

**I. OPENING**

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

**II. PUBLIC COMMENT PROCEDURE**

**III. PRESENTATIONS/HEARINGS**

- A. Dimmick Park Stage Committee Progress Update
- B. Clover View Development – Richard Brooks – Brooks Development
- C. Ordinance No. 2011-02 – Impervious Coverage – Public Hearing and Consideration of Adoption

**IV. DEVELOPER ITEMS**

- A. David Clair/Carla Chiapella – Waiver Request of Geothermal Regulations to Install a Vertical System
- B. T-Mobile Northeast – 1995 Leithsville Road – Conditional Use Decision and Site Plan Review
- C. BRE – Applebutter Road – Request End of Maintenance and Release of Security

**V. TOWNSHIP BUSINESS ITEMS**

- A. Resolution #35-2011 – Chamber’s Distinguished Service Award to Charlie Luthar
- B. Resolution #36-2011 – Phyllis Schnaible Merit Award to Andrew J. Stauffer
- C. Resolution #37-2011 – DCNR EGrant – Acquisition Funding for Saucon Rail Trail Access
- D. Resolution #38-2011 – DCNR EGrant – Funding to Install Composting Toilets
- E. Saucon Rail Trail Update
- F. Resolution #39-2011 – Public Hearing - Authorizing the Purchase of a Conservation Easement on a Portion of Lands from the Whitetail Bowman Archery Club

**VI. MISCELLANEOUS BUSINESS ITEMS**

- A. Approval of March 16, 2011 Minutes

**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 EAC Meeting: April 12, 2011  
Next Zoning Hearing Board Meeting: April 18, 2011  
Next Council Meeting: April 20, 2011  
Next Planning Commission Meeting: April 21, 2011  
Next Park & Rec Meeting: May 2, 2011

**I. OPENING**

**CALL TO ORDER:** The General Business & Developer meeting of Lower Saucon Township Council was called to order on Wednesday, April 6, 2011 at 7:07 P.M., at 3700 Old Philadelphia Pike, Bethlehem, PA, with Mr. Glenn Kern, President, presiding.

**ROLL CALL:** Present – Glenn Kern, President; Tom Maxfield, Vice President; Priscilla deLeon, Sandra Yerger and Ron Horiszny, Council members; Jack Cahalan, Township Manager; Leslie Huhn, Assistant Township Manager; Linc Treadwell, Township Solicitor; Brien Kocher, Township Engineer; Judy Stern Goldstein, Township Planner; and Jr. Council Member, Eubin Hahn.

**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 the Executive Session was to discuss the potential acquisition of three parcels of real estate. Two potential open space parcels and one potential rail trail parking type parcel.**

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

Mr. Kern said if you are on the agenda, you have Council and staff's undivided attention and we can discuss the agenda items with you thoroughly. At the conclusion of the discussion, we do open it up to the public for public comment for each individual agenda item. If you do speak, we ask that you use one of the microphones and state your name clearly for the record. We transcribe the minutes verbatim, accurately and fully. If you go on our website, you can see that. We want to make sure we get everyone's name in there and what you've said accurately. If you do want to receive future agendas, there's a sign-up sheet in the back where if you put your email address, we'll email them or mail them to you if you don't have an email address.

**III. PRESENTATION/HEARINGS**

**A. DIMMICK PARK STAGE COMMITTEE PROGRESS UPDATE**

Mr. Kern said Dr. Susan Ackermann from the Hellertown Enhancement Project would like to present Council with an update on the Dimmick Park Stage Committee.

Dr. Ackermann, President of the Hellertown Enhancement Project introduced Amy Basnage, the President of their Stage Committee. Dr. Ackermann said she put together a quick Power Point to give you information about their organization. They are going to talk about the history. They are a 501(c)(3) organization which began in 1977 with a group of neighbors who felt Hellertown needed some projects done. They thought that knowing the neighborhood as well as they did, they might be able to form a non-profit outside of the auspices of governmental agencies. In the past fourteen years, they have completed several projects. Their first project was the Town Center tree project. Their idea was who could hate a tree and they found out how many people can hate trees. They got a \$30,000.00 grant for trees and planted over 100 street trees on Route 412 because the urban canopy was decimated. Project No. 2 was the Hellertown Community Center Sr. Citizen program. They landscaped all the grounds, but they did it with the idea that the seniors wanted some planting areas for annuals, so they did some planters and little garden areas for them to work with. That, in combination with Girl Scouts, has worked out very well. The plantings are pretty well mature now

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and they also put some park benches in so they could sit there while they were waiting for pick-up. It was a mud pile before that point. The next project was the Hellertown Welcome signs. Before that, most of the boroughs and towns around the Lehigh Valley were not branded, and they thought this would be very helpful to establish an identity for the town, so they made hand-cut wood signs at all of the three main entrances to town - one on Water Street, to the north and south entrances on Route 412 and they also put up street banners which matched the logo that they used. The next thing they did was ghost wrote a grant for the Borough of Hellertown for PA Community Development, which is a block grant only available to boroughs and they were not willing to write it so they wrote it for them and submitted it, and it was a \$40,000.00 award they got which they matched it with \$40,000.00 in in-kind services and funding. That allowed them to put up ten street posts and lanterns. When they got the money, the Borough came back to them and asked them if they would do the whole Main Street and changing it over to the lampposts on the telephone poles, which they thought was a good idea. They are hopeful that sometime in the future they can go back and put the poles on so they will be free standing. The next thing they did is they ran tours of the gardens of Hellertown, which they are not only limited to Hellertown, but the Saucon Valley green space, just to show that what neighbors can do with their properties, and that was very successful. They brought a lot of people in from a lot of areas outside of the Saucon Valley to see what Hellertown and Saucon Valley can do. Their sixth program, which they have been concentrating on for eight years, is Second Sunday Music in Dimmick Park. Originally this was the reverse if you can build it, they will come. They decided they will come first and then you can build it because the Millennium Committee really hadn't been having much success with building a band shell so they started the program at the same time and it has grown quite a bit. The next thing they did was to participate in the COG projects and the DCNR master plan for Hellertown. That was a Borough plan. They first went for a master plan development which they succeeded in doing and getting funding for that and accomplished it. She's very proud to say that although she was the only Hellertown enhancement person in the meetings, and everyone else was sports-related people, they did identify the stage as the number one priority for Dimmick Park, which was very nice. Unfortunately, they did not get the second round of funding to build the stage. They were left with the Music in the Park, but with no stage. After about a year of doing this without any further plans for a stage, enough of the audience and Council members came to them and asked them if they could do something, so they decided to form a Dimmick Park Stage Committee. They are now meeting on a monthly basis. They also have participated in a lot of other things with the Chamber and the Business Revitalization program. They participated in the walkability study with PennDOT. They still run the Pride of Hellertown awards where they give one business and one residential property in Hellertown an award. The Chamber had them as their guest of honor at one of their dinner programs. Dimmick Park Music in the Park was started in 2004. Their first season they had two concerts in July and August, and they made all the food and served it. In 2009, they were tired of cooking food themselves for the hundreds of people, and they were approached by the Saucon Valley Lions who offered to not only cook the food, and serve it, but also donate all the proceeds to them. They approached the Hellertown Lions and the Rotary Club and convinced them to do the exact same thing. This is a very rare cooperative effort and they actually cried when it happened as they were so happy to have some help. They depend on selling the food to pay for the cost of the musicians. These musicians are not free musicians and come at a very large cost. In 2010, they expanded and now have four pre-shows and three main acts. Hopefully they will be able to continue that for the future years. They have a lot of partners which are: Young and Restless Travel Club, Hellertown Library Moms Clubs, the LV Chamber, the Arts Council, the Lions, the Rotary and the Farmers Market, which helps them in their advertising. They have had some major partners, like Molinari Oswald, an accounting firm; KNBT; PPL; Heintzelman's Funeral Home; and partners in the arts.

Ms. Basnage said they have started a Stage Committee and she is the Chair of that committee and wants to do their best to fundraise so they can build this stage. Their mission is to plan, raise funds and build the Dimmick Park stage. They have a 15-member committee and have chosen a design. They did secure a structural assessment. That was part of the previous master plan. That also included a budget and now they are entering that fundraising phase. In terms of fundraising, they

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have applied for or are in the process of many, many grants. They thought they would try to get the grants first instead of trying to go after individuals as they figured it would be the best approach.

Dr. Ackermann said you will see the budget and why they are writing grants as no one is going to step up to donate hundreds of thousands of dollars to their stage. This is actually not the complete list, but the majority of the list as they are going after fairly large organizations.

Ms. Basnage showed slides of what the stage looks like now. It's just a concrete slab on top of the bomb shelter. It is really a beautiful location. She's in the Bethlehem Municipal Band and they love playing in Hellertown. The park is fantastic, except when it's sunny and the band director can't see the musicians as the sun is gleaming. The middle picture is the preferred structure. They felt that fits best with Dimmick Park and with what Hellertown wants the image to be. They did come up with a Plan B, just in case they can't get the funding for Plan A. She showed the budget they came up with the master plan. Dr. Ackermann said this is a quote that is three years old. Ms. Basnage said they are in the process of getting updated numbers. The grand total, as it stands, they need \$200,000.00 to build this and prepare the site for the structure and have it installed. Hence, they are going after the grants first. Dr. Ackermann showed a drawing of the plan form 1937 and said there is a baseball field to your right and then groupings of blue islands and there is actually a spot that is designated for a concert stage, and that is the bomb shelter roof location. When this document was found buried in the garage in Hellertown's PW's area, it was quite a revelation to them that they are performing on the spot in 1937 that they had designated for a concert stage.

Ms. Basnage said they appreciate Council listening to them. Ms. Ackerman said they are aware of the interest of Hellertown to build a stage. That was back in the Millennium Committee's appeal to you in 1990, when you granted the \$5,000.00. Unfortunately, that committee is now defunct by quite a number of years. She has spoken to all of the people except for Tom Opsinaick. Over the years, she's talked to everyone else to assume that money from them and how best it would be done. Many of them had no idea where the money was. Now that they've located it, she's hoping that perhaps the \$5,000.00 can jump start their fundraising. They have been granted money from an anonymous donor who has allowed them to use the grant that they gave them either for continuing their Music in the Park program or for using it to help build the state. It is about \$7,000.00. They do have that also in their coffers, but certainly, that would almost double the amount of money they have, and \$12,000.00 would look a lot better when they start applying for big grants for the \$200,000.00 budget. They also have registration with the State as a charitable organization. She has documentation of that in print if anyone needs of it. Mr. Kern asked when the grant writing process begins? Ms. Basnage said the grant writing process has already begun. Ms. Ackermann said they submitted grants to Just Born, Crayola, Air Products, Lutron, St. Lukes, so they've submitted some of the smaller grants. They thought they would start there and see how their success is. She wants to have a little bit in their coffers before she starts going out with the big ticket grants because they don't like to give money to people with no money. Mrs. deLeon said you have \$12,000.00? Ms. Ackerman said yes. The Hellertown Enhancement project also agreed to donate \$5,000.00 towards the Dimmick Master Plan DCNR grant if they had been successful. It depends where we stand at the end of the season with paying for our music program and as to whether we would still be able to do that, but that could be a possibility we could have a total of \$17,000.00. It's about a tenth of our budget. Mrs. deLeon said she knows how hard it is with a non-profit organization and she knows the intent back ten years ago was to use it for the band shell but we didn't want it spent just to spend. She was surprised at the Chamber meeting and they said they had it in an account under the Hellertown-Lower Saucon Chamber. It was found money. Ms. Ackerman said their intention with this new design is a little different than the design before. They felt as if it might not be so narrowly focused. They'd like to use it for parade judging, weddings, for family pictures, drama, art, a lot of different uses this building could be used for. Mrs. deLeon said now that Community Day moved over there, she's sure they will find uses.

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Mr. Cahalan said what Ms. Ackermann is doing here is asking if Council is okay or will approve the transfer of the \$5,000.00 from the Hellertown-Lower Saucon Chamber to her committee so they could carry out the efforts that she's described. Rod Long at the Chamber has indicated the Chamber has no objection to making the transfer.

Margie George said just come hear the music.

**MOTION BY:** Mrs. deLeon moved for approval of the transfer of \$5,000.00 by sending a letter to Rod Long, President of the Chamber indicating that the Council has no objection to the money being transferred to the Dimmick Park Stage Committee.

**SECOND BY:** Mr. Maxfield

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

**ROLL CALL:** 5-0

**B. CLOVER VIEW DEVELOPMENT – RICHARD BROOKS – BROOKS DEVELOPMENT**

Mr. Kern said Richard Brooks would like to discuss with Council the sale of lots remaining in the Clover View Development.

Mr. Richard Brooks was present. He said he represents Clover View Development, LLC. It's a new LLC that was put together in December 2010. He got involved in the project, which was owned by a gentleman, and he started looking through the project realizing what this gentleman has purchased. He has purchased seven lots from First Trust Bank, the remaining lots of a 16 lot subdivision. He asked Mr. Brooks to do an investigation to see what can be done with it and sell the lots, which they are in the process of doing. Before they started to do that, he came in and talked to Attorney Treadwell and Mr. Garges about the project as he wanted to find out about the project as it had a lot of history. Before they started to market the project, he wanted to talk about if the Township had any thoughts in possibly purchasing Lots 1 and 6, which abuts the purchase of what they have accomplished. Lot 1 has some wetlands and Lot 6 has a detention pond on it. He wanted to know if it was acceptable to go back to the EAC to talk to them about the lots. Mrs. Yerger said the EAC recommended it, but it was the Township who purchased the lots. The EAC is just a recommending body.

Mr. Brooks said he didn't know what the thought process was in 2008 to buy the four lots. There were also some other things that were done to the property which created some tree plantings, and things the Township has to do like re-perk Lot No. 6 as some of the maintenance guys terminated the septic system when they were out working on the project. There is a Homeowner's Association (HOA) which was established a long time ago. There are fees due to that HOA in the purchasing of the land and as well a monthly fee. That money is for common area which is the detention ponds on Lots 4 and 6. It doesn't quite make any sense to him at this time to go back to the property owners who live there and ask them to put more money into the HOA. It doesn't make sense for him to go to the Township and tell them there was a capital contribution. They'd like to terminate the HOA with his votes of the seven lots and Council's votes, they can do that. The property owners he's talked to are comfortable with terminating the HOA as they don't want to pay \$1,200.00 a month for a detention pond and that's all it is.

Attorney Treadwell said the HOA documents were created in 2003, but recorded in 2006 and they were aware that it existed. Mrs. deLeon said she doesn't remember talking about that when we purchased the lots that we had to pay a fee. Attorney Treadwell said it's questionable about whether or not there was a fee. At the time, the entity that stepped into the declarant's shoes was the bank. The bank controlled the HOA. The HOA had not assessed any fees at that time. To his knowledge, they still haven't assessed any fees. Mrs. deLeon said could you go back and explain the thought process for us acquiring that land? Attorney Treadwell said it would be proper to do. He's not sure he remembers what the reason was. We went out and purchased it and as part of the

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purchase, the Township also assumed the obligation to do some of the remaining improvements out there including the final paving of the roadway.

Mr. Cahalan said this is from a grant application. It says in the fall of 2008, Lower Saucon Township's Open Space Sub-Committee of the Environmental Advisory Council, recommended that the Township purchase approximately 14.75 acres of land that was part of a previously approved residential subdivision. At a subsequent Township Council meeting, the Township unanimously approved the use of open space funds to purchase this vacant land, which is located in the headwaters of the East Branch of the Saucon Creek in the southeastern corner of the Township and contains important wetlands, seeps, springs, woodlands, and steep slopes. As a result of this land purchase, the impacts of a previously approved residential development will be lessened on an environmentally sensitive area. In addition to the environmentally sensitive resources that exist on this site, there is a partially completed grass lined stormwater management facility and large open areas that have become established with invasive species. It goes on to say it's expected to improve the overall water quality for the East Branch of the Saucon Creek through the following: the eradication of the invasive plants, reduction in pollutants and litter, the installation of native plant material, the addition of habitat for wildlife, the increase of infiltration, the slowing of flood waters, and serving as an educational model for municipalities and landowners who may wish to implement similar naturalization projects on lands that they own. That was speaking of the naturalizing of the detention basin. Mrs. Yerger said it's the headwaters of the Saucon Creek, so we are talking about water quality. Mr. Brooks said when he looked at that property and the purchase of it, that's what came to his mind. The other thing that came to his mind was that in his opinion, Lot No. 1 because of its wetland scenario, and Lot No. 6 because of the detention area, also has that same impact. Before it goes on the chopping block, there may be an opportunity to have that whole portion of the property. He and Chris Garges talked about it and they wanted to re-vegetate the detention pond and turn them into wetland scenarios. You can grow the wetlands very well on those two lots because they abut those two entities. He thought it was his responsibility to come in here and offer it them for sale. You all know him and he's just throwing it out to see if it makes sense and if you want to do some investigation and take a look at it, he'll hold those two off the market until we come up with an answer. Mr. Kern said based on what Mr. Cahalan just read into the record and what's on the record, the logic for purchasing Lots 3, 4 and 5 would be worth having the EAC take a look at whether or not that would apply to Lots 1 and 6. Mr. Brooks said you also purchased Lot 9. We could always trade one. That doesn't have the impact, when we're talking financially. Maybe it's a trade of one and a buy of one. Maybe that's something you want to entertain. Mr. Maxfield said they are still waiting to see the status of the property that is attached to Lot 9 which is why they bought Lot 9. It's a big open space area with woods that was attached to the side of it and that development has been kind of up in the air the last couple of years. Mrs. Yerger said it was designated that the open space connected with that one also. Because of the housing market, it's definitely suspended right now. Mr. Brooks said he wasn't aware of that. Mr. Maxfield asked if anyone was aware whether the detention pond on Lot 6 can be modified? Do we know the geology on it? We don't know what type of bottom is on it yet? Mrs. Yerger said you are looking at storm water for that development. You are taking lots out, granted, however, how does that factor in for its functionality of the stormwater for the remaining lots if its modified? Mr. Kocher said that's definitely something they can look at and maybe reduce the volume or get rid of one. Mr. Maxfield said with Lot 6, that's going to be fed from some of the lots that are not developed yet? We did have that problem with County Conservation where we had the status of the basin and it couldn't be changed until they got out of E&S phase. That one's probably going to be an E&S phase for quite some time. Mr. Brooks said they are trying to look at that now with Northampton County, and trying to get the information from VanCleeef so they can go out and survey it and see what is built out there at this particular time. VanCleeef has not sent that to them yet, but they should have it in the next week or two. Mr. Maxfield said was Lot 1 offered to any of the surrounding neighbors for sale? Mr. Brooks said he didn't offer it to anyone as when he originally looked at it, he saw green and Lot 2 there is nothing you can do as there is a house on it and completed. He saw Lot 1 and said this is probably a better mix. Mr. Maxfield said do you think it would be a better idea to have open space committee look

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at them and survey them? Mrs. deLeon said she has to disagree. This was a subdivision and these lots were already created. We already bought some because of different reasons. She's not in favor of taking on detention basins. We steered away from that. You're a developer with how many developments in the past ten or fifteen years? Mr. Brooks said that's true. Mrs. deLeon said in the beginning we were taking them on and our road crew would have to maintain them. Then we decided, no, they are going to be part of a lot. The homeowner is going to have to take care of them. That's what we were doing and it was our policy and it's in the regs. She can't support this. She can vote yes or no to the EAC looking at this. She thinks the open space money should be used for other land that's not developed. This is a developed lot. There are other lands in this Township that meet the criteria that the EAC uses. She just feels that it's not our fault this development didn't go anywhere and he didn't sell the lots. Mr. Brooks said they just bought it. We didn't go anywhere with it. Mrs. deLeon said if your development wasn't successful and you couldn't sell the lots, don't look at the Township to buy them. Mr. Maxfield said the issue of resource protection is one of great importance. That outweighs the fact that one time it was a development. Mr. Maxfield said he doesn't see the harm in having the EAC look at it and giving us recommendations and an assessment.

**MOTION BY:** Mr. Maxfield moved to have the EAC Open Space Sub-Committee investigate and make recommendations to Council. He doesn't see the harm in someone looking at it and giving us an assessment.

**SECOND BY:** Mr. Horiszny  
Mr. Kern asked if anyone had any questions or comments? Mr. Kern said based on what was discussed earlier, the detention basin may not even be necessary, which our Engineer was going to take a look at. The one that's on Lot 6 was the one which was discussed because of the change in what the original plan was and that basin might not even be necessary. Mrs. Yerger said looking at Lot 1, that's a potential resource protection. There are wetlands on it again that do feed into the headwater section and we're talking stream quality, water quality, and we all know that's of vital importance. She thinks minimally Lot 1 needs to be looked at. Mrs. deLeon said she's not suggesting these aren't valuable lots. She has a question for our Planner and Engineer. When this subdivision was approved, it met all the protection standards and these lots were designed to do that. Correct, the rules weren't as stringent as they are now? Ms. Stern Goldstein said this subdivision was approved before the regulations became stricter for the resource protection in 2004. They met the ones at the time it was approved. Mr. Maxfield said we didn't even have things like a riparian corridor in place at that time. Ms. Stern Goldstein said riparian corridor did not exist, but we did have some restrictions for steep slopes and wetlands, carbonate soils. Mrs. Yerger said they've been enhanced. Mrs. deLeon said every year we enhance something, she personally just stated her opinion. Mr. Kern said it may also be possible because of the economic climate, this may be the most opportune time to get involved in a purchase since we haven't even discussed purchase price. Mrs. Yerger said there's always donation and you can write it off. There's other ways to look at this. Mr. Brooks said that's why he wants the EAC to look at it and seeing what the value is. Mrs. Yerger said the EAC has a standardized approved checklist they will go through as far as resources, what resources are on it, and then that is what gets submitted to Council for their review. They are strictly a recommending body. They are not going to run out and buy land. That's the job of this body. Mrs. deLeon said we can't pay more than the appraised value for the piece of land. Mr. Brooks said he knows that and is here for that. You do things that make sense for the whole. Mrs. Yerger said there's multiple ways to preserve land and you are aware of that. There are options that might be worthy of discussion.

**ROLL CALL:** 4-1 (Mrs. deLeon – No)

Mr. Brooks said with the HOA's scenario, is Vaughn getting in contact with you? Attorney Treadwell said he'll call Mr. Brooks tomorrow and talk to him about it. The attorney for the new property owner had prepared a draft document to eliminate the HOA, and sent it to him to review and he looked at it and had a conversation with Mr. Brooks and said the document wasn't adequate. Mrs. deLeon said when you come up with an HOA, isn't that part of your

deed in the covenant? Attorney Treadwell said the HOA documents are recorded, and when anyone buys a lot, their title search will show that the HOA exists. Mrs. deLeon said did that show when we purchased the lot? Attorney Treadwell said yes. Mr. Brooks will contact Mr. Cahalan for the meeting.

**C. ORDINANCE NO. 2011-02 – IMPERVIOUS COVERAGE – PUBLIC HEARING AND CONSIDERATION OF ADOPTION**

Mr. Kern said Ordinance No. 2011-02 has been revised after review by Council and advertised for a public hearing for consideration of adoption.

**MOTION BY:** Mr. Horiszny moved to open the hearing.

**SECOND BY:** Mr. Maxfield

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

**ROLL CALL:** 5-0

Ms. Stern Goldstein said as Council and most of the public knows, this draft ordinance has been before Council several times. Council authorized the advertising of it. In essence, this changes some of the regulations regarding properties in the Township with respect to impervious surface. This now creates separate requirements for maximum on-lot impervious surface for the entire site at the time of development and also the maximum impervious surface that can be on the plan at the initial permit application essentially reserving 3% for the future homeowner or homeowners to the initial application. The ordinance also establishes maximum building coverage. The difference between building coverage and impervious coverage being building coverage is that the foot print of the building on the site and the remaining impervious coverage would be driveway, sidewalks, decks, pools, sheds, etc. The ordinance has been discussed quite often and the merits of it have been debated and at the very essence, zoning itself is a taking issue. It's taking some rights away from individual property owners for the greater good of the municipality and like any other component of a zoning ordinance; a maximum impervious surface also does limit homeowner rights. This ordinance has been prepared taking that into consideration very seriously and balancing the environmental needs of the community, the overall intensity of development, and storm water management. What you see before you is a combination of about 2-1/2 years worth of discussion with Planning Commission, Council, EAC and back again with Council several times. That's what you have before you tonight. It's the ordinance in a nutshell.

David Harte said he has several questions about the ordinance that is proposed. Specifically, if he could go to Section 11.A, Exceptions for existing lots with a principal structure. He's concerned with vacant lots or vacant tracts in existing subdivisions that has already received approval, but dwelling units are not already constructed. If you look at the exceptions, you must meet No.1, 2, and 3 and if you don't meet all three of those requirements, you do not get an exception from this ordinance, that is to say, you don't get to develop the lot at the impervious coverage ratio that was in existence at the time the development was approved. If you go to the end section, the last sentence of that paragraph, subsection 2 above, does not have a principal structure located thereon, as of March 31, 2011, shall be subject to the maximum on lot impervious surface coverage restrictions contained in the charts provided in this section. That's to say that if he has a lot in a subdivision that was approved and recorded under the environmental regulations, but there's not a dwelling yet constructed on it, he can now only construct at a lower impervious coverage than what was previously approved. He can give you a specific example of that. He believes everyone on the Council is familiar with the Long Ridge Subdivision which was approved five or six years ago. That is a group of condominium-formed ownership, single family dwelling parcels, all of which exist on one lot. There are limited common areas for each of the single family dwellings, but there is only one lot involved. There are six houses constructed or under construction at this time out of the twenty-five. He designed that plan and is very familiar with the impervious coverage calculations that were used to have that plan approved, and honestly, it was tight, but it met all of the regulations at the time. He doesn't understand, and can't figure out from the language of this

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ordinance, whether or not it's in the RA zoning district; whether or not it would be subject to the 15% maximum site impervious coverage, which "includes on lot impervious coverage" or whether the maximum on lot impervious coverage would be 20%. There is only one lot in this development, yet there will be twenty-five separate homes built with varying degrees of impervious cover, but the impervious cover in that development was set up for the entire development. It was about seventy-five acres of land and the impervious cover ratio for all of the roads, all of the dwelling units, all of the sidewalks, the driveways, etc., was calculated pretty specifically under those regulations. He doesn't see anything in this revised regulation that deals with that situation. He therefore does not know how to apply this ordinance to that specific situation. If he could direct your attention to the existing Township ordinance Section 180-116, Single Family Cluster Developments, that portion of the ordinance that was in effect at the time is the portion that was brought under and that refers you to the environmental protection standards, 180-95. Specifically, the very end of that section 180-95 has a worksheet that must be prepared to determine what your buildable track area is, etc., and the very last page of that worksheet has a factor that you have to multiply the net buildable area to come up with your square footage of impervious. You must multiply by the maximum permitted impervious surfaces ratio based upon the zoning district. The new ordinance that you have advertised to adopt this evening, does not tell me at all within it, what the maximum permitted impervious surfaces ratio is, in this document. As he spoke several months ago, he believes this is still quite ambiguous and extremely difficult to understand and there still are some terminologies between your own ordinances that these definitions and terms do not match and he finds there is not enough direction here to make that calculation.

Ms. Stern Goldstein said to answer the specific questions regarding Long Ridge, if she's not mistaken, that is still protected under its original approval in which the MPC says you have five years from the date of your final approval in which you are protected from any changes in ordinances enacted by the Township. You are vested in that, and then that also falls into the time that it has also been extended from the Permit Extension Act, which then takes you into 2013. Long Ridge's specific item is still subject as of this date, until 2013, to the ordinances that were in effect the day it was adopted, which you go back to the day it was submitted. Attorney Treadwell said he would concur with that opinion. Ms. Stern Goldstein said from five years after the final plan was approved, the MPC says property had rights that were vested so no changes from municipal ordinances, in this case Lower Saucon Township ordinances, could adversely impact that subdivision. The five years has been passed, but that five years expired during the time that is covered in the Permit Extension Act, which extends all of those permits to 2013. Mrs. deLeon said even the subdivision we were talking about, it's still protected. Ms. Stern Goldstein said she's not sure what date the fifth year passed. Mr. Harte said in that example, yes, five years has passed. Yes, that Extension Act would apply until 2013, so it's got a year and a half to go. Ms. Stern Goldstein said correct. Mr. Harte said if all the dwellings are not built within the year and a half, the new regs would kick in and there is a chance that somebody is going to be coming to the Township when it's time to build unit no. 23, 24, 25, and the Township is going to say the impervious coverage for that development has expired under the new regs, but would not have expired under the regs that were in place under at the time the development was approved, unless someone runs out there and builds all the units before 2013, which in this economy is doubtful. Ms. Stern Goldstein said correct, as would occur with any ordinance change to any component of the subdivision or land development ordinance or the zoning ordinance that happened in which your time of vesting of your rights has expired and would be consistent with anything else in the Township. That is correct. Mr. Kern said plus they got a bonus extension. Mrs. deLeon said how long is the extension? Attorney Treadwell said he believes it is July 2, 2013, but the whole world is not going to stop spinning on July 2, 2013, so something else will happen at some point. Mrs. Stern Goldstein said the second part of it, which most of you can still imagine Long Ridge in your head, it's not a series of individual lots. It's one site in which a condominium development was established, so the building area for each home, is sort of a square floating in the plan and they are not individual lots, so there is no on-lot. It is a site. The site regulations in the ordinance would apply. That was not just a site for single family detached residential. It was a cluster, so the

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appropriate chart would apply. She and your Zoning Officer have looked at situations like that where we believe it is clear in the ordinance and they appreciate Mr. Harte bringing it up because it's a nice example to give Council.

Ms. Stern Goldstein said the site capacity calculations determine your net buildable site area, and your impervious surface then is calculated based on that. That is consistent with what has been in effect in the Township. What they are doing with the new ordinance amendment is clarifying that the impervious consistently is based on that. There was language in the ordinance already establishing that but there was one word in one of the definitions that has been cleared up to make sure you are referring back to that chart, which was always the intent.

Mr. Harte said can you tell me where he can just find which number to put into this calculation? It says multiply by maximum permitted impervious surfaces ratio? If you would refer to the new ordinance that is up for adoption this evening, and tell me where I find that number under that language? Ms. Stern Goldstein said that would be the maximum site impervious coverage includes on lot impervious coverage. It would be on the detached cluster chart which is Section 11, the third column from the left. Mr. Harte said the heading on that is not impervious surfaces ratio. Ms. Stern Goldstein said it's maximum site impervious coverage. Mr. Harte said is that meant to mean the same as impervious surfaces ratio and why would he use 15% and not 20%? Ms. Stern Goldstein said that would be the one she just explained. It is a site and not individual lots that have been created. Mr. Harte said correct, and there is one lot, so he does have a lot and he is calculating the impervious coverage based upon that lot. There are twenty-five single family condominium developed housing units on that lot and that's why he believes it's ambiguous in this ordinance. That's why he is asking the question, what number does he use? If you issue him a letter that states which number to use, then he doesn't have a problem anymore. He's reading this ordinance, he still has a problem. Ms. Stern Goldstein said if you would like the Zoning Officer to issue that letter at any time, she's sure he could and would if that's what you are asking for. Mr. Harte said he's asking for it to be put in the ordinance you are going to adopt this evening and then he doesn't have to ask for an interpretation from the Zoning Officer. Ms. Stern Goldstein said the word site is there and not individual lots. Mr. Kern said what would make it more unambiguous in your mind? Mr. Harte said if the language on the worksheet matched the language in the ordinance or vice-versa. There's a difference of whether he uses 15% or 20% and he can tell you he has a lot of 75 acres, and you approve 25 single family condominium units on that one lot, and therefore, he should be allowed to use 20%, and you could argue that the development was approved as a total site and he should use 15%. He's just saying please clean up the ambiguity before you adopt the ordinance. Ms. Stern Goldstein said if you go to the beginning of that site calculation worksheet, the very first item is calculated base site area. The first blank to fill in is gross site area from property surveyed, so we're dealing with a site. It is one lot which means there is only one lot in the site. It is a site that we're dealing with and when you get down to the end, you are asking for the impervious surface coverage for that, which also refers to the site. If there were individual lots that were created, there would be sub portions of the site. This is one site, in this case. She and your Zoning Officer have looked at that closely. Mr. Harte said it does not make sense. In the case of Long Ridge, the lot is typically a rectangle that is 100' x 110'. Ms. Stern Goldstein said there are no lots there. Mr. Harte said it is a lot, which is 75 acres. Ms. Stern Goldstein said which would be the site on this chart. Mr. Harte said in the case of Long Ridge, lot and site are interchangeable and there are two numbers in the chart, 15% and 20%. One is for site, and one is for lot. The site and the lot are one in the same, and he has been asking you clean up the ambiguity.

Mr. Maxfield said do you know that this development is the only place in the Township where this will be a problem as Mr. Harte created that problem. Mr. Harte said he followed your regulations. It was all done in accordance with the ordinances in place at the time. Mr. Kern said isn't your site for detached cluster uses and it puts it in the chart of 15%. Attorney Treadwell said he thinks what Mr. Harte is trying to say is that in that one specific instance in Lower Saucon Township in Long Ridge, lot and site happen to be synonymous. That is what's creating, as Mr. Harte terms it, the ambiguity. Any time an ordinance like this is written, he could probably go through any ordinance

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and find a word that does not appear to fit or something like that. That is why we have interpretations made by the Zoning Officer, which is why we have the Zoning Hearing Board in case the applicant doesn't like the interpretation the Zoning Officer made. You are never going to be able to write legislation and cover every single base. It's just not possible. Mr. Horiszny said doesn't it get set into the detached cluster use and put it in that chart because there are twenty-five houses there. Attorney Treadwell said it is, but because for that one particular development, there is a 75 acre site and a 75 acre lot that 15% and 20% depending on which word you happen to use, could apply. As Ms. Stern Goldstein explained and as she has held many discussions with Mr. Garges, when you look at the totality of the way the ordinance is written and the totality of that worksheet in the back, it's pretty clear that site is what applies.

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

Mr. Maxfield he would like to make a motion to adopt Ordinance 2011-02 because he thinks we've covered the bases as well as we could. He wants to thank Mr. Harte for another discussion, but we're going to have to go with this because it's the best we can do at this point in time. Mrs. Yerger said it's also something that's been long overdue because of some of the storm water issues we've had in the Township elsewhere.

**MOTION BY:** Mr. Maxfield moved to adopt Ordinance 2011-02  
**SECOND BY:** Mrs. Yerger  
Mr. Kern asked if anyone had any questions or comments? No one raised their hand.  
**ROLL CALL:** 5-0

**IV. DEVELOPER ITEMS**

**A. DAVID CLAIR/CARLA CHIAPELLA – 1965 QUARTER MILE ROAD - WAIVER REQUEST OF GEOTHERMAL REGULATIONS TO INSTALL A VERTICAL SYSTEM**

Mr. Kern said the applicant is requesting a waiver from Council to allow them to install a vertical closed loop geothermal HVAC system for the construction of a home.

Mr. Clair, applicant and Russ Beiler from Beiler Well Drilling were present. Mr. Clair said he's been trying to put a geothermal system in for both the environmental wisdom of it and to try to make it economically sound. He's come across Township ordinance 2005-11, Section 5A, 1a, which prevents a vertical closed loop in carbonate geology. He's trying to put a vertical closed loop in. The cost will be less than a horizontal loop. At the same time, there will be much less disturbance of his ground cover. He's already had to disturb the ground cover for an extended underground dry detention basin. He tried to do some research around the country and he's had responses from the Oregon Institute of Technology which is one of the leading universities for geothermal. They don't perceive a problem with carbonate drilling anymore than Mr. Miller does, and he thinks they can answer Mr. Miller's concerns, and at the time same, Todd Giddings is a PhD geologist at State College who was instrumental in passing the only state ordinance in Centre County for drilling geothermal, and they are in a carbonate geology zone. He has also provided their ordinance which describes how they are proceeding with vertical well drilling. In at least six to twelve months, they have not had any problems of disturbance of their ground water and they are the spring fed water system for the County. He would like to state that they are willing to follow through with the Centre County ordinances since there are no other ordinances in the state that govern how to do vertical drilling in carbonate geology. He would like to propose they will follow their ordinance. Mr. Miller has put forward a letter with his concerns, not that he's against them, but if a waiver is granted, he has three stipulations that they have to fulfill. They will fulfill everyone of Mr. Miller's concerns.

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Mr. Beiler said some of Mr. Miller's concerns were how they would drill if they were to use casings. Mr. Miller's first concern was that he would like them to hire a geologist and have him on the site. Mr. Clair is aware of that, and it he would be able to hire somebody. They talked about Jeff Clark from Del Val Soils in Doylestown. They even talked about Todd Giddings, if need be, to call in for phone conversations. They had a couple of conversations already with him on this issue, emails back and forth with Todd because of his knowledge in the carbonate geology out in Centre County.

Mr. Clair said the geologist has to be present during construction, which they will have no problem with. There was another question on when they drill the well, how will they address void loss if they come across sink holes. Mr. Beiler said in Centre County's ordinance, if they were to encounter a large cavern, the ordinance allows for a flowable fill which is something that comes in with a concrete truck and they are just dumping fill down to bridge this cavern or void. Once that is bridged, then they would still do their bentonite slurry or other type of grout to come outward. If they did encounter a cavern, 150' in that range, and the cavern was 20' deep, they would fill it with the flowable fill for the 20' and then grout the rest of the way out with like a bentonite slurry grout on top of that and make sure they don't have any loss to the formation and going out of the formation. Mr. Horiszny asked what is the flowable fill? Mr. Beiler said it's like a pea gravel, sand and cement, but it's going to move. Cement doesn't work real well. The pea gravel is the key for the flowable fill. Mrs. deLeon said these are standards you use? Mr. Beiler said yes, they do the same thing. Jeff Clark from Del Val Soils is a sink hole specialist. He would be a great guy and we talked about using him in a situation like this. Hopefully we would come in here and drill the three or four wells that are needed and not hit anything. It could happen where we'd come in and not hit a capper. We are in that area where it is possible that it could happen.

Mr. Maxfield said if you do hit a large cavern, is there any change in material if it becomes too large? Does the material ever get to the point where it's anything that might have a detrimental to water quality? Does it stay cement and pea gravel no matter what? Mr. Beiler said yes, it is. He's familiar with the carbonate geology and they have voids and you are trying to fill these voids up so they don't interconnect with the other wells in the area. It's actually water wells, more so. Their top concern is the underground stream for water, not for a geothermal well, so it needs to be sealed up when they are all done. That is their main concern. The flowable fill will fill the void, and in this case, sometimes we may actually case down through a void and have to leave casing in the well. It's okay to leave steel casing in a well for a geothermal well. It does not insulate. They can't leave plastic casing in as an insulator. If they hit a void close to the top, it would be quite expensive. If they had to put 100' of casing in, it would get expensive and it might not be the option to do. He feels they are not going to hit voids like that.

Mr. Kocher said what do you do if you hit a void like that during construction and then you realize it's too expensive to continue to use it? How do you seal what you've done already? Mr. Beiler said they would seal it with the flowable fill and the bentonite grout. If it came to that, you still have to fix what you created.

Mr. Maxfield said they had a pretty good discussion last meeting with Mr. Miller and talked about the pros and cons. Our ordinance calls for no vertical drilling in carbonate areas. After talking and discussing the points with Mr. Miller, if we follow these three recommendations, he would be comfortable with allowing this to occur. We're covered pretty well with those three points.

Mrs. deLeon said she'd like to see it all spelled out like a plan, and a geologist would be in control. Mr. Beiler said they are going to log the whole well from start to finish. They will take sample as they drill. They are going to note that they hit a void at such and such a feet. Every 10' to 20' they will take a sample. Mr. Maxfield said it's hard to make a plan where you don't know what you are getting into until you get there. Mr. Beiler said each plan can be different. You have to log all three or four of them, and they may hit water in the one, nothing in the other, a void in one. Mrs. deLeon said when we had the special meeting two weeks ago, we didn't have an expert in the field

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there. Mr. Horiszny asked how far apart are the wells? Mr. Beiler said 15' each. It's 12' to 15' in the drawings. If you are going in a straight line, you can stay closer. If you are going to group them, as four, they try and spread them a part a little bit. If you keep them too tight to each other, they interfere with each other. They tend to move them apart if they are in a group of four. In a straight line, 12' to 15' is fine.

Mr. Maxfield said if we were to say you have to do it horizontally, would that be impossible on a lot of your size? Mr. Clair said he didn't know. They already disturbed some of the area for the underground detention basin. They'd have to come to Council again and ask permission. It's a little more than two acres, and they are disturbing a lot. He doesn't want to disturb it as he's going to have to replant it and worry about the soil erosion downhill from him. From what he can tell, if he can do the vertical well the way Mr. Miller wants him to fulfill it, which is exactly what everyone around the country has said, nobody is preventing vertical wells as long as you do it the way they've proposed, which is exactly the way Mr. Miller proposed without him even knowing what they proposed. They are all in unison. It's going to save him a couple of dollars, but it depends how much sinkhole he has to fill. He doesn't have to disturb as much land. He doesn't have to worry about the ground water runoff down hill or reseeding. Mr. Maxfield said or having property you can't do something with. Mr. Clair said he's going to be putting aside a small piece of property. If you listen to Todd Giddings, and do it the way Mr. Miller says, it's going to work. He will fulfill the way they do it in Centre County and the way Mr. Miller outlined as they are all in agreement. He will bring the geologist on board. He wants to get this done. He ran the whole winter with backup electrical heat in this house. He's doing this for the long term investment.

Mrs. deLeon said a couple of weeks ago when they had a special meeting, the first meeting was to discuss new regulations for the geothermal regulations. Mr. Miller was there and went through a lot of pros and cons and they were at a loss because they wanted someone who would put it in to go back and forth and have it make sense. Over the years, this area is the second highest area for sink holes, so we are concerned about them. If things are spelled out and we have a plan and they follow it, it should be okay.

Mr. Maxfield said with all the appropriate people on site, it's going to be hard not to follow the plans.

Mr. Horiszny had a question about needing 1,200' of horizontal pipe to equal the 1,200' of vertical. Mr. Beiler said it's different when you do horizontal. The trenches are longer. For vertical bore, they drill 150' per ton. That would have a pipe that would go down and back, so that's 300'. Mr. Horiszny said it's 150' deep? Mr. Beiler said in this case it's 300' deep so this well they are doing is two tons. They have 600' of loop. Each well would be two tons. In a horizontal loop, they dig a trench 150' long and put 800' of pipe in it as opposed to 300' per ton. You are trying to move through each one of these circuits when you put a loop field out there. Each one is a circuit, so if it's a vertical bore, it's a circle. If it's a horizontal trench, it's a circuit. If you have four circuits and you are moving eight gallons a minute through the system, there's two gallons a minute going through each circuit, whether it's a horizontal, pond loop, vertical bore, whatever it is, they are set to move water at a distance. Two gallons was a low number, you'd have to do it three gallons a minute.

Mrs. Yerger said in part of Mr. Miller's letter is he mentioned that due to the higher transmission probability, the Township may wish to require greater setbacks from known sources of pollution, basically your septic system and we have a 25' setback. She didn't know where yours was going to fall in these parameters.

Mr. Kern asked if they knew what the Centre County ordinance said about setbacks? Mr. Beiler said Bucks County just adopted an ordinance and they cut all of their setbacks in half. If you have a system and we had to stay at 100', we now have to stay at 50'. If we have to stay 50' from the tank, we had to stay 25'. They cut everything in half. A lot of counties are going that way. We do

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this a lot in Bucks County where a septic system fails and they have a new perk done and it's in the front yard right where the well is. We abandon the well and put the septic system right on top of it. It's really no different than that. Mr. Kocher said Centre County's is 25' and that's what Lower Saucon's is. Mrs. Yerger said that's fine. Mr. Clair said they are more than 25' because looking at the drawing, the closest well is 35'.

Mr. Horiszny said those decreased setbacks are for closed systems only? Mr. Beiler said correct, no open loops.

Mrs. deLeon said the distance from your foundation to the closest vertical? Mr. Beiler said eyeballing it and looking at the graph scale, the minimum is 60' back from the foundation to the first well.

**MOTION BY:** Mr. Maxfield moved for approval to grant the waiver for the geothermal regulations that are existing subject to Mr. Miller's recommendations in the Hanover letter dated March 10, 2011.  
**SECOND BY:** Mrs. deLeon  
Mr. Kern asked if anyone had any questions or comments? No one raised their hand.  
**ROLL CALL:** 5-0

**B. T-MOBILE NORTHEAST – 1995 LEITHSVILLE ROAD – CONDITIONAL USE DECISION AND SITE PLAN REVIEW**

Mr. Kern said T-Mobile is proposing the co-location of a commercial communication antenna on an already existing tower. This requires approval through a conditional use and site plan. The conditional use decision has been prepared for Council and the site plan is ready for their review.

Mike Grab was present. He said he was representing T-Mobile. This is an application for co-location of antennas on an existing tower at the Leithsville Fire Company. They met with Council back in March and actually presented all of the evidence, closed the hearing at that time, and in addition, since that time, have submitted revised plans to the Township for review in terms of the site plan review. They do have the most recent letter that Ms. Stern Goldstein issued dated April 1, 2011 in which all of the items have been addressed. There are two housekeeping items that have yet to be addressed, but they are post-approval items. In terms of the conditional use decision, all of the evidence has already been presented and the matter is before Council for some sort of resolution.

Attorney Treadwell said you have a draft letter to approve the conditional use application and the second issue is the approval of the site plan with the two items. Mrs. deLeon said the conditional use was to approve the additional height. Mr. Grab said correct, for both the extension of 10' and co-location of antennas on that extension of 10'. Attorney Treadwell said and for some of the ground boxes. Mr. Grab said it was an expansion of the compound as well. Attorney Treadwell said you saw the draft, and are you okay with it? Mr. Grab said he saw the draft.

Mr. Kern said regarding the conditional use, are there any outstanding issues? Ms. Stern Goldstein said not with respect to the conditional use from her standpoint.

Mr. Maxfield said can we get an explanation of the two issues for site plan approval before we do a conditional use? Mr. Grab said he's looking at page 2 of a letter from Ms. Stern Goldstein dated April 1, 2011. Under use requirements, there is 1A, which simply indicates that conditional use is required for approval and that is what Council is going to consider next. Under B, it indicates that pursuant to a particular section of the code of federal regulations, that a notice is required to the FAA anytime you are going to extend an existing antenna support structure by a certain amount, and in this case, they are proposing 10'. They did supply to Council part of the conditional use process, evidence that they had done an analysis with the FAA and that there is no additional lighting required on this particular tower, but what Ms. Stern Goldstein is citing is that notwithstanding the fact that the FAA has concluded that no additional lighting is required, there is

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a technical requirement to submit a notice to them to let them know we are extending this by 10'. Ms. Stern Goldstein said there was a small distinction in their application. They kept insisting they didn't have to do anything as they were under 200', and we pointed out, yes, they are under 200', but the one clause was that if you are under 200', but you are in fact extending the height, this came into effect and that's why they haven't dealt with it yet. They were still in the denial as they were under 200'. It was the second clause they had to comply with. Mr. Grab said they don't dispute that. They don't have any problems saying they will comply with that assuming the application is approved. They will provide proof of that notification prior to issuance of any building permit is what they would propose.

Mr. Grab said the second item under Item 2, Site Plan Requirements, 2A is to require certain signature blocks be added to the plan and revisions with regard to the owner statement and acknowledgement. It looks like there is a reference erroneously in the final plan they submitted to Forks Township and that has to be changed to Lower Saucon Township. They will absolutely address that. Those comments have been addressed through the submission of revised plans.

**MOTION BY:** Mr. Horiszny moved for approval of the conditional use, per Attorney Treadwell's April 7, 2011 letter.

**SECOND BY:** Mr. Maxfield

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

**ROLL CALL:** 5-0

**MOTION BY:** Mr. Maxfield moved for acceptance of the site plan per Boucher & James letter of April 1, 2011.

**SECOND BY:** Mr. Horiszny

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

**ROLL CALL:** 5-0

**C. BRE – APPLEBUTTER ROAD – REQUEST END OF MAINTENANCE AND RELEASE OF SECURITY**

Mr. Kern said BRE has requested to be released from their 18-month maintenance period. Boucher & James and Hanover Engineering have conducted their inspections and are recommending release of all security and maintenance bonds being held.

**MOTION BY:** Mrs. Yerger moved for approval of request maintenance and release of security.

**SECOND BY:** Mrs. deLeon

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

**ROLL CALL:** 5-0

**V. TOWNSHIP BUSINESS ITEMS**

**A. RESOLUTION #35-2011 – CHAMBER'S DISTINGUISHED SERVICE AWARD TO CHARLIE LUTHAR**

Mr. Kern said Resolution #35-2011 has been prepared recognizing Charlie Luthar who will be honored at the 89<sup>th</sup> Annual Banquet of the Hellertown – Lower Saucon Chamber of Commerce on April 8, 2011.

**RESOLUTION HONORING CHARLES (CHARLIE) J. LUTHAR FOR HIS SERVICE TO HELLERTOWN BOROUGH AND THE SAUCON VALLEY**

**WHEREAS**, Charlie Luthar, who has been a resident of Lower Saucon Township for over 35 years, retired from service as the Hellertown Borough Manager on February 28, 2011; and

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**WHEREAS**, Charlie, who was raised in the Bethlehem area and had a distinguished career with Bethlehem Steel where he retired as Superintendent of the Coke Plant in 2001 after 34 years of service; and

**WHEREAS**, in January 2003, Charlie was hired as interim Borough Manager to assist the Borough on a temporary basis while they searched for a permanent manager; and

**WHEREAS**, when Charlie's executive and interpersonal skills soon became apparent, he was appointed the full-time manager and remained in the position for another eight (8) years; and

**WHEREAS**, Charlie's commitment to the Borough and Saucon Valley during these past eight (8) years went well beyond the call of duty and his efforts have made the Saucon Valley a better place to live and work; and

**WHEREAS**, we will miss his quiet, gentle nature; his ability to maintain his good humor through some difficult times, and his never-ending battle against those piles of paper on his desk, which always loomed larger and larger; and

**WHEREAS**, Lower Saucon Township is proud that Charlie will be recognized for this outstanding service at the Annual Banquet of the Hellertown-Lower Saucon Chamber of Commerce on April 8, 2011.

**NOW, THEREFORE, BE IT RESOLVED**, that the Council of Lower Saucon Township, Glenn Kern, President; Thomas Maxfield, Vice President; Priscilla deLeon, Council Member; Sandra Yerger, Council Member; and Ronald Horiszny, Council Member; wishes to commend Charlie Luthar for his community service and dedication to the Saucon Valley.

**MOTION BY:** Mr. Horiszny moved for approval of Resolution #35-2011.

**SECOND BY:** Mrs. Yerger

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

**ROLL CALL:** 5-0

**B. RESOLUTION #36-2011 – PHYLLIS SCHNAIBLE MERIT AWARD TO ANDREW J. STAUFFER**

Mr. Kern said Resolution #36-2011 has been prepared recognizing Andrew Stauffer of Hellertown Borough who will be honored with the Phyllis Schnaible Merit Award Scholarship at the 89<sup>th</sup> Annual Banquet of the Hellertown – Lower Saucon Chamber of Commerce on April 8, 2011.

**RESOLUTION RECOGNIZING ANDREW J. STAUFFER FOR RECEIVING THE  
PHYLLIS M. SCHNAIBLE MERIT SCHOLARSHIP AWARD**

**WHEREAS**, Andrew J. Stauffer, who is a resident of Hellertown Borough, has served as a volunteer for numerous organizations in the Saucon Valley; and

**WHEREAS**, Andrew is a senior at Saucon Valley High School, where he is active with the Track and Cross Country teams; and

**WHEREAS**, Andrew, who is interested in a career in criminal justice, has completed a mentorship program with the Hellertown Police Department; and

**WHEREAS**, Andrew also volunteered at the Hellertown Area Library, worked with the local Lion's Club and assisted with the annual Hellertown – Lower Saucon Community Day Celebration; and

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**WHEREAS**, in addition to all of these demands on his time, Andrew also managed to maintain a high level of academic achievement at Saucon Valley High School where he ranks at the top of his class and intends on continuing his education at the college level in pursuit of a degree in Criminal Justice; and

**WHEREAS**, in recognition of these achievements, Andrew will be awarded the prestigious Phyllis M. Schnaible Merit Scholarship Award at the 89<sup>th</sup> Annual Hellertown – Lower Saucon Chamber of Commerce Award Banquet on April 8, 2011.

**NOW, THEREFORE, BE IT RESOLVED**, that the Council of Lower Saucon Township, Glenn Kern, President; Thomas Maxfield, Vice President; Priscilla deLeon, Council Member; Sandra Yerger, Council Member; and Ronald Horiszny, Council Member; wishes to recognize and commend Andrew for receiving the Phyllis Schnaible Award.

**MOTION BY:** Mr. Maxfield moved for approval of Resolution #36-2011.

**SECOND BY:** Mrs. Yerger

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

**ROLL CALL:** 5-0

**C. RESOLUTION #37-2011 – DCNR EGRANT – ACQUISITION FUNDING FOR SAUCON RAIL TRAIL ACCESS**

Mr. Kern said Staff is requesting Council approval to submit a grant application to DCNR for funding to defray 50% of the cost of acquiring the 2.2 acre parcel on Reading Road that the Township would like to utilize for public parking and access to the Saucon Rail Trail.

Mr. Cahalan said this piece of property would be very helpful to the Saucon Rail Trail which is due to open sometime soon. The property is 2.2 acres along Reading Road adjacent to the Saucon Rail Trail. Historically, they understand it was the site of the Bingen train station, which is in the photograph on the back wall. The property would provide public parking and access to the rail trail which the Township currently does not have and without that access, we have to rely on Hellertown Borough and Upper Saucon Township to provide parking and public access to the trail. It would provide us with parking spaces and also access for our Public Works Department to get on the trail and perform the maintenance that is needed. They met with the DCNR representatives and discussed the property with them and they indicated they could provide grant funds to defray 50% of the cost of acquiring the property. The cost of acquisition will not exceed \$55,000.00, so this grant would be for 50% of whatever the amount is to acquire it plus the cost of the appraisal. Mrs. Yerger said when is this due? Mr. Cahalan said April 20<sup>th</sup>.

**MOTION BY:** Mr. Horiszny moved for approval of Resolution #37-2011.

**SECOND BY:** Mr. Maxfield

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

**ROLL CALL:** 5-0

**D. RESOLUTION #38-2011 – DCNR EGRANT – FUNDING TO INSTALL COMPOSTING TOILETS**

Mr. Kern said Staff is requesting Council's approval to submit grant applications to DCNR for funding to install composting toilets at Polk Valley, Steel City and Kingston Parks.

Mr. Cahalan said this is another DCNR grant that they'd like to have Council approve so they can submit it by the April 20<sup>th</sup> deadline. They are submitting this to purchase and install composting toilets at three of the parks – Polk Valley, Kingston and Steel City Parks. Polk Valley is just about built out. Kingston Park they are in the process of completing. At Steel City Park they will start work on in 2012. Council has approved a plan to totally upgrade and improve Steel City Park.

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Working with Ms. Stern Goldstein who has installed this Bio-Sun Model, they have one in Newtown Township at their Roberts Ridge Park and all reports are that it's worked out very well for them. The system uses an aerobic digester that is powered by electricity or solar power. The plan they would follow would be to use solar power at Polk Valley Park and electricity at Steel City and Kingston Parks. That power also runs a blower that works at all times and it causes the waste matter to break down. Based on that, there's no odor from this type of composting unit. They are also very low maintenance. Public Works would only have to change the filters annually and they'd only have to clean it out only once every seven years. The restroom itself would be a normal type of restroom. It would be ADA and would be cleaned the same as every other restroom. They would use non-bleach cleaners, no special toilet paper is required. There would be a hand sanitizer station and a trash receptacle. They could also accommodate a diaper changing area if they wanted to. The Public Works Department will do all the excavating and grading. The supplier will bring in the vault and it will be dropped into the ground and the unit will be placed on top of that. The cost for the three toilets with all of the excavating and all of the site work would be \$194,000.00. This DCNR grant will pay for 50% of that or \$97,000. We are able to contribute about \$27,000.00 of the \$97,000.00 in in-kind costs that our Public Works can provide. That leaves a total cash match that we would have to put up of \$70,000.00 for the three toilets or \$23,000.00 for each of the toilets. That's a good number, but what we want to consider is that we are currently providing portable restrooms at all of our parks. There's a cost involved with portable restrooms. We put out ADA units and also regular units. Some of them are there year-round and some are there just during the spring to fall time. The cost of one ADA toilet and one regular port-a-john at these parks runs about \$6,228.00 a year. Looking at this over a course of about seven or eight years, the ROI for the \$73,000.00 can be achieved with the composting toilets. We will be getting that money back. They are self-sustaining, low maintenance, and no odor. They are aesthetically pleasing, and environmentally friendly to the parks. We would be asking for approval to submit the grants for those toilets.

Mrs. deLeon said was this part of the budget? Mr. Cahalan said we do have money in each of these parks for construction and development and it's sufficient. There's funding in Kingston Park and we are only using a portion of that for Ella's Garden planting out there. There's funding in that budget for development. Mrs. deLeon said is it in that line item or is it in unallocated? Mr. Cahalan said in the park funds there is no specific line item that says composting toilets. They would have to come back to you with a resolution to move it out of contingency into Steel City, Kingston and Polk Valley Parks for the composting toilets.

- MOTION BY:** Mr. Horiszny moved for approval of Resolution #38-2011 with commendations and thanks to the staff for their work on the commendable project.
- SECOND BY:** Mrs. deLeon
- Mr. Kern asked if anyone had any questions or comments? No one raised their hand.
- ROLL CALL:** 5-0

**E. SAUCON RAIL TRAIL UPDATE**

Mr. Kern said the Manager would like to update Council regarding the Saucon Rail Trail surface material and opening ceremony details.

Mr. Cahalan said they are getting close to opening the rail trail. They have been talking about the rail trail for the past three years. They had a meeting here in August 2008. They did a presentation after SEPTA agreed to negotiate on a lease with us on the trail. Lower Saucon and Hellertown is close to completing the development of the trail and we hope to open it shortly. The one issue we need to accomplish is a surface for the trail. We were planning on using the slag material from the Thomas Iron Works site. If you've been down there, there are big piles of slag. We were going to use that material as a base and then put No. 9 stone on top of it. The slag has been going through a series of tests at DEP. The Borough is being helped by the Lehigh Valley Economic Development Corporation with that. The testing has not been completed for clearance to utilize the slag or to

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remove it from the site; therefore, that option is not available. If we use just the No. 9 stone, that runs about \$14.60 a ton and has to be delivered. That's very expensive to put down. It would cost about \$18,000.00 to \$20,000.00 just to put that surface down. They've been trying to keep the cost down for the development of the trail in Lower Saucon and Hellertown also has been doing that. Public Works came up with another material. It's a finely crushed concrete material which binds very well with the ballast stones on the rail bed and it can be compacted and rolled into a very smooth surface. They put a test strip down at the Grist Mill several weeks ago and several people have looked at it including the Saucon Rail Trail Advisory Committee and Steve LaBrake from the Saucon Valley Bike Shop took bikes down and tried to ride some grooves in it and it held up very well. Ron Horiszny was out testing it and he said he also likes it. It has been through a couple of rain storms and has held up very well. It will be a good economical surface to put down and if we have to add some in the future, we can do that. The cost is much lower to put down several inches of it, which would be approximately \$4,000.00 for Lower Saucon and \$4,100.00 for Hellertown. We can do it with our Public Works crews. They can use our paver and they can put it down and roll it in about three to four days. We would be on schedule to complete that by the end of the month. On Monday night, Hellertown Borough Council discussed this item and gave their blessing to use this material on the Hellertown portion of the trail. He would request Council's approval to install the crushcrete on the Lower Saucon Township portion of the trail. Mr. Kern said you mentioned a couple of inches, how would that hold up in a freeze-thaw cycle? Mr. Cahalan said Roger is planning on putting down 2" to 3". Mr. Kocher said it is enough to fill in the voids in the ballast stone. The water is going to run off of that and go down into the ballast and freeze just like it does now. It shouldn't affect the surface as most of the water should lay at the bottom of the ballast stones. If it does, then it can be raked in the spring.

- MOTION BY:** Mr. Horiszny moved for approval of the crushcrete, as discussed above.  
**SECOND BY:** Mr. Maxfield  
Mr. Kern asked if anyone had any questions or comments? No one raised their hand.  
**ROLL CALL:** 5-0

Mrs. Yerger said have you heard any reports on Water Street at the crossings? People are using it and she sees barricades go up and down. Mr. Cahalan said the barricades are over towards the creek. On Water Street, there are two flashing lights installed with the Society Hill development. One at the top of the hill and one is down at the entrance to the Water Street Park. Hellertown had to go to PennDOT for approval. PennDOT said in order to get approval for the rail trail crossing, you need to move the light at the Water Street Park further to the other side of the trail towards Front Street. They are in the process of doing that. It has to be completed and signed off by PennDOT before PennDOT will give approval for that crossing. Hellertown also has to put up some more fencing at Water Street where the Silver Creek comes in, and they need some gates at the crossing to prevent motorized vehicles accessing the trails. Mrs. Yerger said there's going to be push buttons by the trail? Mr. Cahalan said yes, on Water Street. Mrs. deLeon said there were always push buttons. Mr. Cahalan said there will be push buttons for the trail and also the one down by the Heller Homestead. Assuming that all can be completed by the end of the month we'd like to shoot for a May 7<sup>th</sup> to officially open up the trail. We could set up a short ceremony near the Water Street Park and coordinate it with Hellertown. That would be the day for the annual Saucon Valley History Day. There will be events at the Heller Homestead and at the Grist Mill, and the Lutz-Franklin Schoolhouse. We would work out some coordination so we could fit into that schedule with this short ceremony. Upper Saucon's portion is completed. They were waiting for a light to be finished at Spring Valley Road. Once that is done, they are going to open up the trail to the public up to the Lower Saucon line. They indicated they are not planning any official ribbon cutting until June 11<sup>th</sup>. If Council is okay with that, assuming the trail is completed, Diane will work on invitations. Mrs. deLeon said that would be a good opportunity as there will be a lot of events and there will be a fishing contest. Mr. Kern said his only concern is not doing it in conjunction with Upper Saucon. Mr. Cahalan said once we put the surface down, it will be open. All we have to declare is its open and people are going to use it. If you want to coordinate with Upper Saucon, you can do that also. Mrs. deLeon said can't we do both? We have an opportunity

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where there's going to be a lot of people there. We could go to Upper Saucon the day they open their trail. Mr. Maxfield said we should just open it on our date as they didn't have any desire to coordinate with us. We should just do it if we are ready to go.

Mr. Maxfield asked if anyone made any progress on the passing under High Street Bridge? Mr. Cahalan said they haven't had an update, but do believe they will maintain the opening as DCNR became a party to the PUC hearings on that. The issue that's taking time is Bethlehem raising funds for the bridge that needs to go over the trail. They had some of it, but were looking for grant money to make up the difference. Whatever goes there, an opening will be maintained so the trail can go towards the City of Bethlehem.

Mr. Cahalan said when the trail gets opened, we need some rules to enforce on the trail. In your packet, he gave you a first draft. One of the things we are trying to do is keep the rules for the trail somewhat in conformity so people going up and down the trail don't run into different rules. Upper Saucon gave us a draft they are going to use and what they did was took the rules from their Community Park and made a couple of additions to that. He's done the same thing. They are in red, and what Attorney Treadwell started to look at, the changes in red, would be added and adopted as an additional ordinance. Then that would augment the park use rules that are already in effect. There's a couple of significant additions. One is we have a rule that says the following acts are prohibited: Consuming any alcoholic beverages above an alcoholic content of 12%. You can have a beer or wine at the park. They are suggesting that not apply to the rail trail. That cross out would be alcoholic content of 12% and it would say alcohol is prohibited. The other thing would be the animals allowed on the recreation places. We would specify allowing dogs on a leash are permitted as they are in the other Township parks. Under operating an unlicensed motor vehicle, we'd suggest adding language that motorized wheelchairs and Segways would be permitted. Mr. Horiszny said why Segways? Mr. Cahalan said usually they are used on sidewalks. They are an off road type of vehicle. They are not classified the same as we would an ATV. Mr. Maxfield said they are super quiet. Mrs. deLeon said she doesn't have a problem with Segways because there are people that maybe can't walk as far and maybe could use them. Mr. Maxfield said the Segway dealer in Bethlehem is located close to the trail so he can have access to it with the Segways. Mrs. deLeon said there are motor vehicles that are licensed. Mr. Cahalan said there is also 11, 12 and 13. Maybe those cover what you are talking about. The other one is Upper Saucon currently bans smoking in their community park and plans to ban smoking on their rail trail portion, so they are suggesting there be no smoking on Lower Saucon's portion also. He said that probably all of the people on the trail are there for health reasons and will not be smoking. Lastly, we suggest adding language that says persons utilizing the trail shall use the designated trail area only and shall not trespass on private property. That's to remind people they should stay on the trail and not wander off and go onto private property. Mrs. deLeon said can that be bolded as it shows respect to surrounding property owners? Mr. Cahalan said one of the things discussed was property owners along the trail asked if we would post signage to that effect. We told them we didn't want to get carried away with signs everywhere. We can put something like that at the trailhead to give an advisory to people to suggest they stay on the trail, but he doesn't think we want to put "No Trespassing" signs every couple of feet on the trail. Those are what we are suggesting. We can come back on the 20<sup>th</sup> and bring it in more formal language for you to consider. He wanted to point out that these rules are silent on horses on the trail. That's the case in our parks. Horseback riding is prohibited. If this is left this way, horseback riding would also be prohibited on our portion of the rail trail. Upper Saucon indicated they are prohibiting horses on their section and that raises an issue that if we have a trail that's 8 miles long and there are sections of it that where horses are prohibited, then horseback riding will be limited. The other issue is if we were to allow horseback riding on our section, he's not sure how we could get that horse and rider to stop at the Upper Saucon Township line and turn back. We have no access and no parking for horse trailers and that is ruled out on the Upper Saucon end. Hellertown would be the only location for this parking. Hellertown has been silent on the horseback riding issue. They have not gone either way on that. From the beginning we said if horses were allowed, there could be an alternate trail on the side. Mrs. deLeon said she doesn't see a problem with the horses, and the more people out there,

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the safer the trails are. If someone wants to ride a horse, there are other places to park. This should be relooked at. Mr. Maxfield other than a possible access property, there's no other place for a horse to get on a trail without being on a public road or private property. Mrs. Yerger said they may have a property that allows access through it. Mr. Maxfield said then again, he doesn't look forward to walking on the trail and stepping on horse manure. Mrs. deLeon said they are supposed to clean up just like a dog. Mr. Maxfield said can we put dogs on a leash are permitted provided waste cleanup occurs? We do provide mitts and want to make sure people bring their own things. Mr. Cahalan said when they added the canine ordinance, they did put that in there so they'll add it in there. Mrs. deLeon said the majority of other areas already permit horses and there were more places that allowed horses. Mr. Cahalan said those were mostly state parks that permitted it. Mrs. Yerger said you could make the same rules you make for the dogs. They make equipment and have bags when they utilize the horses for carriage rides. It's up to the owner to make sure it doesn't happen. If they don't have a bag, they are not on the trail. Mr. Maxfield said what if we have a problem on the trail and police have to access the trail, cars or motorcycles and suddenly we have horses on the trail. It's a people trail. You've got numerous overpasses. He wouldn't want to be struggling with horses. Mrs. Yerger said there are ways to allow horses on public trails without making it a big deal. You are going to have cyclists riding three and four across and can be just as rude as any horse rider. Those are the ones she gets run over by when she walks her dogs. It depends on your take on it. Mr. Kern said there is an added expense? Mr. Cahalan said yes, and the horse advocates indicated they would raise funds to put down this other surface. If you want to, you could ask us to include horseback riding use on the condition they wear something like the bun bag. Mr. Kern said Hellertown is going to have to permit it also. Mr. Cahalan said correct. If you adopt it, this way with the horseback riding silent and add it in later.

**MOTION BY:** Mrs. deLeon said she'd like to further investigate the horses using the trail and talk to Hellertown Borough about the concept and see if they support it and ask the Committee to look into this.

Mr. Cahalan said horseback riding subject to conditions that Hellertown does allow access or use. Mrs. deLeon said her initial way of saying it is we need parking for trailers, but they are allowed on the sides of the roads, so if they can get from the road to the trail entrance. She will change her motion.

**SECOND BY:  
ROLL CALL:**

**MOTION BY:** Mrs. deLeon said horseback riding should be allowed on the rail trail in Lower Saucon Township and we should investigate ways to incorporate the usage and the type of surface needed and the condition they have to wear the bun bag.

Mrs. Yerger said we have to find out if the supporters are willing to pay for it. If that is the case, then we can proceed with having horses included on the trail. Mr. Kern said he doesn't have enough information. Mrs. deLeon said she will withdraw this motion.

**SECOND BY:  
ROLL CALL:**

**MOTION BY:** Mrs. deLeon said she'd like to support the investigation of allowing horseback riding on the trail and look into the surface, the cleanup and access issues.

**SECOND BY:** Mrs. Yerger  
**ROLL CALL:** 4-1 (Mr. Maxfield – No)

Mr. Cahalan said he will be coming back to the next meeting with information about some planting or fencing buffers at the historical Ehrhart's Mill and will be inviting some of the residents to attend the meeting. Some have been faithful attendees at the Saucon Rail Trail meetings. They will have some recommendations at the next meeting.

F. **RESOLUTION #39-2011 – PUBLIC HEARING – AUTHORIZING THE PURCHASE OF A CONSERVATION EASEMENT ON A PORTION OF LANDS FROM THE WHITETAIL BOWMAN ARCHERY CLUB**

Mr. Kern said Resolution #39-2011 has been prepared to purchase a conservation easement on a portion of the property of the Whitetail Bowman Archery Club located at 2276 Apple Street.

**A RESOLUTION OF THE COUNCIL OF LOWER SAUCON TOWNSHIP  
AUTHORIZING THE PURCHASE OF AN OPEN SPACE CONSERVATION  
EASEMENT FOR A PORTION OF NORTHAMPTON COUNTY TAX MAP PARCEL  
NOS. Q7-18-22J, -22H, -26A, -27, -28, AND -29**

**WHEREAS**, the Township Council of Lower Saucon Township recognizes that the Township contains open space, natural and historic areas, agricultural lands and other culturally important areas that contribute to the quality of life and economic health of our community which are worthy of preservation and protection; and

**WHEREAS**, the Township prepared and adopted an Open Space Action Plan on April 4, 2007; and

**WHEREAS**, the Second Class Township Code, 53 P.S. 66503, and the Open Space Lands Acquisition and Preservation Act, 32 P.S. 5001 et.seq. permit Lower Saucon Township to acquire interests in real estate; and

**WHEREAS**, the Open Space Sub-Committee of the Environmental Advisory Council, in accordance with the Open Space Plan, has recommended that the Township purchase conservation easement over a portion of land from the Whitetail Bowman Archery Club totaling 26+/- acres jointly with Northampton County for the total amount of \$186,099; and

**WHEREAS**, this Resolution is intended to carry out the foregoing described purpose and to provide authorization for the execution of the documents necessary to acquire the property.

**NOW, THEREFORE, BE IT RESOLVED** by the Lower Saucon Township Council as follows:

1. Lower Saucon Township shall acquire a Conservation Easement portion of the property known as Northampton County Uniform Parcel Identifier Tax Parcel Nos. Q7-18-22J, -22H, -26A, -27, -28, and -29 as more fully identified in the Plan attached hereto as Exhibit "A".
2. The proper Township officers and/or agents, including the Township Solicitor and Township Manager, are hereby authorized to prepare such documents and instruments as may be necessary for the acquisition of a portion of Tax Map Parcel Nos. Q7-18-22J, -22H, -26A, -27, -28, and -29 and to do all other things necessary to acquire said Conservation Easement for a price of \$93,049.50.

**MOTION BY:** Mrs. Yerger moved to open the public hearing.

**SECOND BY:** Mr. Horiszny

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

**ROLL CALL:** 5-0

Attorney Treadwell said this is the public hearing and the proposed property in question is owned by the Whitetail Bowman Club. It's approximately 26 acres. The total price for the conservation easement is \$186,099.00 which would be split between Northampton County and Lower Saucon Township. Lower Saucon Township would actually be paying \$93,349.50. This is the public hearing, so if anyone has any questions or comments, please ask. No one raised their hand.

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**MOTION BY:** Mr. Horiszny moved to close the public hearing.  
**SECOND BY:** Mrs. Yerger  
Mr. Kern asked if anyone had any questions or comments? No one raised their hand.  
**ROLL CALL:** 5-0

**MOTION BY:** Mrs. Yerger moved for approval of Resolution #39-2011.  
**SECOND BY:** Mr. Maxfield  
Mr. Kern asked if anyone had any questions or comments? No one raised their hand.  
**ROLL CALL:** 5-0

**VI. MISCELLANEOUS BUSINESS ITEMS**

**A. APPROVAL OF MARCH 16, 2011 MINUTES**

Mr. Kern said the minutes of the March 16, 2011 Council meeting have been prepared and are ready for Council's review and approval. Does anyone have any changes or corrections? No one had any corrections.

Mrs. deLeon said in the first meeting, it should say 5:00 PM.

**MOTION BY:** Mrs. deLeon moved for approval of the March 16, 2011 minutes, with the correction.  
**SECOND BY:** Mrs. Yerger  
**ROLL CALL:** 4-1 (Mr. Horiszny – No)

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

**VIII. COUNCIL AND STAFF REPORTS**

**A. TOWNSHIP MANAGER**

➤ Mr. Cahalan said he has two recommendations for special events that have gone through the special event process. The first one is to approve a recommendation from the Parks and Recreation Board to approve the Civil War Living History Day at the Heller Homestead Park. They received a request, via the Saucon Valley Conservancy, from Historical Impressions of America, to hold their Annual Civil War History Day at the Heller Homestead Park on the weekend of May 7<sup>th</sup> and 8<sup>th</sup>, 2011. The camp will be open to the public on Saturday, May 7<sup>th</sup>, in conjunction with the fourth annual Saucon Valley History Day, which will be celebrated at the Heller Homestead, Lutz Franklin Schoolhouse and Hellertown's Grist Mill and will feature demonstrations of 19<sup>th</sup> century cooking, a period seamstress, medical and nursing, military engineering and infantry drills. The Parks and Recreation Board reviewed this request at their meeting on April 4<sup>th</sup>, and voted to recommend to Council that the event be approved subject to the conditions outlined in the memo from Parks and Recreation. Mrs. deLeon said Historical Impressions also contacted Hellertown as they need overnight parking at Water Street Park.

**MOTION BY:** Mr. Maxfield moved for approval for the request for the Annual Civil War History Day at the Homestead Park on May 7<sup>th</sup> and 8<sup>th</sup>.  
**SECOND BY:** Mr. Horiszny  
**ROLL CALL:** 5-0

➤ Mr. Cahalan said there is a recommendation to approve the Cyclo-Cross event at Town Hall Park. They received a request from the Lampry Cycling Club to hold another Cyclo-Cross event at Town Hall on Saturday, October 8, 2011. Chris Garges organized the event last year and it was sanctioned by U.S. Cycling and was the second stop on the PA Cyclo-Cross series of races. The one last year was well attended for it being the first year. It raised nearly \$1,000.00 for two local charities, the Saucon Valley Relay for Life and the

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HCM Foundation. Channel 69 covered the event and ran a piece on it on their nightly broadcast. The Parks and Recreation Board reviewed this request at their April 4<sup>th</sup> meeting and they voted to recommend to Council that the event request be approved subject to the conditions outlined in the memo from Parks and Recreation.

**MOTION BY:** Mr. Horiszny moved for approval of the Cyclo-Cross event being held on Saturday, October 8<sup>th</sup> at Town Hall.

**SECOND BY:** Mrs. deLeon

**ROLL CALL:** 5-0

- Mr. Cahalan said they did discuss the DVR for the Township video surveillance system at previous meetings. They started off with an estimate from Altronics to replace the DVR and 16 camera video surveillance system that the Township has. It's strictly video and no audio. With the help of Glenn Kern, they were able to identify a unit which is the Ever Focus 1TB 16 Channel with built in burner. Glenn was able to point out a less expensive price, which is under \$1,500. He's indicated that if this is purchased, he can install it for us at no charge. He's requesting approval to purchase the above unit at the cost not to exceed \$1,500.00

**MOTION BY:** Mrs. deLeon moved for approval for the request of the Ever Focus 1TB 16 Channel with built-in burner as stated above by the Manager.

**SECOND BY:** Mrs. Yerger

**ROLL CALL:** 5-0

- Mr. Cahalan said he needs approval of a EAC motion to recommend Tom McCormick be moved to a voting position at the EAC. At their March 8<sup>th</sup> meeting, the EAC voted to recommend that the non-voting member, Tom McCormick, be moved to a voting position on the EAC due to the resignation of three other members within the past year.

**MOTION BY:** Mrs. deLeon moved for approval for Tom McCormick move to the voting position on the EAC.

**SECOND BY:** Mrs. Yerger

**ROLL CALL:** 5-0

- Mr. Cahalan said annually we get a request from the David Lang Memorial Golf Outing for a contribution. Council has contributed \$100.00 in the past, which will sponsor a hole for this event. It's a charitable event, and held annual to support the David Lang scholarship fund that benefits future scholar athletes at Saucon Valley High School. The event will be June 18, 2011 at the Locust Valley Golf Club.

**MOTION BY:** Mr. Horiszny moved for approval of \$100.00 to the David Lange Scholarship Fund.

**SECOND BY:** Mrs. Yerger

**ROLL CALL:** 5-0

- Mr. Cahalan said the next dinner coming up is the Saucon Valley Community Center's Silent Auction dinner on June 24<sup>th</sup>. They will be honoring Mayor Fluck and they are requesting to go in with Hellertown Borough for a full page ad in the program booklet and the cost would be \$75.00 for each of them.

**MOTION BY:** Mrs. Yerger moved for approval to put an ad in the program booklet for \$75.00 as stated above by the Manager.

**SECOND BY:** Mr. Horiszny

**ROLL CALL:** 5-0

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- Mr. Cahalan said Heritage Conservancy, Jeff Marshall, requested a support letter from Lower Saucon for a grant application they are submitting to the Delaware and Lehigh National Corridor for funding to supplement their work to preserve open space. They did the letter as they needed it by the end of the month. He is asking for Council approval.

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

**SECOND BY:** Mrs. deLeon

**ROLL CALL:** 5-0

**B. COUNCIL/JR. COUNCIL MEMBER**

**Eubin Hahn** – No report

**Mr. Maxfield** – No report

**Mrs. Yerger**

- She said she has a request from the EAC. They did pass a motion to request the Township staff to create a map of the properties that have been preserved in the Township and a total of the acreage for their use. Attorney Treadwell said the Zoning Officer could do that. Mr. Cahalan said Mr. Garges already has a map.

**Mr. Horiszny**

- He said the Access Management group met again yesterday and will have another meeting in a month to discuss access to PennDOT highways in the Township.
- There was a tax collection meeting coming up and he wanted to know if we had confirmation from the school board people that are on that committee will be at that April 28<sup>th</sup> meeting? Mr. Cahalan said their TCCR representatives, Mr. David Bonenberger, Ed Inghrim, and the woman from the school district will be representing them.

**Mr. Kern** – No report

**Mrs. deLeon**

- She asked about the signage on the rail trail. Mr. Cahalan said nothing has been decided on that. The only signage they have is the signage that is on the diagrams that Hanover Engineering put together for the two road crossings. Those are being ordered and will be in place before the trail is opened. The rest of the signage has been the subject of discussion. They brought a suggested logo that was put together and the aim is that whatever is decided on, they would like it to be similar and have that logo. That's still being worked on.
- She said regarding History Day on May 7<sup>th</sup>, she found out that on that day starting at the Grist Mill is a Liberty Bell Wanderers, a Hellertown 10K walk. They are going to start at the Historical Society at the Grist Mill and end up back there. Cathy Kichline provided some information to her. No. 4 says continue on the trail paralleling Saucon Creek Park to the first intersecting street, Water Street. Years ago the Lower Saucon Creek Park was a possible name to the Heller Homestead. That appeared on drafts that got sent to LVPC. She went on the EAC website and looked up the open space plan and it has a picture of Lower Saucon Creek Park in our document which was dated 2007, which shouldn't be. She doesn't know how we want to handle that. It's on the website under the EAC tab. Ms. Stern Goldstein said she will take a look at it and give her a new page to put in there, and they can adopt that as a new addendum.
- She said she doesn't know if there is anything we can do, but with the gas explosion in Allentown, do we have gas lines going to private homes? Mr. Cahalan said there's a gas line that runs down Old Philadelphia Pike. Mrs. deLeon said her question is that there is the pipeline going through there and she doesn't know how old it is. Is there anything we can do in our regulations or ordinances that we can get these people to address the age of

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their lines and how they are going to fix them. Attorney Treadwell said he doesn't know the answer to that. Mr. Cahalan said isn't it Interstate Transport? Attorney Treadwell said he can't picture a way we could mandate a public utility to come in and change their lines. Mrs. deLeon said she just doesn't want to be a municipality out there having an option we haven't done and something happens. Attorney Treadwell said you don't regulate public utilities under your zoning because they have that exemption. What the State Legislature intended with their utilities was all problems should be addressed by the PUC. He will take a brief look at it.

- She said the Gaming Committee had a meeting on March 28. The Sub-Committee met and presented their update. It was attended by some Lower Saucon and Hellertown officials. It was good to have them attend. Stephanie Kovacs presented her evaluation of her prioritization of the applications, and unfortunately, Mr. Nolan did not. Jerry Yob has said he already presented his ranking sheet to Alisha Karner. After the meeting, Mr. Nolan apparently sent his ranking and she combined the three of them and came up with a new grant application ranking sheet. Alisha called East Bangor, Hellertown, Lower Saucon Township, Moore Township, Northampton Borough to come to the next meeting, which is on April 25<sup>th</sup> and give their presentations. Some of the people on the list had already presented back in January. Mr. Cahalan said they were asked to make presentations on the project which included two new police cruisers. He and Chief Lesser will be presenting that on April 25<sup>th</sup>.

**D. SOLICITOR** – No report

**E. ENGINEER** – No report

**F. PLANNER** – No report

**IX. ADJOURNMENT**

**MOTION BY:** Mrs. Yerger moved for adjournment. The time was 9:50 PM.

**SECOND BY:** Mr. Horiszny

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

**ROLL CALL:** 5-0

Submitted by:

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Jack Cahalan  
Township Manager

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Glenn C. Kern  
President of Council