378 – REQUEST END OF MAINTENANCE

Mr. Kern said the applicant has requested release of the 18-month maintenance period. Hanover Engineering and Boucher and James have done inspections and are recommending Council reject the request until the items in their letters of March 14th and March 12th respectively are satisfied.

Mr. Kern said we have the two letters. Is there anyone here representing Lehigh Gas? No one was in attendance. Mrs. deLeon said there's no one officially there now. Attorney Treadwell said he doesn't know if they officially moved to their new location. Mrs. deLeon said we did a lot of talking and changing the plans because of the parking for sizes of cars and widths of parking spaces, didn't we have an additional flow area? What happens now that the particular business is no longer there? Would that carry on to the next occupant? Attorney Treadwell said that would depend on who the next occupant is and what the use is, whether the physical layout of that property meets the zoning requirements. Mrs. deLeon said they've been there all this time without a stop sign in their parking lot? Attorney Treadwell said he thinks it was there, but it fell down. Mr. Kocher said a truck or snow plow probably hit it. Mr. Kern said staff is recommending to Council to reject the request. Is there any comment from Council regarding this? No one had any comment.

MOTION BY: Mr. Maxfield moved to reject the release of the 18-month maintenance period.
SECOND BY: Mr. Horiszny
Mr. Kern asked if anyone in the audience had any comments? No one raised their hand.
ROLL CALL: 5-0

C. OLD SAUCON – ROUTE 378 – UPPER SAUCON – WAIVER REQUEST STAFF UPDATE

Mr. Kern said the applicant has obtained land development approval from Upper Saucon Township for a multi-use project on a parcel which is partially located in Lower Saucon Township, but only

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driveway improvements are proposed in Lower Saucon. The applicant obtained a conditional waiver for the Lower Saucon Township land development procedure on February 1, 2012 and staff has provided an update in response to questions which were raised at the March 7th Council meeting.

Attorney Treadwell said he can try and give you an update on what happened. At your last meeting on March 7th, there were some questions from a resident about the Old Saucon development project and we did not have the file in front of us and he did not have all the information at his fingertips. He went back and looked at it with the rest of the staff and he'll give you a brief summary of what took place with that project. On January 17, 2012, the applicant submitted a request to the Township requesting a waiver of the land development submission. At that time, the Township advised the applicant that they would be on the next Council agenda, which was your February 1, 2012 agenda. That waiver request was based on the fact that there are no buildings proposed to be constructed in Lower Saucon Township. The only item proposed to be constructed within the Township boundary is the driveway that goes to Colesville Road. On January 27 and 28, 2012, the Township received review letters from Hanover Engineering and Boucher & James on that waiver request. The review letters both contained some concerns and issues regarding traffic, stormwater, and natural resources that were related to the installation of the driveway. On February 1, 2012, it came before this Council at a meeting and after some discussions about the traffic impacts and the stormwater issues, a motion was made to "waive the full-blown land development process subject to the Hanover and Boucher & James review letters which both reserve the right to review traffic, stormwater, and restores protection issues in the future as those items were received from the applicant". What basically happened is this Council waived the land development process, the full-blow land development process based on the fact that there is nothing proposed to be constructed in Lower Saucon Township other than the driveway. You did not waive your review of the driveway, and in fact, when the traffic impact study is submitted, Hanover Engineering will review that and come back with recommendations; nor did you waive any stormwater issues; nor did you waive any resource protection issues. Those issues are all on the table and still remain to be reviewed depending on those studies that get submitted in the future. Substantively, you really didn't waive anything other than the full-blow land development process. Mr. Kern said the reason Council waived the full-blow land development process is because there are no buildings being built in Lower Saucon Township. Attorney Treadwell said there are no buildings being built in Lower Saucon Township as shown on that plan. Up on the easel is the large plan, the vast majority which is in Upper Saucon Township. The only item on that plan in Lower Saucon Township is up on the top right-hand corner, is that driveway that goes to Colesville Road; the driveway that goes to the proposed bank and restaurant site. You can see on that plan that there were some questions raised at the last meeting about whether the bank and restaurant site at some point could be connected to the rest of the project. You can see on that plan that there is a detention pond that separates the restaurant and bank site from the rest of the project. The waiver of the land development process that you granted on February 1, 2012 is based on that plan. If the applicant at any point in the future should desire to connect the restaurant and the bank site to the rest of the project, then your waiver is no good for that. Mr. Kern said meaning that the driveway could be revoked? Attorney Treadwell said yes. Lower Saucon Township has still not issued a driveway permit for that driveway that is shown on there to Colesville Road because the traffic study has not been submitted yet. If the traffic study theoretically were to show that the driveway creates some type of a dangerous condition, you still have that right to discuss that, ask for changes, or not issue the driveway permit.

Mr. Maxfield said will the traffic study automatically cover traffic heading easterly on Colesville Road? Attorney Treadwell said he's not a traffic engineer, but he would guess that it will. Mr. Kocher said if it doesn't, that will be one of their comments, but it will show the traffic directions coming into the site and each one of the intersections, including along Route 378, both coming in and out. It will cover that.

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Mr. Willard said the traffic signal at Route 378 and Colesville Road, is that part of the plan or is that to be determined by the traffic study? Attorney Treadwell said he believes it is part of the proposal now. He would again guess if the traffic study comes back and says that the signal isn't warranted by PennDOT as it's up to PennDOT. He's fairly certain that Upper Saucon Township has already talked to PennDOT and PennDOT has agreed for the signal to be installed. That intersection at Colesville Road and Route 378 is entirely within Upper Saucon Township. Mrs. deLeon said what role does PennDOT have in the traffic study? Does it eventually go to them? Attorney Treadwell said he's sure PennDOT has been involved in the scope of what the traffic study will show. He thinks that plan also calls for some improvements to Route 378 along the frontage of the project and there may be improvements to Colesville Road to allow for that intersection and that traffic light. Again, that would be dependent on what the traffic study shows.

Mr. Maxfield asked Mr. Kocher if they looked at the plan at all and reviewed it. Mr. Kocher said as part of the waiver request for land development, they got a copy of the sheet that showed the bank and the restaurant, but not very much detail as it wasn't in this Township. The only thing that was detailed was the driveway and the pipe. Mr. Maxfield said from just looking at the plan, we can see where the line between Lower Saucon line is and where the drive is, and he's wondering, that white triangle off to the right side which looks like it's part of the property, but it just happens to be in our Township. Has anyone heard any future plans for that or is there some sort of impediment to developing that just because it's in Lower Saucon? Mr. Kern said he thinks it's zoned residential. Ms. Mallo said it's zoned R-80. Mr. Maxfield said that would be 2-acre minimum. Ms. Mallo said they are subdividing that parcel out to begin with so that parcel is in a minor subdivision in there. Attorney Treadwell said to turn that white triangle that you see into anything more than one building lot would require a subdivision in Lower Saucon Township. Mr. Maxfield said he was just wondering why there weren't plans for it already. Could that in the future be used in any way, shape or form, to connect the two sections of the development? Attorney Treadwell said that white triangle is wholly within Lower Saucon Township, so anything that would be done in relation to that white triangle would need this Council's approval. Up in the top right hand corner, if you see where the green turns to white, the edge of that green color shown on the plan is the border for Lower and Upper Saucon. Mr. Kern said the answer is as long as this Council is in place – no, he's guessing.

Mr. Kern asked if anyone had any comments? Ms. Sandra Miller said there are other residents that wanted to speak to this. The confusing part is the process. We feel there should be some review of this plan before it goes any further. Many of them are concerned that we are using a residential road as the outlet for commercial property when they have the full frontage of Route 378. She spoke with PennDOT personally and there will be a turning lane there. PennDOT has deemed that it will be too busy to allow them to use the turning lane to enter and exit there off of Route 378 and they felt it wasn't safe for their road so they denied that request for an in and out both ways; thereby forcing Colesville Road to be the entrance for right and left turns and stated that it's up to the Township to monitor its own roads and to take care of our residential roads. It's not PennDOT's responsibility to take care of Colesville Road. We are concerned that they haven't a commercial entrance with a light at Center Valley Road and Route 378. They should have found a way to make these plans work that they had full utilization of the land. When she spoke to Upper Saucon, that far corner is not linked to the main traffic light and to the main flow of property by a decision made by the developer. It wasn't required that they subdivide that corner into a separate location by Upper Saucon. That was not a requirement of theirs. She believes some of the water retention issues might have forced them to have a road there. It's based on its design and she's making that comment as Mr. Maxfield pointed that out are they using Colesville Road to ease the developer's restrictions or was that something that was required by any of the entities involved. The only entity that would have required Colesville Road is PennDOT because they don't want to have an entrance both ways so close to the Colesville corner. They could maintain the Center Valley entrance, have all of their access in and out from that main entrance and not have to use Colesville at all. It's just not necessary. They have plenty of frontage. They have a traffic light

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already at Center Valley and they could leave the residential road alone. Part of what they have been confused about is the process. If someone could explain that as well, when you're waiving a process they don't quite understand, many of us would hope there would be many discussions in the future, something explaining the traffic. The traffic up at the top of the bank area, might not be necessarily the only concern they have. The majority of the individuals don't live from the edge of Route 378 to where the entrance of the location is, and that's the only traffic they are going to be monitoring, that's their concern. The individuals that live further on down the street where all the bus stops are and all of the children and the houses would be where they would want the traffic study to be done. Without the presence of the facility already, she doesn't know how a traffic study could be done for the impact of that. She appreciates you having it on the agenda this evening.

Mr. Bert Daday thanked Council for giving him the opportunity to talk about some of his concerns with this project. He lives at 1448 Colesville Road in Lower Saucon Township. He's here to discuss the recent actions taken by Lower Saucon Township Supervisors. He may be a little confused as far as that's concerned, but he talked to a number of entities regarding this issue and regarding your action. He was frankly led to believe that you have given permission for this access road between Colesville Road and the restaurant. That's the impression he got. He's been here as a resident of the Township for 26 years and he enjoys living in the Colesville Road neighborhood. It's a great place to live. The following comments may not be relevant after listening to some of your Solicitor's comments. He thinks your unwise and kneejerk decision to grant a road easement from Colesville Road through Lower Saucon Township to Upper Saucon Township has no real benefit to Lower Saucon Township and its Colesville Road neighborhood residents. It has absolutely no benefits. The only beneficiaries are the proposed restaurant and Upper Saucon Township. Why was it so urgent to grant this easement if it has to be granted? When the proposed zoning changed from R-4 to commercial for the restaurant and it has not yet been approved by Upper Saucon Township. This is what he has been told. He can't verify it. He understands it is just now being reviewed by the Upper Saucon Township zoning commission. He just learned that yesterday from Tom Beil. He tried to keep abreast of the 15-acre Upper Saucon Township development for the last five years. It seems to be a sound project which was initially to contain commercial properties at its entrance at the road crossing of Route 378 from the Promenade Shops, not at the corner of Colesville Road and Route 378. The restaurant might have belonged up where it was initially planned. The first time he's seen this additional map was last week. There was nothing that he could remember that was ever published that showed this 3-acre development at the corner of Route 378 and Colesville. It had only been in the last couple of weeks that he learned of the restaurant and other commercial development on these 3-acres. He was under the impression, and he may be wrong, that when zoning changes are proposed the adjoining property owners would have to be notified. He was never notified on any of this. Recently, he talked to the LVPC concerning this and had been informed that they just received a request on Upper Saucon Township to comment on the 3-acre development. Yet, the information he got is you have already granted permission for the road to connect Colesville Road and the restaurant development. He personally thinks this action you have taken is a bit premature. He doesn't know of any input that was given to you on this matter except that by Sandra Miller. You are so anxious to promote commercial development in Lower Saucon Township, can't you focus on the vacant strip mall on Route 378 which is north of them. That's practically empty. Let them have the restaurant; let them have anything they want. It's a shame that it is not being built. What recourse does he have as a resident of Lower Saucon Township? He would guess the only recourse is to ask you to rescind any action that you have taken to grant this easement for the restaurant. If you decide to consider this, he asks you to ask yourselves three questions. Do we need a restaurant in the Colesville Road neighborhood when the residents of that neighborhood don't want it? What benefits will the proposed restaurant bring to Lower Saucon Township? None. What benefits will the restaurant bring to the Colesville Rod neighborhood? The problem here is not the 15-acre development, it's the 3-acre development for the restaurant. He thanks you for your time and hope you will give his suggestions some consideration.

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Attorney Treadwell said he can try to answer some of those questions. He thinks that the easiest way to start is again looking at that map. Where the green color stops is the municipal boundary between Lower Saucon and Upper Saucon Township. The green is in Upper and the white is in Lower. The entire project with the exception of that driveway you see onto Coleville Road in the upper right hand corner is in Upper Saucon Township, which means that Lower Saucon Township ordinances don't apply to that green portion. What this Council did when they waived the land development process was basically to say we're not going to have the Township Planning Commission, the Township Engineer, the Township Planner, himself, any other people you might normally have to look at a land development plan, look at the portion of that plan that has the green color as there's nothing Lower Saucon can do about it. It's Upper Saucon. That was the concept of the waiver of the process. As part of that waiver, this Council specifically said "but", we are going to require the applicant to show us the traffic study so we can see what the effect is on that driveway and what, if any effect it may have on Colesville Road, the intersection, any other areas. There was also a question about stormwater, will that proposed driveway create any stormwater issues, and also a question about what natural resources may be in that area that the driveway would affect. This Council reserves the right to look at those issues, and basically said we can't control what happens in the green, but we are going to look at what happens in the white. As far as the zoning change in Upper Saucon is concerned, he's not aware of what Upper Saucon's requirements are. For a map change to occur in Lower Saucon Township, there would be some notice provided to adjoining property owners. He doesn't know what Upper Saucon's position is. He doesn't know what their ordinance says regarding map changes. It's possible that as a Lower Saucon resident, you may not get notice of a zoning map change in Upper Saucon, that's possible. If Lower Saucon were to change the zoning, yes. Mr. Daday said he totally understands that; however, it's his impression that this driveway is the key to that development. We can say the development is totally in Upper Saucon Township, but if that driveway isn't granted, they might have to change their attitude and take that stuff they are planning in that 3-acre site and put it where it belongs in the middle of the commercial development they have planned coming out of the Promenade Shops. Attorney Treadwell said understood, but please keep in mind that the Township will review the traffic study. The traffic study is basically a guesstimate of how many cars will go in which direction which way and it will be based on traffic counts and planning studies. Any decision by Lower Saucon Township and by this Council to deny access to Colesville Road with the driveway can't be based on the fact that we don't think the restaurant is a good idea as that's in Upper Saucon Township. We have to have a valid reason in one of our ordinances to deny that permission. Mr. Daday said why would you be granting that permission in the first place? Attorney Treadwell said any property owner has the right, who owns property in Lower Saucon Township, to come to the Township and say I'd like to put a driveway on my property. Mr. Daday said who owns that property? That property is still owned by Stabler Land Company. Attorney Treadwell said Stabler Land Company may still own it, but he thinks the proposal would be whoever builds that project would end up owning that piece of ground. Mr. Daday said not necessarily. He'd be interested in that piece of ground himself. Attorney Treadwell said if you bought it and came to Lower Saucon Township and said you'd like to put a driveway there, Lower Saucon would have to review it and would have to have a valid reason based on one of their ordinances to say no. Mr. Daday said he's deeply concerned that there must be some particular reason why this Council is so willing to accommodate that new development? It just doesn't make sense to him. Attorney Treadwell said it appears to him that Mr. Daday is giving a reason why Council voted for something that doesn't appear to be evident anywhere. Council is here. Does anyone have a reason why you voted for this waiver other than the entire project is in Upper Saucon Township except for the driveway which you reserve the right to review? Mr. Kern said it was as simple as that. There was no building taking place in Lower Saucon Township. The plan came before us and if there had been buildings in Lower Saucon Township, it would have gone through a full-blown planning review. There's no building, it was a driveway. Mr. Daday said would you agree that this restaurant is going to have an impact on Lower Saucon Township and do we need a restaurant? Mr. Kern said he understands exactly what he is saying, but the whole development is in Upper Saucon Township and we are defenseless to do anything about it. Mr.

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Daday said you are not defenseless. You have the prerogative particularly on that access road to make this happen or not make it happen. Attorney Treadwell said only if there is a valid reason backed up by a Township ordinance to deny that access. There's got to be a reason. Mr. Kern said the Township is going to get caught up in litigation and lose. Mr. Daday said you are advocating a responsibility here, although you say you are not because that driveway is key to that restaurant and to him, they don't need a restaurant in the Colesville neighborhood area. The Colesville neighborhood area, the people are here. Will all of stand up if you agree with his position on this?

Mr. Maxfield said we made our decision basically on this plan. If the conditions have changed and if what Sandra Miller said that PennDOT is not allowing the in and out coming off of Route 378, which changes the complexion of that whole thing. Mrs. deLeon said that's not what she said. Ms. Miller said one way in and one way out and that's what the original plan stated. They haven't changed that. Mr. Maxfield said on the front of that triangle? Ms. Miller said yes, that still exists. Mr. Maxfield said okay, that doesn't change anything.

Jane Hecker, 1425 Colesville Road, said they live right across the street. She has been surprised at what's been going on. Communication is not the best. They've watched a lot of activity go on across the street from them in the last couple of years. There was a temporary drive put in. She thinks it was for a golf tournament and other things are going on over there all the time. Her husband has been very diligent on what is going on, and still this came as a complete surprise to them that this was taking place and that there was a road coming into Colesville. She's not going to comment on whether or not we need a restaurant. That's a personal opinion. She's going to comment that you have a road there that is really not supporting the amount of traffic it has going on it now. It is becoming dangerous. There are many times if you travel Colesville Road daily like she does, you would know there are many times you go on that road and you have to get over or you'll be hit. If you increase traffic on that road, you are asking for additional problems. She doesn't know that you took that into consideration. She can understand that the members of the Council may not live in the area and no one is as familiar with it as the residents who are here. You do have a problem there and her fear is that maybe you're traffic study isn't going to reveal what she knows from personal experience. This is a bad move. She can understand the legal point of view, you don't have an ordinance on the books that's going to allow you to say no, well, then you have to say yes. It doesn't sound right to her. It doesn't jive. It's kind of saying we're in charge of Lower Saucon Township, but we can't do something to protect ourselves from something that might be bad for our Township and its residents. It doesn't make sense to her. She saw Tom Maxfield be very diligent about an apartment complex project and wanting everything down in brass tacks and know what's going to happen here and what's the impact going to be. She was thinking she admires that because he's not going to let it go and say we'll let it go and next time you can come back and if things are tied up, we have a building up now, we have problems. We're facing the same situation. If we approved the driveway to go in there, and we aren't considering what the impact of that is, what kind of problems are we going to end up with in Lower Saucon as a result of that five, ten years down the road? Do some future thinking with this and really consider what your action has done and what the impact is.

Mrs. deLeon said we did not approve it yet. Ms. Hecker said she understands this is very preliminary, but it seems like you are giving it your blessing. Mrs. deLeon said the traffic study will be public information. When we get it we can put it on the website. If you are not on the email list, you should go on the website and give us your email so we can send you updates. You also need to go to Upper Saucon Township. We, as a Township here, listen to our adjacent residents, even though they don't live in the Township. If there's something going on, that borders, we....Ms. Hecker interrupted and say we have been going to Upper Saucon Township. Her husband did go to inquire several times and it seems the information is changing quickly as they are not getting the information. We're finding out, oh there's a big change. The only thing she knew about was the major project. She knew nothing about the triangular area we're discussing tonight. She only knew about the major project and that all sounded really good and well planned

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out to her and she thought okay, that's well planned out and it's going to work. This piece, lots of questions.

Mr. Brent Bernstein, 1462 Colesville Road, said he understands the predicament you're in. If you are going to do it, you have to have a reason to deny it. Have you been in communication with Saucon Valley School District transportation department? Mr. Kern said no. Mr. Bernstein said is that maybe something that should be considered? Is that reasonable? Attorney Treadwell said he doesn't see any problem with that. We are in the initial stage. Mr. Bernstein said if you did deny, that would be something that would be helpful. He thinks they are interested in this as well. Attorney Treadwell said we can certainly ask the school district for their opinion and again, as he stated earlier, the traffic study has not been submitted yet. Mr. Bernstein said let's say the traffic study is ambivalent or let's say it's amazingly pro for putting a traffic light in there, it could be the job of the Council to be skeptical about that and do a second study from another entity. Attorney Treadwell said we have our traffic engineer review the traffic study that's submitted. We will get feedback on whether our engineer and our traffic engineer whether they did the traffic study correctly. Mr. Bernstein said that's all great, but you have to use common sense. The Council members should take a leisurely ride down Colesville Road and just look around. You can at least have that in your mind as a common sense viewpoint in your head. Look at the kids on the bikes; look at kids walking their dogs on the sidewalks; and do the right thing.

Mr. Steve Zaharakis, 1500 Coleville Road, said just a quick summary, he keeps hearing nothing really happened, can you tell him the state of the situation prior to the last meeting and how it's changed from the last meeting? Attorney Treadwell said since February 1st? Mr. Zaharakis said prior to any conditional approval? Attorney Treadwell said first of all, there's been no approval, and again, he'll try to explain it. What happened was this Council waived the land development process and the land development process has at least three or four different steps that if that green area were located fully within Lower Saucon Township, there would be three or four different steps it would go through. It would go to the Lower Saucon Township Planning Commission. It would go to the Lower Saucon Township EAC. It would be fully reviewed by the Township Engineer. It would be fully viewed by the Township Planner. He would look at the legal aspects of it. It would go to the Planning Commission for a recommendation and then after all those steps have been completed, it would come to this Council for a vote on whether to approve it or not. What this Council did on February 1st was to waive that process, and that was based on the fact that all that development you see in the green area is not subject to any Lower Saucon Township ordinances. It's all in Upper Saucon Township, so there's no reason for the Lower Saucon Planning Commission, the Township Engineer, the Township Planner, or anybody else to review that plan against Lower Saucon Township ordinances because they simply don't apply. That's what they did. They said they are going to waive that process; however, we are going to reserve the right to require the applicant to do a traffic study, to review the traffic study, to require the applicant to show us the natural resources that may or may not be disturbed in that little corner of Lower Saucon Township and to require the applicant to show what the stormwater effects of that possible driveway may or may not be. Maybe it's easiest to explain it this way. If this Council had not waived the land development process, the only thing this Council would be looking at is the driveway anyway. Substantively, there's no difference. This Council just said you don't have to go through all the five, six, seven steps you need to go through because all of the building is in Upper Saucon Township and the Lower Saucon Township ordinances do not apply to it. Mr. Zaharakis said they totally understand that. Everyone is in agreement that they don't care if it's a bank or if it's a restaurant. The only thing they are affected by, and what the Township would be affected by, is the traffic, and that is the driveway. Who is going to maintain Colesville Road? The more traffic we have there, the more maintenance we are going to have. Based on the plan, whatever traffic comes in, if they are looking at leaving, going Route 378 North, they can either go Route 378 North, Route 378 South, or Colesville Road. Those are the only directions you can follow. At least 50% of the traffic will be exiting from Route 378. The remainder 50% of traffic will be going through Colesville Road. Because of that, there will be a significant increase.

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Currently, the way the situation is, if you are on Colesville Road and trying to go south on Route 378, you could have a cancellation of your life insurance policy as it's dangerous to cross Route 378. Having a traffic light there will only change, as we have wetland considerations and we may possibly have three lanes, instead of two lanes, so although we're not really concerned about the building and getting a formal building review, there are a lot of significant changes that will be made and he hopes you do take those into consideration. Mrs. deLeon said absolutely. Attorney Treadwell said that's the purpose of traffic study. You have just done a guesstimate of what percentage of traffic will go in which direction. That's what the traffic study is designed to try and show. It's what those types of counts will be. Mrs. deLeon said we are going to make it available for your review and we'll have another meeting and you are welcome to attend and comment. Mr. Zaharakis said after the traffic study, there would be a final approval? Mrs. deLeon said we can only approve it at a public meeting. It's open to the public. Attorney Treadwell said what we're talking about is the driveway permit. Council doesn't necessarily approve a driveway permit. His suggestion would be because there is such public interest in this issue, before the Township takes any action whatsoever on a driveway permit that you put it back on an agenda and we have a full-blown discussion on what the traffic study says and talk about it. He wouldn't mind if Mr. Cahalan wouldn't mind to take up two hours of a Council meeting at 8:00 pm at night on a Wednesday night. He wouldn't mind coming in with the Engineer during the day or whatever time is best for the people who are interested in it and spending more time going through the traffic study. Mr. Zaharakis said it's pretty important as you can see there are a lot of people here from Colesville Road. Mr. Maxfield said he wouldn't want anybody here to go away thinking we think we are powerless. We're talking about the legal ability we have to regulate whatever happens in that area. There's nothing to stop us from writing a letter to Upper Saucon and saying we have serious concerns about the impact this business will have on our neighborhood and we don't think it's appropriate. There's nothing to stop us from doing that. They don't have to listen to us, but we certainly have a voice. Maybe we want to think about that.

Ms. Miller said there were two points just brought up that she was going to try to complete. She was under the impression by waiving it into a permit status, and the Council usually doesn't review a permit status, so it's interesting that it came up, so you will have a formal process after the traffic study and the Council will come back to review it as a full road, not just a permit. Attorney Treadwell said this Council doesn't have the authority to issue a permit. That comes from the Zoning Officer. Before the Zoning Officer takes any action with regard to a permit, they will make sure it's on a Council meeting, and that there's a public discussion and if you want a meeting during the day to go over the traffic study to look at it and see what it says. Ms. Miller said that's what the confusion is, what is the next step, and what power and authority is left once you filed this waiver. She was under the impression it pretty much moved into a permit and approval status, not coming back to Council for another review. Attorney Treadwell said it doesn't come back to this Council to issue the permit. That is an administrative function that happens in the administration. Ms. Miller said that is the step that actually will allow them to put the road in. Attorney Treadwell said that's it. Ms. Miller said this body does not have another vote on this issue? Attorney Treadwell said no, but he thinks the administration listens fairly closely to this body. Ms. Miller said she appreciates that, but she's making it really clear that by eliminating the steps that are required under a full normal land development, which you decided to waive, you've now moved us into a process that doesn't necessarily mean that Council will have another opportunity to vote, they'll just have an opportunity to review based on the appropriateness of having us at the table. She obviously was going to hope and request that the Township Council make a request to Upper Saucon that they slow down this process and that they be aware that the residents are extremely concerned and that there was a possibility that the driveway may not be considered a viable option, and that the residents of Colesville Road would prefer it not be given to them. From what she understands, sections of this plan has moved a bid. If they are moving to bid, it adds a whole new level of financial commitment to the developer, which she's not trying to do to him. The process moved along so quickly in the Upper Saucon side of things that she would hate for us to be at a state that there was no alternative but to permit this to happen. The Council does not have another

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vote on this as far as she was under the impression. That's why she was requested a waiver of your waiver, that you rescind the waiver and start this process so we can just stop it and slow it down, but she's not sure that's permitted. Mr. Maxfield said he's going to guess at this, but that waiver is dependent on the conditions that we viewed. If any of those conditions change, the waiver is invalid? Attorney Treadwell said the waiver was based on the plan that was submitted as part of the waiver request which is the plan that Hanover and Boucher & James looked at and that the Township has here on file. He doesn't think that is the specific plan. There was a smaller plan that only showed the proposed restaurant and proposed bank with the driveway. It is based on that plan. Mr. Maxfield if traffic patterns, for instance, were to change, and there was necessarily more traffic onto Colesville Road, we can change that from what we viewed. Attorney Treadwell said provided that we can back that up as a Township with an ordinance, with something in our subdivision or zoning ordinance that says you cannot do A, B or C and that the traffic study shows they are doing A, B or C. Mr. Maxfield said he'd go back to health, safety, and welfare, if one of those things is shown to be impacted. Attorney Treadwell said the purpose of his attempt in explaining what you can and can't do, he doesn't want the residents to leave tonight thinking this Council could vote to not allow the driveway just because we don't like the idea of a restaurant being there. There has to be a valid reason for it. Mrs. deLeon said our ordinances are online, and you go on and click on and open them up and look for things yourself to help you understand what we do. Mr. Zaharakis said he doesn't think they are concerned that there is a restaurant or a gas station or a bank, it's the traffic they are talking about, so it's the drive. If he understands Mr. Treadwell, all they have to do is get a permit to put the driveway in at this point? Attorney Treadwell said the next step in putting the driveway in is for them to apply and get a driveway permit. Mr. Zaharakis said if they apply for a driveway permit, are we going to be notified or it's basically up to the Township to accept the permit? Attorney Treadwell said what he just stated was for if the administration takes any action on a driveway permit, we will make sure it comes back to a Council meeting for a discussion of the traffic study. Mr. Zaharakis said he just wanted to make sure.

Michele Bernstein, 1462 Colesville Road said she's here with her daughter, Emma, who is a 4th grader at Saucon Valley Elementary School. Emma is a little nervous but she became aware of the issue of the proposed driveway on Colesville Road, which is very close to their house and she and some of her friends put their thoughts together and began thinking of ways they could make an impact on this proposed development, and they've had a petition circulated on their bus. Her daughter and son have gone through the neighborhood and tried to really educate people about what is being proposed as a lot of people were surprised about the driveway being on Colesville Road. We really think that the development is a positive thing, but again, it's on a neighborhood road. You were talking about the health, safety, and welfare of our citizens and our children, and the road as it is, is a very narrow road, with quite a few curves on it. They have track marks through their front yard for cars that weren't making the turn properly at this point. It really is scary when you think about the increased traffic and what that could do. Someone asked how many names are on the petition? Emma said 54. Emma said it would change their neighborhood in many ways. One way is people couldn't ride their bikes like they used to because it would be more dangerous. Another way people couldn't jog around the neighborhood. People also couldn't walk their dogs around the neighborhood. Mr. Kern said thanks, Emma.

Mr. Willard said he's the newest member of the Council. He was elected beginning in January, and when this question came before them on February 1st, he voted the same as the other Council members based on all the information you've been given by our Solicitor and by our Council President. He did make a naïve assumption that most of the traffic would just come in off of Route 378 and exit back on to Route 378. He looked on Google maps during the meeting just to see what the likelihood was of significant traffic increase coming into that shopping center and exiting on Colesville Road. He's lived in the area for six years and drove it recently as one of you suggested and he clearly understands the concerns. He never knew it connected from Black River Road to Route 378 in that manner. He's been in that bank on a number of occasions, so in addition to all

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the reasons stated by the other Council members, his vote was based simply on the fact that most of the traffic would enter and exit on Route 378. It's a 100' access and all the reasons that were stated only dealing with the driveway. That's all they can deal with. He dealt with a similar issue in his neighborhood and they came before this Council. Again, that issue was resolved fairly, for the residents, but within the authority of this Council and he thinks that's what everyone here, hearing your comments, and with a better understanding, has agreed to do.

Mrs. deLeon said if we would have voted no, would we have the legal basis to do that that night? Attorney Treadwell said to not grant the waiver – yes. You could have voted no and sent them through the entire process. It doesn't mean that at the end of the process you would have had any more reason than you have now to vote no on the driveway. The information that you will get from the traffic study and the other items that the applicant needs to submit, will be the same now as it would have been had you voted no and made them go through the process.

Mr. Maxfield said what happens if we were to contest the traffic study? Attorney Treadwell said once the traffic study gets submitted, our engineer looks at it and if there are flaws in the traffic study, we will point them out to the applicant and if you don't like it and tell them you aren't going to accept it, there are various different avenues. Ultimately, if there is a section of our subdivision ordinance or our subdivision and land development zoning ordinance, any ordinance that shows that based on what the facts provided are in the traffic study, this driveway won't meet our ordinances, then they don't get the permit. He doesn't want anyone to leave tonight thinking that the Township has the legal right to deny a property owner access to a driveway because you don't like it. Mrs. deLeon said that goes back to a property owner is allowed what he can do on a property by zoning. Upper Saucon zoned that property for that use, and if it meets their zoning and their regulations, then it will be approved.

Ms. Miller said the concern she has stated numerous times now by waiving this process, she needs to understand if you didn't waive it, you would have had the traffic study in front of you before you would have given the yes or no vote. Now we are waiting for the traffic study after you have already done so, there is not a process that is necessarily is as clean to reverse this decision you have made. That's obviously a concern of theirs that they are now onto a process that you'll have the traffic study done and the traffic study will go through the permit process versus it going through the development where they would have been attending hearings and zoning would have been involved. That's their concern. It's expediting, it's going rather quickly, it's not allowing for the level of conversation, and she believes the review that you, as extinguished individuals and elected officials to uphold our best interest, won't have the same level of approval. That's what it appears to be. She could be misunderstanding, but from what she understands, there is not a formal vote that will be taken by this Council again on it unless you rescind the waiver, or at least, that's the bottom line. They just really, and they are not saying they are skeptical of your intentions to review the traffic study well, but it's just moved this process along so quickly, into such a state, that there is not a whole lot of alternative left except hopes that the traffic study, and she doesn't have any ordinances yet quoted, that a traffic study can determine that using a township road for a commercial business is warranted or not warranted. She needs someone to answer that. Is there an ordinance that you can use to state this traffic study says having a business on this residential road, can that shut down the permit? If it doesn't, then all this conversation and traffic studies isn't going to necessarily result in a change that they are asking for.

Mr. Maxfield said what about road classifications or weight, that sort of thing, for delivery trucks to a restaurant? Mr. Kocher said if the Township doesn't post restrictions which has to meet PennDOT's requirements to restrict a road, your ordinance can't. Mr. Maxfield said let's say Colesville Road isn't posted, we can't prohibit a semi-delivery truck going down Colesville Road. Mr. Kocher said correct. The way you prohibit commercial traffic from using a residential road is zoning. He's not sure you have any other ability. It just so happens Upper Saucon has it zoned differently because it's the municipal line.

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Ms. Miller said that's the final question. She appreciates you are going to allow a traffic study. She appreciates you are willing to come back and talk about it, but at this point, she thinks we really need to consider what the bottom line shall be and it doesn't appear that some of these concerns will necessarily be addressed unless someone can come up with an answer of how the ordinance part of it will come through and whether or not it's only a permit and only goes through zoning and doesn't have to come back to you for a vote. She just wishes the waiver didn't go through. She wishes it would have given them a chance, as a group, and would have done a more thorough review of this process, even though a building isn't going on there, the building isn't what's impacting us.

Mr. Kern said let him be very clear. They would have been at the same process in the end as they would have paid taxpayer dollars for a review of a driveway. It would have cost everyone a lot of money and in the end, we'd be back in the exact same spot whether or not to approve a driveway, and that's what it would come down to. He hates to be strong like this, but that's exactly what it would come down to. We saved the Township thousands of dollars.

Ms. Miller said you would have reviewed the traffic study before you would have had your vote? That's her question? Attorney Treadwell said if the land development process had not been waived, there would have been a review of the traffic study before the vote. If there's a reason to deny the driveway, contained in the traffic study, then it doesn't matter whether it's a vote of Council or it's of a permit. If there's a reason, there's a reason. If there's not, there's not. That is what Mr. Kern is saying. Substantively, we're in the same position. Mr. Kern said we haven't done anything that wouldn't have happened anyway. We're in the same spot, we just saved money. Mrs. deLeon said normally if someone comes in and asks for a driveway permit, it's usually for a home and not a vacant piece of parcel in the Township, so the Zoning Officer would make that decision because if it's a house, it wouldn't be a full fledged traffic study. Attorney Treadwell said this Council doesn't issue permits. You're a legislative body and you don't issue administrative permits. Ms. Miller said the idea that we are considering this a driveway, is.....Mrs. deLeon interrupted and said, sorry, she's using the wrong words. Ms. Miller said it's a commercial access. Mrs. deLeon said she apologizes. Ms. Miller said that's what is going to be a different spin than whether she's coming in front of you and asking to extend her driveway, and she asks for an extension. Mrs. deLeon said we'll scratch that out of the record.

Wayne Hecker, 1425 Colesville Road, said he's not up here to point fingers. They are worried about the traffic situation. It's all up in the air right on Colesville Road. His thinking and the one cure to this restrict a right hand turn coming out of the property, that the added traffic does not go down Colesville Road. He's been living there for a long time, and traffic has increased due that people don't like to go down to the light and make turns, they take a short cut. If you could restrict the additional traffic, it might cure the problem. Mr. Maxfield said that is one of the ideas on their plate.

Jameson Packer said as he understands it, the major concern so far is the traffic study. He recalls that two years ago, the Embassy Bank was built nearby. He's assuming a similar traffic study was done then. Has Council looked at that traffic study to see the numbers to maybe alleviate the concerns of the residents this evening? Have we looked at that? Mr. Kern said the traffic study was reviewed at the time when the Embassy Bank was put in place, but these are additional circumstances. Mr. Packer said from what he sees, it's another bank and restaurant going in, at a very comparable establishment and the traffic produced from this also be comparable. He's not sure what the results of that study were. Mr. Maxfield said they are going to have kind of a built in customer base with all the homes right next door to it which was not there before. Mr. Kern said there's also the addition of the traffic light which wasn't in the original study.

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Mr. Zaharakis said the two adjoining lots are R-80, he heard? Mr. Kern said he believes so. Mr. Zaharakis said what classification does this property have? The one we are talking about the driveway? Mrs. deLeon said the white area? Mr. Zaharakis said yes. Mr. Maxfield said the same. Mr. Zaharakis said can we put a commercial driveway on a residential property? Isn't that reclassifying the property? Attorney Treadwell said he can't point to a section specifically, but he doesn't believe there is a restriction having any type of driveway dependent on what the underlying zoning is. Mr. Zaharakis said a commercial access way doesn't change anything? Attorney Treadwell said he doesn't believe so, but they will look at that as well. Mr. Zaharakis said is there any ordinance that you are aware of that would not allow this to take place based on any type of traffic study? Attorney Treadwell said there is Section 180-98 which contains requirements for driveways. That's in the zoning ordinance. He can't quote it to you word for word. Mr. Zaharakis said how would you classify this driveway? Is it a driveway or a commercial access way? Attorney Treadwell said he thinks the question is in your terminology, he doesn't know what the difference is. It's not a residential driveway. It's a driveway. Mr. Zaharakis said we can play the word games. Attorney Treadwell said that's what you are asking him and he can't differentiate between the two. Mr. Zaharakis said if it's a residential lot, can he use it for any type of commercial activity? Attorney Treadwell said it's not a residential lot. It's residentially zoned. Mr. Zaharakis said if it's residentially zoned, doesn't he need to change zoning in order to change the use of it? Attorney Treadwell said no, if you are going to put a commercial use, meaning the principal use, meaning the building on it, then you could not do that. Your question is can this Township stop a commercial driveway from going across a residentially zoned property? He believes the answer is no. Mr. Kern said we'll find out. Mr. Maxfield said the other question that goes along with that is the specifics for this road are going to be very different than specifics for a residential driveway, and we have to find out what the difference is and why. If there is a classification difference, we need to know that.

Harry Gerstenberg, 2219 Applebutter Road, said backing up your statement, if you are in a residential area, he thinks there is a restriction of a width of a driveway to a residential piece of property. We cannot put a 200' width to go in or a 100' to go in. That access he's speaking about here tonight is going to have to be a minimum of 100' wide to get in, so look into that on your restrictions.

Mr. Kern said thank you all for your input and they will be assembling all the information and when the traffic study comes out, he's sure Council will be seeing you all again.

Mr. Packer said is he incorrect in assuming, we are waiting on the traffic study and that seems to be the big contention here, even if we were to block access to this commercial unit, that there still would be the effects of the residential units, and we have no control over what Upper Saucon does. Mr. Kern said correct, it's Upper Saucon. Mr. Packer said have we considered rezoning that other portion as it's a 3-acre lot they are currently building on, the portion that is in Lower Saucon to support commercial establishments because whether we like it or not, what's going on right now is currently happening in Upper Saucon and we don't have any viable option to deny them access to that building, so whether we like it or not, they are going to have that constructed. One of the concerns is the tax base, so even if it's constructed, why not have it 10' to the left and have it in Lower Saucon property. That's up to the developers, but why not get a tax revenue for that by rezoning? Mr. Kern said rezoning would require, he'll let Attorney Treadwell fill in the gap. Attorney Treadwell said it's a fairly large undertaking and you just can't rezone a little piece, you have to look at the whole area and determine what the zoning should be in a comprehensible manner. Mr. Kern said that could be considered spot zoning which isn't permitted. Mrs. deLeon said in the middle of something like this, you just can't change the zoning. You have to be careful.

Mr. Maxfield said one other idea might be staff can look into and maybe Linc can tell him if he's totally off base, but if the minimum widths like that which we need for delivery trucks and those kinds of things are like Mr. Gerstenberg said, as opposed to a 15' driveway, doesn't that then be

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classified as a road, not just an access drive, but a road. Attorney Treadwell said he doesn't know the answer off the top of his head, what the minimum width requirements are. That's something we can look at. Mr. Maxfield said we never put in a 2 lane driveway. Maybe that's one way to look at it. Mrs. deLeon said even on our rail trail property, we were careful about putting in a 50' road. We didn't put in a 100' road.

V. TOWNSHIP BUSINESS ITEMS

A. JILL MICKLEY – 2634 EASTON ROAD – REQUEST TO AMEND MAINTENANCE AGREEMENT FOR SMALL FLOW TREATMENT FACILITY

Mr. Kern said the applicant has requested a modification to the on-lot sewage facilities agreement regarding testing. Hanover Engineering has reviewed the request and is recommending conditional approval.

Mrs. deLeon said can someone paraphrase what we are doing here? Attorney Treadwell said Ms. Mickley has a maintenance agreement for a small flow sewer treatment on her property. That maintenance agreement requires an inspection three times a year which gets a little costly and she is asking that condition be reduced to once a year. Our SEO has looked at it and doesn't have a problem with it. DEP also looked at it and also didn't have a problem with it. Ms. Mickley said that's what DEP's requirements are, once a year. Attorney Treadwell said DEP requires once a year, ours were more. Mrs. deLeon said would we be able to put a provision in there because these reports go to the Township then and they are reviewed, correct? Attorney Treadwell said he believes we get copies of the reports. Mrs. deLeon said if anybody should see something, we reserve the right to go back to more frequent, should there be a problem, she wouldn't want to rule that out. Attorney Treadwell said sure, he's going to have to change the one page of the agreement anyway, so he will add that in. Ms. Mickley said there is also an escrow account. Mrs. deLeon said she's hoping Ms. Mickley doesn't have problems.

MOTION BY: Mrs. deLeon moved for approval to change the testing sequence to once a year with the condition that if results show any areas of concern, in the opinion of the SEO, that the number of inspections per year could increase.

SECOND BY: Mr. Maxfield

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

ROLL CALL: 5-0

B. STAFF REPORT FROM IESI BETHLEHEM LANDFILL PRESENTATION – ANALYSIS OF POTENTIAL APPLEBUTTER ROAD REZONING

Mr. Kern said Staff has prepared an analysis of the potential Applebutter Road rezoning as requested by Council at their February 1st meeting.

Attorney Treadwell said at your February 15th meeting there was a request that the staff look at the rezoning on Applebutter Road, so what they've done is prepared a brief PowerPoint presentation along with the written report that you have in your agenda packet. That is the result of the staff looking into the potential to rezone some of the area along Applebutter Road to light industrial. This summary was prepared by the staff for Council's consideration. It's the staff's best estimate of what you should think about if you are going to consider changing some of that zoning. It's the staff's best estimate and is open to comments from Council and the Planning Commission and anyone else who may wish to comment.

Attorney Treadwell said starting with the first aerial photograph on the screen, the white line shows the potential area that was studied as possibly going to light industrial. The red line you see at the bottom of that photograph is the Township City of Bethlehem municipal boundary line. Right in

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the middle of that, the white lined area, you'll see the existing IESI landfill. Across Applebutter Road, there is some of Calpine. You can see a larger portion of industrial in the City of Bethlehem area. On the photograph to the right, where you see those two tanks, is a piece of property located in Lower Saucon and you can see it currently has an industrial type use on it, which is why that parcel was included in the area for consideration to change to light industrial because that tank complex is a non-conforming use now. That's the outline of the study area that the staff looked at. You can see the white line at the top of the photograph generally follows the crest of the hill, the mountain, that is behind the landfill, and the other side of that hill goes down into the Steel City Hill Climb property. It goes down to Riverside Drive which is also currently preserved as open space. That's the area that was looked at. Those are the factors they looked at that would appear to be in favor of rezoning that area in white to light industrial.

Attorney Treadwell said the first factors on this next slide are the consistency with the Township Comprehensive Plan which is referred to here as the Multi-Municipal Comprehensive Plan. If you remember in 2009, there was a comprehensive plan prepared jointly with Hellertown Borough and the Saucon Valley School District and Lower Saucon Township. In that Multi-Municipal Comprehensive Plan, the future land use plan shows the portion of the study area that is south of Applebutter Road, and west of Ringhoffer Road as well as north of Applebutter Road, as an industrial use area for the future. The Comprehensive Plan of the Lehigh Valley, which is prepared by the LVPC, also shows that area as being a future area for industrial uses. The third bullet is the encouragement of a use of an enterprise area. An enterprise area is a zoning categorization that the City of Bethlehem has in some of the area that borders Lower Saucon Township. That enterprise area is basically a buffer between some higher industrial uses and some lower intensity manufacturing uses. The enterprise area also provides certain tax breaks and financial incentives for start-up type businesses to move in. The Multi-Municipal Comprehensive Plan which is your comprehensive plan with the school district and Hellertown, encourages the use of enterprise areas. You do not have currently any enterprise area in the Township, but that is included in here because you may want to consider your current LM district, which only has a couple of uses that are different than what you can do in the LI district. You might want to consider looking at the LM district and incorporating some enterprise area type things into it.

Attorney Treadwell said the second slide is the consistency with surrounding current property uses. The area that was shown on the first slide in white, the majority of the properties bordering the industrial areas are all zoned for industrial uses. Those areas you see in the City next to Lower Saucon are zoned industrial. On the south is industrial land in the City of Bethlehem such as the power generation. There are residentially zoned and residential uses next to the landfill and the power generation facility. One of the items to consider is whether you may want to rezone some of those properties. Some of them the landfill showed in their presentation currently being owned by the landfill in order to make a larger industrial area and kind of phase residential out of that white lined area.

Attorney Treadwell said the next slide talks about another possible benefit of rezoning which is increasing the balance of industrial uses and residential uses. Lower Saucon Township right now is heavily zoned for residential uses. You can see the 14,667 acres dedicated to residential use. If you change some of that RA residentially zoned area that borders the Applebutter Road area to LI, it would give you a better balance in the Township of industrial versus residential uses. As you can see in the second bullet, there are only 337 acres zoned for industrial in Lower Saucon Township as compared to the 14,667 that are zoned for residential. Only 110 acres are zoned for LM which is light manufacturing. The idea there was you may want to consider increasing some of your industrial acreage because the balance seems to weigh very heavily in favor of residential currently. In the 447 acres that are zoned for LI and LM, approximately 320 of those acres are already used. In Lower Saucon Township, there are only 127 acres available for future development of industrial or manufacturing uses. One of the benefits of having some type of industrial or manufacturing uses

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is the tax revenue is different than it is for residential property. The last bullet basically talks about industrial uses generally being a revenue positive for the school district.

Attorney Treadwell said the next slide is the location factors. That white outlined area shown on the aerial photograph, has some significant environmental features that provide a natural buffer to surrounding rural and residential areas being some woods and the crest of the hill, the mountain. The other location factor is that this area is within fairly proximity to Route 412 and I-78, which any future industrial or manufacturing use we would probably want, which is a way to get trucks and/or people in and out.

Attorney Treadwell said the staff moved on next to factors that would appear to weigh against rezoning the property. Some of those are that industrial uses may be inconsistent with neighboring properties in terms of living conditions meaning sight, smell, those types of issues and as was raised at one of the previous public meetings, the potential for property values to decrease; however, there is also the potential for property values to increase if there's an industrial user who wants to buy up property, and that can go either way. Down at the bottom is the visual noise and other aesthetic effects that may come with industrial uses depending what that industrial use would be.

Attorney Treadwell said the next slide is potential environmental impacts of the rezoning. There are, as this Council is aware, some environmentally sensitive areas in the area outlined in white on the aerial photograph, some of those being steep slopes, woodlands, carbonate geology. Obviously, changing it to industrial would have some effect on those areas, although you do have fairly stringent environmental protection standards in your zoning ordinance now. Obviously, any new industrial or manufacturing type use could result in an increase in impervious surface, which creates potential stormwater issues which would require some monitoring and planning to make sure those didn't turn into negative effects.

Attorney Treadwell said the next screen talks about transportation and public service issues. Applebutter Road is narrow and does not have shoulders. It's difficult for trucks to maneuver now, and depending on the type of industrial use, it may or may not want to locate in that area, there may be improvements that would need to be done to handle any increase in truck traffic on Applebutter Road. If that area changes to industrial as well, you may see an increase in the need for police, fire, public services and in addition, as you know, there's no public transportation that is readily available out there. If it was to be a manufacturing plant or some industrial use that had a large number of employees, obviously, they would need their own vehicle to get to and from work due to lack of public transportation.

Attorney Treadwell said the final slide is on the factors that weigh against the potential zoning which is the future land use plan in the Multi-Municipal Comprehensive Plan, shows the area from the City of Bethlehem border, both north and south of Applebutter Road to Skyline Drive as business enterprise. That relates to the comment he made earlier that you may want to consider adding some business enterprise uses and terminology into your zoning ordinance as part of this potential map change.

Attorney Treadwell said this is what the staff came up with based on the request you made as to what the potential positive and negative factors could be for rezoning some of that Applebutter Road area to light industrial from LM and RA, some of the area, which it is now. The area in white is what the study was based on and that would be the area to look at from changing, and he doesn't have the zoning super-imposed on here, but he thinks one of the handouts in your agenda packet has it. Some of that area within white is currently RA, and some is currently LM. Obviously the area where the landfill is now is industrial as is some of the area across Applebutter Road.

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Mr. Kern asked if Council had any comments? Mr. Horiszny asked if we had an overlay for the carbonate geology that would fit into that area? Attorney Treadwell said he's pretty sure we have a map somewhere that shows the carbonate geology area. He knows that the landfill has said at a previous public meeting that they had done some testing out there. Mr. Horiszny said it's south of them. Attorney Treadwell said he's pretty sure it was south. Mrs. deLeon said it was north of Applebutter Road. What do you mean south of them? Mr. Horiszny said he thought it was south of Applebutter Road for the most part. Mrs. deLeon said on the other side of Applebutter Road on the Bethlehem Steel side? No, it was on the north side to the west of Phase IV, kind of to the west and south of your landfill, but above Applebutter Road to the north. Mr. Horiszny said all the power buildings are outside of it? Mrs. deLeon said what do you mean power buildings? Mr. Horiszny said all of Calpine must be in the carbonate. Mrs. deLeon said they are in an adjacent municipality. Do we get to review their plans? Mr. Maxfield said if he remembers right, and he could be wrong, the carbonate covers most of the area where PPL, Calpine, and as it goes down Applebutter Road, it cuts up further and further into the land towards the mountain and he thinks that's one of the restrictions your engineer talked about earlier that would restrict further growth in that direction. The carbonate begins to press closer to the mountain, is he right about that? Someone said into the stream, south. Mrs. deLeon said down, not up to the hill, towards Applebutter Road. Mr. Maxfield said if the mountain is here, the carbonate begins to go up closer that way, and it restricts where it can go. Someone said the carbonate is to the south because the landfill. Mrs. deLeon said this is the old carbonate, this all changed here because of the borings they did. It doesn't go up the hill. Attorney Treadwell said the current carbonate geology area is shown as a little bit north of Applebutter Road all along of Applebutter Road. Here's Applebutter Road and this gray shaded area is carbonate. Mr. Maxfield said it's basically the base of the hill. Attorney Treadwell said it's the whole area south of Applebutter Road is shown on here as all being carbonate. Mrs. deLeon said yes, on the other side. Attorney Treadwell said south of Applebutter Road. This area is Lower Saucon. Mr. Horiszny said the boot heel. Attorney Treadwell said the boot heel is carbonate and it's in Lower Saucon. Mr. Horiszny said does that restrict us for LI and LM? Attorney Treadwell said it's currently not residential now. It's LI or LM. Mrs. deLeon said prior to IESI doing these borings, all our existing maps were based on Penn State maps from years ago that were wrong, so all of our maps are wrong in that area where the landfill is.

Mr. Sam Donato, District Manager, IESI Landfill, said as Mrs. deLeon stated, when they did their contact study, they found that there was no carbonate in the area as depicted on the Township zoning maps. They did not come in contact with it as they went from the east to the west. They know it's not where they have looked at. If it's farther south of where we stopped it, we didn't drill in those areas. What's on your map was dated from the 40's and that's why they decided to do their own borings and demonstrate to the Township that the contact zone was a lot closer to Applebutter Road, it may not even be on the north side of Applebutter Road. They stopped because there was a little stream there and they have limitations of where they can get to a stream. Mr. Horiszny said his question was more for changing zoning for other industrial uses, not so much where the landfill is. (Could not hear what else he said). Attorney Treadwell said we did a zoning map, it's not one of these pictures, but where is the area, the boot that Mr. Horiszny called it, south of Applebutter Road, within the white study area, what is it zoned now? Ms. Mallo said it's currently zoned as LI. Attorney Treadwell said that's part of the area that is now LI. It's included in the study area because it's LI now. Mr. Maxfield said you are talking about that dog leg coming down? Attorney Treadwell said south of Applebutter Road. Ms. Mallo said anything shown in orange is LI currently. Yellow is residential and the blue is LM. Mr. Maxfield said the carbonate we were talking about being just on the north side of Applebutter Road, part of the blue area, the LM is going to have carbonate in it? Attorney Treadwell said correct. Mr. Maxfield said then we might want to think twice about putting a heavier usage within the blue area than currently exists. Mrs. deLeon said the blue area is a historic district. It also has sewer access.

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Mrs. deLeon said as you all know, she's been involved in all aspects of landfill uses since a long time ago. When the landfill or the City started using the land as a dump, as they had no respect for the land, back in the 40's, everyone just dug a hole and dumped. That was a beautiful apple orchard. She recently saw pictures of what that area looked like when the City had a plan for that special unit they were going to put in that was top secret. That was an apple orchard; it was not zoned and it was RA. We were all agricultural. In the 40's the City started using it as a dump. Bethlehem Steel used it as a dump. When we did our zoning, and she wants to say 1988, but may be wrong with that date, they drew a box on the existing landfill by the City and called it LI as it was light industrial. That encompassed approximately 337 acres, and currently how many acres are you permitted for? Vito Galante said 224. Mrs. deLeon said 224 is your permit boundary. She remembers some things. She remembers when the City had it. She remembers when they sold it and went through all the different approvals and she does have to say that IESI was the best to work with over the years. She also remembers the last time you did your expansion how you got your increased tonnage was you threatened to sue us as there was a deemed approval on some application. To get rid of the lawsuit, we had to increase daily tonnage. That was how we got to the increased tonnage. Like Attorney Treadwell said, we can't look at it as landfill, we have to look at it as all the other uses for a map change and she's having real issues with doing this because she knows it all going to be landfill and to her, the out-of-state trash is over 70%. There's really not much we can do about that. It was supposed to be used as part of the local trash. She always wonders where is our garbage eventually going to go. She has concerns. She wanted to put that on the table.

Mr. Kern said we all have concerns, and that's why we asked staff to come up with an analysis of the pros and cons which is a focus of the discussion. Attorney Treadwell said you need to look at this in terms of potentially rezoning some of this area without regard to what the landfill plans to do or does not plan to do. Mrs. deLeon said she understands him, but the last two times we rezoned, she did think about that and she did not support an expansion. Attorney Treadwell said he's really not addressing it towards her because she brought it up, he's telling the rest of Council that you really need to look at it in a vacuum as you really don't know what may happen next year or however many years down the road with the landfill. There is the potential that if the landfill does not expand, that you will still have this area zoned for light industrial and zoned for the uses that are permitted in the light industrial area. On the other hand, there's the possibility like Mrs. deLeon said, it could be all landfill one day. You need to keep both of those factors in mind.

Mr. Maxfield said if we are looking at the aerial, the parcel all the way to the east, with tanks on it, is Columbia Gas? Attorney Treadwell said he believes the property line starts at the landfill line and goes east to the white line, so it's a pretty big chunk. There's a pipeline or transmission lines that go through the middle. Mr. Maxfield said those are pipelines? Mrs. deLeon said the tanks? Mr. Maxfield said he wonders what zoning district that use falls under right now? Mrs. deLeon said it's RA. Mr. Maxfield said he knows it's RA now, but he's saying if we were to have that use now and somebody to apply for the Columbia Gas use of storage tanks and pipelines, where would we put it in our zoning map? He's thinking do we need to zone this particular little parcel light industrial if something like light manufacturing will handle that use and make it conforming? Attorney Treadwell said he doesn't know the answer to that specifically. It's obviously something that can be looked at as to whether it should. You wouldn't want to throw a light manufacturing out there in the middle as it would be the only parcel zoned light manufacturing. Mr. Maxfield said right, it doesn't attach to anything. We would be opening the door for anything we don't want there if we make it light industrial. Attorney Treadwell said that's part of the reason to have these discussions as if you do make it light industrial, any use that is permitted in light industrial can propose to go there. Mr. Maxfield said even though it's non-conforming, we may gain by just leaving it as it is? Attorney Treadwell said you could leave it as RA. Mrs. deLeon said that's all one parcel? Attorney Treadwell said yes, it's all one big parcel at the moment.

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Mrs. deLeon said the boundary line between IESI's large parcel and that particular Columbia Gas parcel, if you go three-quarters up the line towards the Lehigh River, and again, if you ever can't find it, go to TW-9. There was a monitoring well that was there and it's not there anymore and it was right on the edge of the property and she used to remember the chemical that was in there. It was the highest level of whatever. Something happened, and this was before you guys, but something happened to that well and they stopped monitoring it. It was unbelievable because it showed the highest levels of this one chemical. It's like what is over that boundary line. She knows all this and remembered it all.

Mr. Kern asked if anyone in the audience wanted to speak? Mr. Allan Johnson said he's a member of the Lower Saucon Township EAC and Watershed Association. Because he's interested in the things that these organizations are concerned with, he monitors the flooding on Applebutter Road in the Bethlehem section down near the sewage treatment plant. The last couple big storms we had, he observed down there, at the flood waters, across Applebutter Road, and the last time he was there, one of the people who live along Applebutter Road was sweeping water off of his pavement and he thinks he was pumping it out of his basement. Any increase of impervious surface, anywhere in the proposed zoning change area, would cause additional stormwater runoff. His question is that in the residential areas now-a-days, any residential development, they have to keep the stormwater runoff infiltrated into the land on the area where the development is. He was wondering if that was the same requirement for light industrial and light manufacturing zoning areas, and if so, would any underlying carbonate geology prevent stormwater from being infiltrated into the ground on the area of the development? Mr. Kocher said there is no distinction in the stormwater ordinance between residential and commercial, so the same standards apply. There is testing you can do in carbonate geology that the State accepts to allow infiltration.

Harry Gerstenberg, 2219 Applebutter Road, said there are restrictions. If it's within, it must stay within their own property and filter down into the ground wherever it goes, but not to be run off and override the stream that goes down. He does feel if you propose to change the zoning, it's a positive thing as a community we need to have those industrial places as well. He wants to make sure we are concerned about the environment and the people as well.

Mr. Kern said what would be a logical next step in the process? Attorney Treadwell said as he stated earlier, this was a preliminary study prepared by the staff. If you want to move forward in the direction of rezoning the properties in the area shown within the white line, the next step would be to send it to your Planning Commission to get their comments and their thoughts. They might have ideas about not rezoning the tank farm or they could have ideas about extending it further west, farther south, or whatever. Your next step would be to get your own Planning Commission's idea at some point. If the process goes forward, it would have to go to the LVPC, but he thinks you'd want to have your Planning Commission's thoughts and ideas so it's all one comprehensive, cohesive proposal if that's what it turns into before it goes to the LVPC.

Mr. Maxfield said the zoning figures that Attorney Treadwell said about how much LM we have right now, can he go over that again? Attorney Treadwell said 447 total acres of LI and LM combined; 320 acres currently being used. There's 127 acres left of either LI or LM that is vacant. Mr. Maxfield said he doesn't know how much LM there is, but if we rezoned within the white line, we'd be losing a big chunk. He was wondering how much would be left after that? Attorney Treadwell said one of the things if you proceed forward with this concept, that we would also be looking at is the only difference between LM and LI is there are a couple more uses permitted in LI than there are in LM. Even if you were to change all of your LM to LI, the only thing you'd be doing is potentially increasing the opportunity for a couple of uses. You are not taking anything away. Anything you are allowed to do in LM now, you are allowed to do in LI, he believes, or fairly close to that, and quarrying are two of the uses you are allowed to do in LI, but not in LM.

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Mr. Kern said in the interest of due diligence, it's probably a good idea to move it on to the Planning Commission and get their review on this. Mr. Maxfield said the PowerPoint was very informative and he wanted to know if that could be presented to the Planning Commission. Attorney Treadwell said sure. Part of this if we are going to consider a map change, there are also some text changes that you might want to consider as well which includes looking at whether you want some of the uses to be conditional uses, special exception uses, those types of issues. Because of the environmental protection restrictions you currently have in your zoning ordinance, that may not always be compatible with industrial zoned property, you may want to look at some text changes that would allow for a future user to substitute some of the land it's going to use, using up some of those environmental resources with other land, those types of trade off ideas. If it's going to proceed forward, he would suggest you authorize this staff again to come up and look at some of those text changes as well as the map changes because if it's going to the Planning Commission, it might as well go as a whole package instead of piece meal. Just because it goes to the Planning Commission, doesn't mean anybody has signed, sealed and approved it. The Planning Commission can make changes, and it'll come back here. Mr. Horiszny said do we need a motion for that? Attorney Treadwell said you would need a motion to send it to the Planning Commission and have the staff prepare the proposed map amendment and text changes.

- MOTION BY:** Mr. Horiszny moved that Council approve sending it to the Planning Commission and have the staff prepare the proposed map amendment and text changes relating to the IESI Bethlehem Landfill.
- SECOND BY:** Mr. Willard
- Mr. Kern asked if anyone in the audience had any comments? No one raised their hand.
- ROLL CALL:** 4-1 (Mrs. deLeon – No)

Mr. Maxfield said could we also at some point in time, and he's thinking about infiltration and things like that, forward some of these things to the EAC. He doesn't know that it's a zoning issue for EAC, some of the specifics, but maybe for later on.

C. APPROVAL OF MODIFIED 2012 CONTRACT WITH CENTER FOR ANIMAL HEALTH & WELFARE

Mr. Kern said the Township has received a "modified" 2012 agreement from the Center for Animal Health & Welfare for animal control services which the Manager is recommending that Council approve.

Mr. Cahalan said he had reported at a previous meeting that he was in touch with Dan Roman who is the Treasurer of the Center for Animal Health & Welfare and as you recall, we did approve a contract with that facility for stray animals and we were reluctantly forced to accept conditions that would have allowed residents, as well as police officers, to drop off animals and also would have allowed cats to be dropped off in addition to dogs. There are no other options for us, so he recommended that Council approve that. We got a call from the Center apparently because of the reaction to the change in policy. They agreed to modify the conditions and this contract in front of you does allow us to restrict the drop offs to police officers only and also to dogs only. We basically have an agreement to what we previously had in the last five years with this facility. The fees stay the same. It's \$150.00 per animal. It gives us more control over what animals get picked up and dropped off at the Center.

- MOTION BY:** Mr. Maxfield moved for approval of the modified 2012 contract with the Center for Animal Health & Welfare.
- SECOND BY:** Mr. Horiszny
- Mr. Kern asked if anyone in the audience had any comments? No one raised their hand.
- ROLL CALL:** 4-0 (Mrs. deLeon – Absent)

D. UPDATE ON REPAIRS AT HELLER HOMESTEAD

Mr. Kern said the Manager will update and review the status of repairs on the Heller Homestead buildings including the Root Cellar; the kitchen roof on the main house and the proposed oil furnace conversion.

Mr. Cahalan said the first thing he can talk about which is included in here is the oil furnace conversion and he can inform Council that he doesn't have an update on that. They are waiting for figures from UGI with the cost of doing the connection. He doesn't have that information. There is no update on the proposed oil furnace conversion.

Mr. Cahalan said on the kitchen roof repair, Council had authorized at a previous meeting to approve Alan Kunsman to go up and fix the roof on the back of the house. It's a flat roof. That amount was \$4,470.00. We assumed it would be to just replace the rubber roof and to do some caulking. As it turned out, it was much more than that. Mr. Kern said it's an old house and he's not surprised. Mr. Cahalan said there is a report that was prepared by Chris Argall of Hanover Engineering. When they did this repair, they asked that someone from Hanover Engineering be on site. They wanted to look at issues where there has been some displacement. They did an elevation survey of the rear portion. They saw some minor changes in that, but they wanted to take a look at the roof. They were on site as well as Jerry Holum, who is from Saucon Valley Conservancy. They discovered that there is a beam that runs north-south on the roof and it was cracked and it was sagging. They were on the spot trying to consider how that could be prepared before the roof was covered up. One of the ideas they considered was whether they needed some sort of a support column that would have to go down through the kitchen to the ground floor which would have made major upheavals with the interior of the Heller Homestead. Chris from Hanover went back and designed a channel beam and came up with the idea with Jerry Holum and Public Works of attaching this beam with straps to the wooden beam that was compromised and that was done that day. It was strapped in and that restored the integrity of that beam as far as supporting the rear roof. That was covered back up. The roof repair is finished. It's going to cost more than \$4,470.00. He doesn't have an invoice from Kunsman at this point, but he thinks the repair was successful. It should drain properly. They are going to be checking that. The one thing they did make a decision on was that Council had asked for a gutter to run along the rear of the house and they decided because of the way the roof is now pitched, that was not necessary. There is no gutter that runs behind the whole house. That's taken care of. Mrs. deLeon said she was always under the impression that whenever she went up the hill and looked at the roof by Society Hill, she always saw a dip in the roof, and she always thought it was a little baby swimming pool up there. That's why she wanted the gutter, but after they did the work and she was able to go take better pictures, it's definitely flat now. There's no way that would be necessary.

Mr. Cahalan said the third one was the root cellar. There were several things that have been going on with the root cellar. The two issues were the filling of the voids in the interior of the root cellar and then putting on a tack coat and a whitewash and Council authorized Andy DeGruchy to do that work. Council approved a total of \$2,470.50. Mr. DeGruchy was on site twice. He did encounter some moisture problems in the basement. He did the filling of the voids and came back after it dried up somewhat and put the tack coat on. He understands he will wait a little bit for that to dry and will come back and put on the final whitewash.

Mr. Cahalan said the other job that you approved was the replacement of the roof on the structure and you'll recall there was a discussion; first of all, should we replace it with an asphalt roof. Finally you decided to slate on it and the slate tiles that were removed from the Herman House on Polk Valley Road were transported over there and Marcus Brandt agreed to do some volunteer work and ask for a payment of \$700.00 for the slate roof repair which Council did make a motion to authorize that. When he removed the asphalt shingle roof, he discovered there were problems with the wooden beams that were supporting it. We came back to a meeting and had a discussion

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about replacing those beams and talked about who could do that, whether it could be Public Works or we could use wood that we have stored here at the Township, and ultimately, it was the consensus that we would allow Marcus Brandt to do that fix and to install new wood rafters. We went back on the minutes and Council did not take a vote on this. He understands that there was a discussion about them doing it, but there was no motion authorizing to pay him. Mrs. deLeon said we didn't approve the \$1,200.00? Mr. Cahalan said we had another discussion about the \$700.00 and it would have almost been \$1,450.00, but he can't find a motion about paying him for that work. He will stop here and let Mrs. deLeon update you. The wood timbers are in place and he has done that portion of the framing. The slate has not been installed yet.

Mrs. deLeon said she wanted to show the inside of the root cellar. When they got there that Monday or Tuesday, the night before it had rained unexpectedly and there was just water gushing out of everywhere down there. They tried to dry the area and then they were trying to fill in the crevices in the ceiling and you'll see the pictures. That ended up being the tacky coat being put on because they couldn't do what they wanted to do as it was so wet down there. They did the tacky coat and on that picture you can see the water dripping down the sides. That was on Saturday. Andy came back to visit the Homestead and was able to get the stuff that had deposited on the bottom and pushed it back up. It was so wet that the stuff just plopped out of the ceiling. It makes a big difference down there and as soon as this dries, he'll be back.

Mrs. deLeon said they are going to show you the pictures and you can see the roof is off. When you look at the A-frame, the A wasn't exactly the same distance on both sides. The one side was elongated so when he put the beams down, he needed lime and sand to attach the wooden beams to the cement wall and they had to go out and get lime and sand, and they came back and put the beams down and he had beautiful cut out work so they would all line as you will see how he did the ends. Then they put the rafters in and when they got to the A-frame, it was all cockeyed. He couldn't do it, so he had to start taking stones out to fit it in the A-frame. You can see him laying the beams and the detailed work he is doing. You can see the distance above the stone wall and where the wood meets, there was always a gap. He had to fill that gap in. These last couple of pictures were taken last night, and you can see where the wood meets the wall, that gap. The next picture, there's a gap on both sides of the white door. On the next picture, you can see how that's all missing. The old pictures of the root cellar, if you remember where the front A-frame was, it was wood and it was etched out so the door was cut out into it and the sides came down. It covered the gaps. If you look at the pictures, you'll see that the front wood actually had trim along the side. This whole area would have a piece of trim. It's actually where the beams rested into it. Marcus was asked to duplicate what was there and he didn't want to. Now we're at the dilemma of what Council wants. Do you want the looks of the existing root cellar before we started taking it apart so we can tell Marcus what to do? Mr. Kern said the white mortar in this picture, that will extend all the way around and we're not sure whether he has any intention of matching any of the brown mortar below it. He doesn't think anyone has communicated with him as to whether he's planning on doing that. Mr. Cahalan said Marcus mentioned he had some finish work to do on all the stonework and on those areas. He doesn't know what color he is proposing. Mrs. deLeon said he did not put a dye or color in the mortar. Mr. Cahalan said he also asked him if he intended to have the wood trim come down to cover those areas and he said no, because he wants the rail or the plate of the beam to be exposed. Mr. Kern said if you go back one picture, what you see there, that white area is going to extend below that beam all the way around the perimeter of the structure on all three sides. Mrs. deLeon said if you look at this picture, the previous void was covered. Mr. Kern said the white trim you see used to cover that. Mrs. deLeon said it's pretty much easily to say Marcus was hired to replace the roof as it is, and not really make any changes. We didn't want to restore it back to an earlier period. We wanted him to put a roof on that looks like the old root cellar. That's not happening. The other point is we're really doing more things than what PHMC approved, so she thinks PHMC needs to be called. She'll be more than happy to call Karen Arnold and explain what happened and see what she wants to do. No stonework was supposed to be done.

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It was just to replace the wood. She's looking for direction to see what Karen says and to tell Marcus that we're waiting to see what PHMC says.

Mr. Horiszny said for one thing, Marcus can complete the roof without doing the ends anyway, right? Mr. Kern said and put the slate on, right. Mr. Horiszny said the peak ends are going to be different. They weren't going to be slate anyway. They are wood of some type. Mr. Kern said although with the slate roof on, it would be easier to work on the sides. Mr. Horiszny said are they supposed to breathe under those eaves like most eaves. Do they need to be filled in to the top or should there be a gap? Mrs. deLeon said when you say that, are you talking about when the roof comes down? Mr. Horiszny said on the sides. Mrs. deLeon said in-between the rafters? Mr. Horiszny said the whole side. The eave hangs over. Behind there, you are saying there's a gap. Maybe there's supposed to be a gap under there so the whole thing breathes. Mrs. deLeon said that's how the other one was if she is understanding you, inside here you could stick your hand through there and go to the outside in the old one, is that what you mean? Mr. Horiszny said he thinks that's intentional. Mrs. deLeon said yes, that's what we want. We want it back the way it was. Mr. Kern said prior to the removal of the roof, those rafters were boxed in and there was siding coming down covering that gap that's now there. That gap is going to be filled with white masonry and fill in stones. White masonry just as you see there as it stands now. Mr. Horiszny said should it really be there on the side or are the eaves supposed to breathe? Mrs. deLeon said Mr. Horiszny is talking about something different than what Mr. Kern is saying. He's talking about like if you were building a house and you looked up and they would put the soffit in so the eaves would breathe. There were air gaps there as she could stick her hand through it. That's what we wanted. We wanted it to breathe. Mr. Kern said that's a separate issue. That has nothing to do with what we are talking about here. Marcus is saying, based on what the information he's gotten, that he is not going to extend the framework down to cover that white. He is not going to do that. That's not how barns are done, is the information he got. That gap is normally revealed, so he is going to take the wood down to the bottom of the beam, that's it. You are going to see that unless he gets further instruction. Mrs. deLeon said you are going to see the gap on three sides. Mr. Kern said you are going to see it apparently in white, non-technical color. Mrs. deLeon said on the top of the door there was a cutout, he didn't want to do that either. She said you have to put it back the way it looked. We don't want to change the characteristics. Mr. Horiszny said like in this picture? Mrs. deLeon said yes. Mr. Horiszny said the door was mounted in front of that beam. Mr. Kern said that door is actually cut out. The white comes down which puts it below the door.

Mr. Maxfield said the whole thing whether barns are done like that has nothing to do with the fact that this is the Heller Homestead. These were changes that were historical made by people who lived in the Heller Homestead. It would be nice to have a time machine, but this is the way we asked him to do it and he shouldn't be dictating to us how it is going to be done. If he doesn't want to do it the way we want it done, the way it's supposed to be done, the way we voted to have it done, then get somebody else to do it. Mrs. deLeon said she appreciates that. If we wanted to do research on how the root cellar was years ago, we would have hired a professional preservation firm. They would have done the research. Mr. Maxfield said for all we know, these were changes that were made by someone who was having a moisture problem. Mrs. deLeon said right. We don't want to have another moisture problem.

Mr. Horiszny said the other question is, what does that have to do with the roof? You can still put the roof on and then you can worry about the ends and the under soffit. If you put slate on there, it ought to keep most of the rain out. Mr. Kern said the picture and the gap, that extends that way, so whatever remedy is decided by Council, with the white mortar, you need to handle that and put the roof on. Mr. Horiszny said you are saying you don't want the white? Mr. Kern said personally he doesn't. He would like to it at least match. Mrs. deLeon said it has to be the color of what was there. Mr. Horiszny said you aren't going to see it in there, only in the front, only in the back. Mrs. deLeon said you will see it on the A-frame in the back, in the stone. Mr. Horiszny said but not on the side. Mrs. deLeon said right. Mr. Horiszny said it will be covered by roof and soffit.

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Mr. deLeon said a piece of wood trim that goes around the sides. Mr. Kern said the white front came down below that. Mr. Horiszny said he's saying the front doesn't matter right now, we want to get the slate roof on. You can do that without worrying too much about the front. Mrs. deLeon asked if Mr. Horiszny could meet her out there on Friday? He said he would be out-of-town. Mrs. deLeon said she'd like to have him explain what he means about that ventilation. Mr. Horiszny said just a gap under the eaves, so it's protected from the rain, but not the air going out. Mrs. deLeon said that's how it was before. Mr. Horiszny said if you want it solid, then it probably should be done before the slate roof is on even though he would think you could do it from the inside. Mr. Cahalan said it sounds like you'd need more time to check with PHMC. You may want to have some of the Council members come out and look at it and give some input. He has informed Mr. Brandt to stop work on the project. He will talk to him tomorrow. You did authorize the payment for the slate roof, but that's not done, and we don't have an invoice, so it can't be paid. The last meeting was September 21, 2011 and he doesn't have any approval for Mr. Brandt for the wood beam work that he did. Mr. Cahalan said he thinks the wood was donated. Mrs. deLeon said he donated a lot of things. She has much appreciation, not only to Public Works, but Hanover and everybody, Roger, Jerry Holum, Laura Ray, and Debra Mellish, who really worked, and also Marcus. If you go on the Conservancy's website, later on, you can see the pictures better. She does have to say thank you as they really worked hard. On the other hand, we just want to make sure the job is done right, and want a motion to reiterate back to September 21, 2011.

Mr. Cahalan said it was for \$700.00. We were talking about \$1,400.00 - the previous \$700.00 for the slate roof and then another \$700.00. The minutes said "Mrs. deLeon said he was volunteering his time and the \$700.00 was for materials". That was for the slate. Then they go to the second phase, which is doing the rafters. Then the next discussion is a total of \$1,400.00.

- MOTION BY:** Mrs. deLeon moved for approval as stated above by Mr. Cahalan, provided that we figure this out with PHMC, and without changing the characteristics of the root cellar, and in the style determined by Council.
- SECOND BY:** Mr. Maxfield
- Mr. Kern asked if anyone in the audience had any comments? No one raised their hand.
- ROLL CALL:** 5-0

Mr. Cahalan said he'll tell Mr. Brandt tomorrow to hold off until he gets further direction from the Township. Mrs. deLeon said other Council members let her know when you can go out to the site. Mr. Horiszny said he could go Friday. He'd like Mr. Kern to go also. Mrs. deLeon said can three Council members be there without advertising it? We have a motion now and direction for Council to go out there, do we need a motion if three people want to go out there? We can only have two people. Mr. Kern said that is fine. Mrs. deLeon said this was very complicated. We can do a conference call to PHMC. Mr. Cahalan said okay.

**E. REVIEW OF BID RESULTS FOR HELLER HOMESTEAD WINDOW/DOORPAINTING
- BID ADVERTISEMENT**

Mr. Kern said bids for the window and door painting at the Heller Homestead were opened on March 9, 2012. The Manager will review the bid results with Council.

Mr. Cahalan said they were opened on March 9th. Two bids were received, and we did ask them to give us two costs. One was for a paint schedule we called "A" and that included a one prime coat and two finished coats. This was for the windows and doors at the Heller Homestead building, the exterior. The paint schedule "B" called for two coats of the Benjamin Moore primer and two finished coats of the Benjamin Moore paint exterior semi-gloss. Two bids were received. The low bid for Schedule A was \$11,880.00. That was from Walt's Professional Painting, Inc., 2718 Hawthorne Road in Glenside, PA. Under Schedule B, the low bid was \$12,870.00 and that was also from Walt's Professional Painting, same address. Mr. Kern said that included getting the sills

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and frames down to the bare wood? Mr. Cahalan said yes. That was part of the scope of work they bid on. Mr. Horiszny said do we have to decide if we want "A" or "B"? Mr. Kern said "B" looks pretty darn good for almost twice the painting work and two coats of primer and top coat are going to last forever. Mrs. deLeon said it was less expensive than the other people we had to pay. Mr. Willard said is it unusual to have bids that are this discrepant? This seems more than double? Mr. Cahalan said we have had some experience with this on fencing on the Rail Trail. There was a very high bid, and then low bids. They did have an opportunity to come out and look at the building and to pay a visit and check it out. They gave their best estimate on what we asked for.

- MOTION BY:** Mr. Horiszny moved that we accept Walt's Professional Painting bid on Schedule B of \$12,870.00.
- SECOND BY:** Mr. Willard
Mr. Kern asked if anyone in the audience had any comments? Mrs. deLeon said we have to watch these people also.
- ROLL CALL:** 5-0

F. RESOLUTION #41-2012 – ADOPTING POLICE PAY SCALE FOR PART-TIME EMPLOYEES

Mr. Kern said Resolution #41-2012 has been prepared to adopt the pay scale for part time officers in accordance with the policy that was adopted in 2009 and for full-time officers as a result of the Collective Bargaining Agreement that was approved on March 7, 2012.

Mr. Cahalan said we announced the approval of the bargaining agreement with the full-time officers at a previous meeting and Council did adopt a policy in 2009 that when those pay scales in that contract increased, the part-time officers, which we have five of those in the Township, their pay scale for an hourly rate would increase also, and this resolution documents that the minimum pay scale for full-time officers with the approval of the recent contract, went to \$25.94; therefore, 80% of that based on the policy for the part-timers would be a minimum of \$19.67.

A RESOLUTION ADOPTING A PAY SCALE FOR THE YEAR 2012 FOR TOWNSHIP FULL-TIME AND PART-TIME POLICE OFFICERS

WHEREAS, the Council of Lower Saucon Township adopted a policy effective September 1, 2009 that the hourly wage for part-time officers employed by the Lower Saucon Township Police Department shall be tied to the wages of the full-time officers rather than the non-uniformed employee contract; and

WHEREAS, this policy specified that the hourly wage for these part-time officers shall be set at 80% of the beginning hourly rate for full-time officers; and

WHEREAS, the Council of Lower Saucon Township approved a collective bargaining agreement for the period 2012-2014 with the full-time uniformed police officers on March 7, 2012; and

WHEREAS, the Council of Lower Saucon Township wishes to maintain equity between full-time and part-time police officers of the Township in regard to wages; and

NOW, THEREFORE, BE IT RESOLVED, and it is hereby resolved by the Council of Lower Saucon Township that the following pay scale is hereby established for the year 2012 for full-time and part-time Township uniformed police officers, and that the Township Manager is hereby directed to implement same, retroactive to January 1, 2012:

PAY SCALE FULL-TIME

<u>MINIMUM</u>	<u>MAXIMUM</u>
\$25.94	\$33.06

PAY SCALE PART-TIME

<u>MINIMUM</u>	<u>MAXIMUM</u>
\$19.67	\$20.76

MOTION BY: Mr. Horiszny moved for approval of Resolution #41-2012.
SECOND BY: Mr. Maxfield
Mr. Kern asked if anyone in the audience had any comments? No one raised their hand.
ROLL CALL: 5-0

G. RESOLUTION #42-2012 – AUTHORIZING SUPPORT OF SPRINGFIELD TOWNSHIP DCNR GRANT APPLICATION FOR HANS REIMANN

Mr. Kern said Resolution #42-2012 has been prepared authorizing support of Springfield Township’s DCNR Grant application for funding the acquisition of open space interests in the Reimann property located at 2915 Springtown Hill Road. Mr. Kern read the resolution.

RESOLUTION AUTHORIZING SUPPORT OF SPRINGFIELD TOWNSHIP DCNR GRANT APPLICATION FOR FUNDING FOR ACQUISITION OF OPEN SPACE INTERESTS IN REIMANN PROPERTY

WHEREAS, the Hans Reimann property, located at 2915 Springtown Hill Road, Springtown, PA, in Springfield Township, is a 14-acre parcel that is bisected by the Bucks/Northampton County line; and

WHEREAS, the Lower Saucon Township EAC has recommended that the Township partner with Springfield Township and consider acquiring a conservation easement on the 5.6 acre portion of the Reimann property that is in Lower Saucon Township; and

WHEREAS, Lower Saucon Township supports Springfield Township’s submission of a grant application to the Department of Conservation and Natural Resources (DCNR) for funding to defray the costs of acquiring a conservation easement on this property; and

WHEREAS, Lower Saucon Township agrees to share the costs that are necessary for this acquisition with Springfield Township; and

NOW, THEREFORE, IT IS RESOLVED THAT:

1. Springfield Township will act as the applicant/grantee for the DCNR grant.
2. Lower Saucon Township will be obligated up to \$11,760.00 of the matching funds required for the DCNR grant.
3. Lower Saucon Township will be obligated to pay 40% of the soft costs required for this acquisition not to exceed \$7,600, if the easement is acquired by Lower Saucon Township.

MOTION BY: Mr. Horiszny moved for approval of Resolution #42-2012.
SECOND BY: Mr. Willard
Mr. Kern asked if anyone in the audience had any comments? No one raised their hand.
ROLL CALL: 5-0

VI. MISCELLANEOUS BUSINESS ITEMS

A. APPROVAL OF MARCH 7, 2012 MINUTES

Mr. Kern said the minutes of the March 7, 2012 Council meeting have been prepared and are ready for Council's review and approval.

Mr. Horiszny said he has a question on page 3 of the minutes, line 27, it says moved to approved the uniform contract, and it should probably say in capital letters "Uniformed Personnel" contract. Mr. Cahalan said that's how we normally refer to it, but we can capitalize it if you want to. It's uniformed contract and then non-uniformed contract.

Mr. Horiszny said on page 3, line 46, is another motion. He wonders if we should include the amount of \$2,470.50 in that motion? Mr. Cahalan said he believes Mrs. Miller asked what was the amount and Mr. Cahalan read out \$2,470.50, so it's down below. Mr. Horiszny said that's good enough? Mr. Kern said that will do it.

Mr. Horiszny said on page 9, line 46, it says "Mr. Horiszny amended his previous motion and stated that the Saucon Rail Trail Oversight Commission have the ability or permission requirement to review and approve events and inform us prior to the events occurring." Instead of "ability or permission" it should be "have the authority to review and approve special trail events and inform us prior to the events occurring." To say they have the ability and permission requirement is not right. Mr. Maxfield said he likes "authority".

Mr. Horiszny said on page 14, line 25, where it says Executive, it should be **execution** of the grant.

MOTION BY: Mrs. deLeon moved for approval of the March 7, 2012 minutes, with corrections.

SECOND BY: Mr. Maxfield

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

ROLL CALL: 4-1 (Mr. Horiszny - No)

B. APPROVAL OF FEBRUARY 2012 FINANCIAL REPORTS

Mr. Kern said the February 2012 Financial Reports have been prepared and are ready for Council's review and approval.

Mr. Horiszny has a question on Item 66008, Service Electric Cable bill, didn't they agree to give us cable when we approved the rate structure? Mr. Cahalan said we did, that's been in place and the TV out in the hallway. We do have to pay for it. Mr. Horiszny said maybe they gave it to the fire companies.

MOTION BY: Mr. Horiszny moved for approval of the February 2012 Financial Reports.

SECOND BY: Mr. Maxfield

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

ROLL CALL: 5-0

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

VI. COUNCIL AND STAFF REPORTS

A. TOWNSHIP MANAGER

➤ Mr. Cahalan said the Regional Police Study, he informed Council, they are ready to present that. It looks like it will be the week of May 21, 2012, and unfortunately; the time will have to be around 4:00 PM. He explained the constraints DCED has on themselves with

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the State budget. Hellertown Borough has indicated they would prefer the 22nd, 23rd or 24th, which is Tuesday, Wednesday or Thursday of that week. He is still checking with Chief Lesser to confirm he's available. If you can let him know what your preference is, he will then work on a schedule he got from Ron Stern from DCED. Hellertown prefers Tuesday, Wednesday or Thursday of that week. He will set up and advertise the meeting.

- Mr. Cahalan said the adoption of the Saucon Valley Recreation Partnership at the last meeting that calls for the appointment of representatives, we have had four representatives that Council appointed, John Landis, Dave Spirk, Glenn Kern and himself. He's asking that you approve John Landis and Dave Spirk to be appointed as the two representatives and Glenn and himself to be appointed as alternates for the remainder of 2012 to the Saucon Valley Recreation Partnership.

MOTION BY: Mr. Maxfield moved for appointment of John Landis and Dave Spirk to be appointed as the two representatives and Mr. Kern and Mr. Cahalan to be appointed as alternates for the remainder of 2012 to the Saucon Valley Recreation Partnership.

SECOND BY: Mr. Maxfield

ROLL CALL: 5-0

- Mr. Cahalan said there's a letter in your packet from the landfill consultants. They prepared comments to the report we received from the landfill as the minor permit modification Cell 4E, that was dated December 2011. They would request Council's approval to submit those as Township comments to DEP.

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

SECOND BY: Mrs. deLeon

ROLL CALL: 5-0

- Mr. Cahalan said at the last EAC meeting, the EAC made a recommendation to Council asking you to write to our State representatives stating they would like to have the Keystone Grant funding restored in the 2012, 2013 State budget. They pointed out this type of funding was used to defray the cost of improvements at our parks, and it's very critical to the community. They are asking for Councils' approval for staff to prepare a letter to the State representatives to that effect.

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

SECOND BY: Mr. Maxfield

ROLL CALL: 5-0

- Mr. Cahalan said we were just advised today by the lawn mowing contract that we used last year indicating they are financially unable to do that. We anticipated that they would continue under a renewal agreement for this year. We would like Council's approval to advertise a bid for lawn mowing services which we will get out immediately and we will have the results back to you at the April 18, 2012 Council meeting. We need approval to advertise a bid for lawn mowing services.

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

SECOND BY: Mr. Horiszny

ROLL CALL: 5-0

B. COUNCIL

Mr. Maxfield – No report

Mr. Willard – No report

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Mr. Horiszny

- He said he and Allan Johnson walked the Dravec land again on Sunday. They think they have the southern boundary limits marked, which is high on the hillside. They will try for other flags later. Mr. Johnson said (Could not hear him).
- He said he attended a Pennsylvania Municipal Authority Association meeting for the Lower Saucon Authority and got some comments on the Right to Know law. You get five days to respond and if you have any concerns, you need to raise them or you waive your chance to do it.
- He said in the PSATS magazine for March, on page 28, there's an article on Google Earth Offers a Cost Effective Alternative to Traditional Mapping and Planning. It's pretty interesting and written by Rick Trailes. We know the author and you may want to look at the article. Ms. Mallo said Rick's wife is expecting their first child.

Mr. Kern – No report

Mrs. deLeon

- She said the breakfast connection the Chamber is holding on Thursday, March 29th, at the Hellertown Diner at \$10.00 a person, 7:30 AM to 9:00 AM.

Jr. Council Person

- Jameson said the fences that were put up along the bike trail are very lovely.

C. SOLICITOR

- Attorney Treadwell said he'd like to have a brief Executive Session and then come back as Council may want to vote on something.

D. ENGINEER – No report

E. PLANNER – No report

**Council recessed at 10:20 PM for an Executive Session.
Council reconvened at 10:34 PM.**

Attorney Treadwell said Council had an Executive Session to discuss a personnel issue and also the potential for joining with Hanover Township and any other municipality who may chose to get involved in challenging the Allentown Neighborhood Improvement Zone legislation. If you would like to join with Hanover Township, you would need a motion to approve joining with Hanover Township in challenging the Neighborhood Improvement Zone (NIZ) legislation for the City of Allentown subject to working out the details on any financial contributions and control of the litigation process.

MOTION BY: Mr. Horiszny moved for approval to join with Hanover Township in challenging the Neighborhood Improvement Zone (NIZ) legislation for the City of Allentown subject to working out the details on any financial contributions and control of the litigation process.

SECOND BY: Mr. Maxfield
Mr. Kern asked if anyone in the audience had any comments? Ms. Miller said this came up in a discussion at another meeting. What is the financial impact to Lower Saucon Township that we feel it's necessary to pursue this avenue? Attorney Treadwell said Lower Saucon Township has asked the City and the tax collectors to provide the Township with the financial impact and they have been unable to do so as of yet. Ms. Miller said this is in the change of the EIT for the Lower Saucon residents that are going to work in Allentown. Attorney Treadwell said people who work in the NIZ neighborhood now, would have their earned income tax used to finance the construction of any projects within that zone as opposed to coming back to Lower

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Saucon Township. Ms. Miller said that's what she had heard. Attorney Treadwell said including the open space EIT tax that the voters of Lower Saucon approved. Mr. Kern said the reason he is going to vote yes for this is he thinks the whole concept is illegal to take our taxpayer money, especially our open space money to be used for this purpose is just not correct.

ROLL CALL: 5-0

VII. ADJOURNMENT

MOTION BY: Mr. Maxfield moved for adjournment. The time was 10:37 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 C. Kern
President of Council