

I. OPENING

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

REVISED

II. PUBLIC COMMENT PROCEDURE

III. PRESENTATIONS/HEARINGS

- A. Resolution #40-2010 – Commending Heather Logan for Achieving the Girl Scout Gold Award

IV. DEVELOPER ITEMS

- A. Greenwood Court – Black River Road – Request for Security Reduction

V. TOWNSHIP BUSINESS ITEMS

- A. Zoning Hearing Board Variances
 - 1. Peter Albano – 1839 Viola Lane – Request Variance of Rear Yard Setback for Patio
 - 2. Alex Patullo – 4166 Lower Saucon Road – Request Variance of “Club, Lodge, or Social Building” Designation
 - 3. ~~Meadows Banquet Facility—1770 Meadows Rd.—Special Exception Request for Expansion of Pre-Existing Non-Conforming Use~~
- B. Resolution #43-2010 – Authorizing Submission of Alternative & Clean Energy Grant/Loan
- C. Review of Polk Valley Road Bridge Styles
- D. Review of April 6, 2010 Meeting on the Heller Homestead National Register Nomination
- E. Request to Reduce Easton Road Speed Limit

Tabled to 6/7/10

VI. MISCELLANEOUS BUSINESS ITEMS

- A. Approval of March 17, 2010 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 Park & Rec Meeting: April 12, 2010
Next EAC Meeting: April 13, 2010
Next Planning Commission Meeting: April 15, 2010
Next Council Meeting: April 21, 2010
Next Zoning Hearing Board Meeting: April 19, 2010

I. OPENING

CALL TO ORDER: The General Business & Developer meeting of Lower Saucon Township Council was called to order on Wednesday, April 7, 2010 at 7:00 P.M., at 3700 Old Philadelphia Pike, Bethlehem, PA, with Mr. Glenn Kern, Council President, presiding.

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

PLEDGE OF ALLEGIANCE

ANNOUNCEMENT OF ANY EXECUTIVE SESSION (IF APPLICABLE)

Mr. Kern said Council has not met in Executive Session since their last meeting.

II. PUBLIC COMMENT/CITIZEN AGENDA ITEMS

Mr. Kern said for citizen agenda items – Council operates under Robert’s Rules. What that means is during agenda items, Council will talk amongst themselves and amongst staff and the interested parties. At the conclusion of that, we open it up to the public for public comment. There is an opportunity for non-agenda items at the end of the meeting to discuss whatever your business might be. We do have a microphone and there are microphones up at the table. There is a sign-in sheet in the back of the room. Please print your name and address and email address. It is very helpful in transcribing the minutes. For those who want to receive emailed agendas, please give your email address to Leslie or Jack or call the Township office. Please state your name and address. If you can’t hear, please let us know. You can check the minutes on the website, which is www.lowersaucontownship.org. Mr. Cahalan said VA.3, Meadows Banquet Facility for a special exception request for expansion of pre-existing nonconforming use has been tabled until the June 2, 2010 Council meeting. Attorney Treadwell said it was on tonight because it was scheduled for the Zoning Hearing Board meeting on April 19th. It is now going to the June 21st Zoning Hearing Board meeting, so we didn’t need to hear their presentation tonight. It will be on your June 2nd agenda.

III. PRESENTATION/HEARINGS

A. RESOLUTION #40-2010 – COMMENDING HEATHER LOGAN FOR ACHIEVING THE GIRL SCOUT GOLD AWARD

Mr. Kern said we’ve already voted on this two weeks ago. He understands Heather achieved the gold award for time management and scheduling. However, we’re here weeks later to give her the Resolution #40-2010 once again. We’d like to present the resolution to Heather for her achievements for the Gold Scout Gold Award which is the highest achievement in Girl Scouting. Congratulations.

**RESOLUTION #40-2010
A RESOLUTION RECOGNIZING HEATHER LOGAN FOR RECEIVING
THE GIRL SCOUT GOLD AWARD**

WHEREAS, Heather Logan has been a member of the Girl Scouts Troop #8480 for the past thirteen (13) years; and

**General Business Meeting
April 7, 2010**

WHEREAS, Heather earned numerous badges and awards with the Girl Scouts including the Girl Scout Bronze and Silver Awards; and

WHEREAS, Heather earned a varsity letter in field hockey at Saucon Valley High School, where she was inducted into the National Honor Society and participated in extra-curricular activities such as the Ski Club, Girls on the Run of the Lehigh Valley, stage crew and Scholastic Scrimmage; and

WHEREAS, Heather also found time to serve as a mentor to elementary school students and was a National Honor Society Tutoring Center advisor; and

WHEREAS, Heather's project for the Gold Award was creating and organizing a Transitional Writing Workshop for eleven (11) Middle School fifth-graders that ran for five (5) weeks and addressed all the proper steps to research, write and format a Modern Languages Association (MLA) style paper; and

WHEREAS, for her efforts Heather has earned the Girl Scout Gold Award, the highest girl honor in Girl Scouting.

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 Heather Logan for receiving her Girl Scout Gold Award.

IV. DEVELOPER ITEMS

A. GREENWOOD COURT – BLACK RIVER ROAD – REQUEST FOR SECURITY REDUCTION

Mr. Kern said the developer has requested a reduction of the security being held for improvements completed to date. Hanover Engineering has done an inspection and is recommending a reduction in security in the amount of \$7,320.00.

Mr. Kern asked if there were any comments from Council? Mrs. deLeon said were there any outstanding issues? Mr. Kocher said they did recently send an erosion control inspection letter to them.

MOTION BY: Mr. Horiszny moved for approval for request of security reduction in the amount of \$7,320.00.

SECOND BY: Mrs. Yerger

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

ROLL CALL: 5-0

V. TOWNSHIP BUSINESS ITEMS

A. ZONING HEARING BOARD VARIANCES

1. PETER ALBANO – 1839 VIOLA LANE – REQUEST VARIANCE OF REAR YARD SETBACK FOR PATIO

Mr. Kern said the applicant is proposing to construct a patio which is 25' from the rear property line. The required setback is 40'.

Mr. Albano was present. He said they have a brand new house that was built and they just moved into the area. Where the house is positioned on the property, they have a nine foot patio off the back. They are requesting a variance for a couple of reasons. One is to

beautify the back of the house which backs up to another house with a patio. They also want to have a nice hard surface to come off the back of the house for the kids as they have four children, rather than onto grass or wooden stairs. It would be a block patio. Mr. Kern said this process is an informal review. Council can support, oppose or take no action. Supporting, Council usually reserves for something that is really beneficial to the Township. Oppose is for something that is actually heinous and no action is good because you just continue on to the Zoning Hearing Board. We have information from our Zoning Officer and Council has reviewed it. Are there any comments?

Mrs. Yerger said we've looked at the information given to us and it indicates that your proposed patio and the driveway extensions are going to remain under your allowable impervious coverage; however, it does absorb a lot of what you have left over. She just wants to make sure that you know impervious coverage is really important as far as not to exceed it. You have room and you have extra stuff, but know that you don't have unlimited future impervious coverage. Mr. Albano said he was aware of that. Mrs. Yerger said if you don't deal with it, it's not always the easiest to understand.

Mr. Maxfield said when he read through the application, he thought the nature of the unique circumstances and hardship was pretty interesting because you mentioned four children. He realizes it is a 25 foot deep patio that you are proposing from the house, which is a pretty large patio. The Zoning relief is supposed to be the minimal amount that will make it okay. Twenty-five feet seems like it may be a little excessive. Mr. Albano said it's going to come three feet off the house. There will be mulch beds between the patio and the house. When he put the application in, he put 25 feet off the house. Mr. Maxfield said yes, it says 25 feet with 25 feet remaining to the property line. Mr. Albano said he didn't have the exact plans and landscape design they were going to use, so in actuality, he can change it if you want him to, but he believes it's going to be three feet for the mulch beds and either another 18 or 19 feet for the patio itself. Mr. Maxfield said they don't have the mulch beds marked at all. Mr. Albano said he can bring the plans to the next meeting. He had a rough estimate of what they were planning on doing, and then when they decided who they were going to use, they have the actual sizes. Mr. Maxfield said he doesn't know how it works with Chris, but if he does have mulch beds, that can probably be subtracted from the impervious so that would give you a better impervious number. His caution is that the Zoning Hearing Board may be looking for a more minimal answer to this, but Mrs. Yerger's point is very good. We have lots of applications where people are basically aware of the situation, but they still want more. This is probably getting very close to the situation where you won't be able to get more in the future. It's a good point to heed. We haven't really looked very friendly, as a Council, to those types of applications.

Council took no action. Mr. Kern said you can proceed to the Zoning Hearing Board.

2. ALEX PATULLO – 4166 LOWER SAUCON ROAD – REQUEST VARIANCE OF “CLUB, LODGE, OR SOCIAL BUILDING” DESIGNATION

Mr. Kern said the applicant is requesting a variance from the requirements of the “Club/Lodge/Social Building (Private)” use to allow the existing banquet facility to remain in operation on a standalone parcel after the proposed subdivision is completed.

Attorney Joe Fitzpatrick was present. He said they were before you a couple of years ago. Mr. Patullo wants to pursue a modified version of the project he presented a couple of years ago. One of the components of that involved the Woodland Hills Golf Club Clubhouse being modified in the way it's being operated. It has been operated for years as Woodland Hills Golf Club. It was open basically twenty-four hours a day, usually in season, April through

November and for special events. Prior to it being the Woodland Hills Country Club and the Golf Club being built, on the location, not the existing building, there was a bar and restaurant, called the Chicken Coop. The only reason he goes into local history is there was a liquor license in place there. Mr. Patullo, facing the tough golf economy, realized he couldn't run Woodland Hills anymore, but he does have a building. The building is two stories and almost 18,000 square feet. The first floor is office and storage and the second floor is a restaurant, bar, banquet hall facility. What he would like to do is take the area, it's almost a separate parcel now, but not legally subdivided, as it's 13 acres. If you are familiar with the property, and you come in off the main road into the driveway, it's about 13 acres on the right side of the driveway. He'd like to be able to run his facility as a private banquet facility. The issue from the zoning standpoint is related. There are two or three points. One is the Township doesn't have a use that really equates to a banquet facility. Something that neatly falls into that definition as it's commonly understood. The Zoning district we're in absolutely permits a club, lodge, or social building, private. That is Section 180-111(a)(2) that they are asking relief from. There are two criteria among several for the club, lodge or social building requirements and that is in the zoning district, the facility must be membership basis, and it must be non-profit. It doesn't say non-profit, it says "it shall not be a business, it shall be membership controlled". Mr. Patullo has never had members there. It's always been for profit. They can comply with zoning. They have more than adequate parking. He only wants to keep offices on the first floor where they are currently kept, but would like to be able to have events, weddings, anniversary parties, bar mitzvahs, birthday parties on a scheduled basis in the existing facility where banquets have historically been held independent of the golf club. He's had weddings and bar mitzvahs there. In the ordinance, there's not a use precisely like a private banquet facility. They are not asking to expand the building. They are not asking to expand parking or impervious coverage. What they are asking is to be able to come back and put this use on a thirteen plus acre parcel. They are here tonight for Council's support. If they can't get your support, please don't take a position on it. Mr. Patullo has been in the Township a long time and the liquor license has been in place for a long time and hasn't been a source of problems. He wants to run a first class operation and be a good neighbor. The only relief they are seeking from zoning is to give them a variance or waive the requirement that it not be a membership facility. It won't have members and that it is allowed to be a business because the ordinance calls for non-profit status.

Mrs. deLeon said when you say for business, it would be for planned, scheduled things like wedding receptions, etc.? You never know how a business is going to go; would it ever be opened to the public again where they can just go out to the golf club for dinner? Attorney Fitzpatrick said they don't foresee that, but if they change what he just presented to Council, they will have to come back and get another variance. Mrs. deLeon said while you are here and going through the process, you should do it all at once. Attorney Treadwell said his understanding is that the proposed use would be by appointment/reservation only, and that it's not open so anybody can just go there for lunch or dinner. To change that, the applicant would have to come back and get approval to do that. Mrs. deLeon said she wouldn't have a problem with that approval. She doesn't know what the existing regs say about that. You just don't know what tomorrow is going to bring. Attorney Fitzpatrick said is there no objection for him running a restaurant? Mr. Maxfield said he objects and doesn't want to see a restaurant there. Mrs. Yerger said do they have any idea of what the capacity is for the facility? Is it licensed for 220? 300? 400 people? Attorney Fitzpatrick said he doesn't know what the capacity is. Mrs. Yerger said her concern is the road that leads to and from it. We already have some commercial facilities in the Township where the road coming and going is a real problem for the guests, the owner, for multiple people. She doesn't want to see us create another problem. Attorney Fitzpatrick said they are going to be limited by all the same standards of the prior occupancy requirements for fire, safety, Department of Labor and Industry, etc. It certainly can't be more than there was before. The fact is, Mr. Patullo keeps making the point to him that when he would run outings on a weekend, and have one

foursome after foursome going out and then guests joining players for a dinner or an event, it was really a tough use. He said the same thing in terms of traffic. This is anticipated to be a much lower impact use and a much more infrequent use. Mrs. Yerger said it's a country road with no shoulders and not designed to hold a lot of volume of traffic where it is. Mr. Maxfield said one of the things we need to consider very much is the future plans for this entire area. We are talking about traffic coming from a facility like this, but right now, we're not considering the additional traffic that will be coming from the planned forty-eight homes right next to it. Personally, he thinks the banquet use has always been an uncomfortable use and he was never sure the banquet was supporting or uplifting the golf course, or vice versa. It's very hard for him to understand that this banquet hall would exist on its own without the temptation to make it a regular restaurant. We've had those kinds of problems before where places have decided to take their own sort of direction and become a different type of facility. Attorney Fitzpatrick said all he can tell you is they will go on the record for the Zoning Hearing Board and state that it is not their intention to operate a restaurant or to have a daily use facility. The intention is to have a banquet facility use. What they really want to do is call it a Social Club, Lodge or Social Building. They want to do what the ordinance allows, except they are not going to have a membership structure and it's a business. Otherwise, they will comply with the ordinance and the parking setbacks. Mr. Maxfield said he's going to make one other suggestion. Because of the area that it is in now, and if Mr. Patullo is successful with his application, that area will get denser, we also have approved lots across the street that are going to be built on and also unsold homes in that immediate area. He'd like to have it that the hours of operation will be limited. It is in the middle of a residential area. He does not want to see people coming down Lower Saucon Road at 2:00 AM high. We already have enough of those problems on weekends, and if we are going to have a facility like that there, his suggestion is that we should make that a condition to the Zoning Hearing Board as it's a rural area. The Chicken Coop may have been there, but now we're talking about something different. We're talking about the possibility of the homes there, lots of traffic, and lots more opportunity for things to go wrong. He's going to suggest we don't let a facility like this run until 2:00AM in the morning. We may cut it off at midnight. That is plenty of time for someone to go to a banquet. Mrs. deLeon said in this business right now, it's closed right now, it's not providing the Township with any tax base. Most of the people she has talked to in the Township are disappointed with the amount of businesses we already have in the Township because it affects our bottom line. She thinks we should be as strict as we can with our regulations, but she can't agree on putting on a restriction that the people have to be out of there by midnight and the cops have to enforce it. To her, it's a business. We are a rural community and there are businesses in rural communities. Mrs. Yerger said speaking for someone who works in a facility that is a banquet use, they usually wrap it up by midnight without a problem. It is a very successful business and its next to a residential area and that's one of the considerations they have done. Attorney Fitzpatrick said can they bring that issue up and let the Zoning Hearing Board address the hour issues. He doesn't have any objection to what Mr. Maxfield is saying, but he just doesn't have the particulars of operating the business right now. The fact is, the Commonwealth of PA is going to have a lot of issues if we are serving a drink at 2:00 AM. Mr. Maxfield said he's worried about midnight to 2:00 AM. With 48 planned homes right next to it, he doesn't think those people would like that. Attorney Fitzpatrick said when you see the tremendous amount of open green space that's being proposed, the proximity of homes to this facility is not going to be an issue. You'll also see roads systems are going to be shared. There's going to be a dedicated driveway. Let's take up the hours issue at the Zoning Hearing Board. Mr. Maxfield said he wants to make it more than just bringing it up to the Zoning Hearing Board. He wants to suggest that it be a condition. It's only fair for the people who live there now and for people who are going to live there in the future. It's not really up to the police to enforce this at all. It's up to the facility to enforce the midnight deadline. Mrs. deLeon said what if this goes into play and the neighbors call, who is going to enforce it? It's all going to fall back on to the police. They are going to have to respond to a complaint. Mr. Maxfield said they can respond to a complaint,

General Business Meeting
April 7, 2010

but they are not there to make sure these guys close down at midnight. Mrs. deLeon said she didn't say that. She's just thinking ahead if they were violating the conditions. Attorney Fitzpatrick said he dealt with this issue before for other businesses, like Wegman's, and other restaurant chains and there's a whole body of law on the enforceability of restricting hours of operation and whether it's enforceable by state or federal law. He doesn't want to get into that tonight or get in it with the Zoning Hearing Board. He's saying this is not the forum to fix conditions. Let the Zoning Hearing Board do it. Mr. Maxfield said we've done it before and for good reason and he thinks this is a good reason. It's up to how the other Council members feel. He's throwing it out there, and that would be his personal recommendation. Attorney Treadwell said without Mr. Patullo being here, we're not able to hear from the applicant. As Attorney Fitzpatrick said, Mr. Patullo may be very agreeable to it and he may be willing to tell the Zoning Hearing Board he will put a self imposed condition of a closing time. Without him here to hear what his arguments may be for going beyond midnight, it's kind of difficult to make that determination tonight. Mr. Kern said in hearing Mr. Maxfield and Mrs. deLeon's comments, he understands and agrees with Mrs. deLeon as far as not wanting to put a kibosh on any type of business, but he'd like to take into consideration the locale. If the business were on 378, he would totally agree with Mrs. deLeon, but because the business is where it is, he's leaning toward Mr. Maxfield at this time. Mrs. deLeon said she's saying this because it was existing and it's an expansion of nonconformity. Attorney Treadwell said it's a nonconforming use right now. Mrs. deLeon said it's something that is already existing. She's been on Council for a real long time and she doesn't recall problems with traffic in that area in the past. Attorney Treadwell said he's not sure of the hours of operation are now. He doesn't think there is a limit on it now. Attorney Fitzpatrick said historically, there had not been hours of limit on it. Mrs. deLeon said right. Attorney Fitzpatrick said that was driven because there was an audience of folks who want to be almost in Riegelsville by 2:00 AM in the morning. Most of you on Council know him, and if he has a point to fight, he's aggressive and going to pursue it. He's not fighting what Mr. Maxfield is talking about. He's saying don't lock him in tonight. They are willing to talk about it. What they need to do is to proceed with a reasonable use of a long standing facility and just get your okay on that because they are not membership and are a business, they should get zoning relief and proceed. They will absolutely discuss restrictions. Mr. Kern said what they say is not binding on the Zoning Hearing Board so he doesn't know of any other way to communicate to the Zoning Hearing Board that they have this concern other than to put a condition on it. Attorney Fitzpatrick said how about he asks for Council's support with the condition that the operating hour's restriction be imposed on the back end? Mr. Maxfield said first of all, he'd love to trust, but he doesn't. Second, we don't need to do that. We can put that condition on just like it is and we don't need to support this application. He personally would like to see that condition go on and he doesn't think it's a great use for that area. He is not going to support the application whether it's on or not, but he'd still like to see it go on. There is a good reason for it. Mrs. deLeon said what if it was midnight, does everyone have to be out by midnight or does the function have to end at midnight or does the kitchen staff get to stay. Attorney Fitzpatrick said if the dishwashers are still there, then what.

Attorney Treadwell said it's scheduled for the April 19th Zoning Hearing Board meeting, is that time crucial? Attorney Fitzpatrick said he just told Mr. Garges because Mr. Patullo was called out of town, and they are going to ask to be on the May agenda. Attorney Treadwell said why don't you come back with Mr. Patullo at another meeting after you've discussed it with him and we'll know whether he's agreeable or not. Attorney Fitzpatrick said he thinks he could, but he's not arguing the fact that hard with what Mr. Maxfield is asking for, but he said he's not in favor of it no matter what. He isn't going to change his mind in a month, so he's here, and he'd just as soon get a reading of the board. If you want to put hours of operation on it, you are the Council. Mr. Kern said is there a motion.

**General Business Meeting
April 7, 2010**

MOTION BY: Mr. Maxfield moved to take no action other than to recommend to the Zoning Hearing Board that hours of operation be until midnight because it's in a residential area.

Attorney Treadwell said if you're going to do take no action, you don't need a motion to do that, so you would just need a motion to make a recommendation to the Zoning Hearing Board that they impose a condition that midnight be the end of any operations for the public.

Mr. Kern said he's hearing no action from Council, now can he have a motion?

MOTION BY: Mr. Maxfield moved to recommend the condition that midnight the operation ends for the facility, to be forwarded to the Zoning Hearing Board as a recommendation.

SECOND BY: Mr. Horiszny

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

ROLL CALL: 4-1 (Mrs. deLeon – No)

Mrs. deLeon said for the record she wants to make sure her "no" vote is interpreted correctly as she doesn't feel that this condition should be imposed on this business person. Attorney Fitzpatrick said is it his understanding that otherwise, there's a no action, no position vote? Mrs. Yerger said correct. Mr. Maxfield said this is simply a recommendation to the Zoning Hearing Board. He wants the Zoning Hearing Board to decide it, which they will.

3. MEADOWS BANQUET FACILITY – 1770 MEADOWS ROAD – SPECIAL EXCEPTION REQUEST FOR EXPANSION OF PRE-EXISTING, NON-CONFORMING USE

This agenda item has been tabled.

B. RESOLUTION #43-2010 – AUTHORIZING SUBMISSION OF ALTERNATIVE & CLEAN ENERGY GRANT/LOAN

Mr. Kern said Council previously approved the submission of an application to the Alternative and Clean Energy Grant Program for funding for energy reduction and conservation retrofits to Seidersville Hall, Town Hall, the Public Works Garage, the E. House, and for LED lights. PA DCED has advised that the funding may be awarded as a low interest loan and is requesting this additional resolution to continue processing the application.

**RESOLUTION #43-2010
RESOLUTION AUTHORIZING SUBMISSION OF ALTERNATIVE AND CLEAN
ENERGY GRANT AND/OR LOAN APPLICATION FOR FUNDING FOR ENERGY
EFFICIENT RETROFITS OF TOWNSHIP BUILDINGS**

WHEREAS, Lower Saucon Township desires to undertake retrofits of its municipal buildings to increase their energy efficiency and conservation and to decrease operating and maintenance costs; and

WHEREAS, the Pennsylvania Department of Community and Economic Development (DCED) provides funding for energy efficiency, conservation and renewable energy projects for local governments through the Alternative and Clean Energy Program; and

WHEREAS, Lower Saucon Township, has identified eligible projects in Seidersville Hall, Town Hall, its Public Works Garage, and in the E. House, such as replacement of boilers; installation of windows, insulation and automated control systems that will qualify for this funding.

**General Business Meeting
April 7, 2010**

NOW, THEREFORE, BE IT RESOLVED, that the Township of Lower Saucon, Northampton County, Pennsylvania hereby requests an Alternative and Clean Energy Program grant and/or loan in the amount of \$87,748.00 at a 1% rate and 10 year term from the Commonwealth Financing Authority to be used for energy efficient retrofits of Township buildings.

BE IT FURTHER RESOLVED that the Council of Lower Saucon Township does hereby designate the Council President and the Township Manager as the officials to execute all documents and agreements between Lower Saucon Township and the Commonwealth Financing Authority to facilitate and assist in obtaining the requested grant and/or loan.

Mr. Cahalan said there's still no decision on this grant, but we're hearing from them, as he reported previously, that whereas it was submitted as a grant application, it might be awarded to us in the form of a low interest loan. This again is in the amount of \$89,498.00. We would match that with funding we have in the capital fund. We are talking about \$171,000.00 worth of energy and conservation retrofits to Seidersville Hall, Town Hall, the Public Works Garage, E-House and also for LED lights for traffic signals in the Township. As reported previously, this will save a substantial amount of energy over the next couple of years for the Township buildings. They are requesting this resolution be approved and be sent to DCED. The amount may be less than the \$89,498.00. Right now they are tweaking the budget that went in and Cathy Gorman is working with someone from DCED.

Mr. Kern asked if there were any questions? No one raised their hand.

MOTION BY: Mr. Horiszny moved for approval of Resolution #43-2010.
SECOND BY: Mr. Maxfield
Mr. Kern asked if anyone had any questions? No one raised their hand.
ROLL CALL: 5-0

C. REVIEW OF POLK VALLEY ROAD BRIDGE STYLES

Mr. Kern said in order to move forward with the planning for the final design of the Polk Valley Park Connector Trail, which will run between Polk Valley Park and the Saucon Valley School District campus along Polk Valley Road, the Township Engineer would like Council to review and select a style for the pedestrian bridge that will span Polk Valley Run.

Mr. Cahalan said we had reported that we received the permit from DEP to span Polk Valley Run with the bridge. Mr. Kocher and Mr. Kochanski are working on the final design for the connector trail and will bring that to Council shortly. One of the issues is the bridge and we've been working on that with Mr. Kocher. We are trying to select a bridge that would be a low maintenance type of bridge, and we had several choices for styles and wanted to bring them to you. You should have some depictions there of five bridge styles. One of them has been scratched. The ones you have pictures of are the Atlantis and the Cascade style bridges. The quoted cost for a 40' long bridge, the cost for delivery and installation is \$16,500.00 for the Atlantis and the Cascade. The Contour and the Skyway styles are 10% more, so they'd run about \$18,150.00. The Colonial style isn't designed for a span above 20', so that will not work for this application. The four choices are Atlantis and Cascade, Contour, and Skyway. The finish on it is aluminum. It's not painted. We tried to get something that was very low maintenance. There's a similar one behind the Hellertown Authority. Council decided on the Atlantis style bridge.

MOTION BY: Mrs. Yerger moved for approval of the Atlantis style bridge for the Polk Valley Road bridge.
SECOND BY: Mrs. deLeon
Mr. Kern asked if anyone had any questions? No one raised their hand.
ROLL CALL: 5-0

D. **REVIEW OF APRIL 6, 2010 MEETING ON THE HELLER HOMESTEAD NATIONAL REGISTER NOMINATION**

Mr. Kern said the Heller Homestead Nomination to the National Register of Historic Places was acted on at the April 6, 2010 meeting of the Pennsylvania Historic Preservation Board in Harrisburg, PA. Saucon Valley Conservancy representatives can provide an update on the outcome of this meeting.

Mrs. deLeon said it was a very, very awesome day. It was in a church that was on the nomination list for registration also. The church was also nominated. On Tuesday, April 6, 2010, the Preservation Board nominated the Michael and Margaret Heller House, which is also known as Heller Homestead to the National Register of Historic Places. The board, which is appointed by the Pennsylvania Historical and Museum Commission, meets semiannually to review national register nominations throughout the state, voted unanimously to approve the nomination. The nomination will now go to the National Park Service in Washington, DC for final review and listing. The park service is the official keeper of the National Register. The board determined that the Heller Homestead meets the documentation standards for registering properties in the National Register as well as the procedural and professional requirements set forth by the National Park Service. The Heller Homestead meets the National Register criteria C. for local significance in architectural and especially for a local builder, Stanley Yeager, for his interpretation of the Colonial Revival Style of architecture. The house was remodeled in the 1930's by Mr. Yeager. The core of the farmhouse was constructed in 1751 by Michael Heller. The main section was added in 1820, and the adjacent Widow's House was constructed circa 1850. The nomination period of significance begins with the construction of the core and extends to the colonial revival style renovations of 1934 - 35. We have to wait for the final approval, but there shouldn't be any problems. They are very, very excited. Lenny Szy drove. They got there and met Isabelle Bauder whose Dad was the builder of the house. To sit there and see her glow like that was great. Isabelle is in her 80's. Barbara Ryan, Laura Ray, Ginny Blocker, Lenny Szy, Ralph Koch and Terry Heller Koch also came. Mrs. deLeon said a few words saying that in support of the Homestead they have a Heller descendant back to when the site was first established and we have the daughter of the builder here. She got to talk to Carol Lee. There were 15 board members there. It was an exciting experience to see how the process works.

Mr. Maxfield said if it makes it to the Register, is it going to go under the other name? Mrs. deLeon said they have their standards. It's a farmstead, but they don't have their surrounding acreage anymore, so we couldn't call it a farmstead. They go back to the first property owner. They are not sure about Margaret Heller, but her name showed up on one of the documents. Mr. Maxfield said if they get a plaque, it will be in that name? Do we have to officially change the name? Mrs. deLeon said no, she asked PHMC when they were first reestablished for their eligibility and she said you can call it whatever you want. If you look on the form, it says another name and it says Heller Homestead. Mrs. deLeon give information to Mr. Cahalan for a press release. Council said Congratulations.

E. **REQUEST TO REDUCE EASTON ROAD SPEED LIMIT**

Mr. Kern said the Township Engineer has reviewed the safe speed study conducted on Easton Road by the Township Police Department and is recommending that Council consider approving a request to PennDOT to reduce the speed limit on that state road.

Mr. Cahalan said PennDOT actually did the northern parts and Council reduced it in the southern stretch south of Wassergass. At the time, Council also asked us to look into this. Mr. Kocher worked with Chief Lesser and the Police Department to do safe speed studies. He has a recommendation dated April 1, 2010. He's saying they completed the engineering and traffic study on Easton Road between Ringhoffer Road and the Williams Township line. Based on the safe running speed study conducted by the Police Department and our analysis of the crash data, we believe the speed limit on this section of Easton Road could be lowered to 40 MPH. As this is a PennDOT road, the study should be

**General Business Meeting
April 7, 2010**

forwarded by the Township to PennDOT for their consideration of lowering the speed limit. He points out Council should make a decision about whether we want to own and maintain the speed limit signs as PennDOT will probably require that if they agree the speed limit can be reduced. There is other data on the speed limit and traffic study that was conducted by Bob Mack from Hanover Engineering.

Mr. Maxfield asked how many signs are we talking about? Mr. Kocher said he didn't know. PennDOT will tell us that. Mrs. Yerger said considering how many people are starting to walk, push baby carriages, jog, ride bike, ride horses, walk dogs, as it's getting more and more built up, she hopes they allow it to come down. Mr. Kocher said they think it meets PennDOT's criteria to go to 40 MPH. The police study should at least go to 45 MPH. Based on the crash data, it can go to 40 MPH. We have to see if PennDOT will agree to that. If you are in agreement, you should direct Mr. Cahalan to forward that to PennDOT.

- MOTION BY:** Mr. Maxfield moved to have the Manager send the request to PennDOT to reduce the speed limit on Easton Road.
- SECOND BY:** Mrs. Yerger
- Mr. Kern asked if anyone had any questions? No one raised their hand.
- ROLL CALL:** 5-0

Mr. Maxfield said does this include maintenance of the signs also? Mr. Cahalan said if you wanted to in Mr. Kocher's recommendation, he indicated the ownership, and we can consider that motion to include his recommendation which included letting PennDOT know we will maintain and own the signs.

VI. MISCELLANEOUS BUSINESS ITEMS

A. APPROVAL OF MARCH 17, 2010 MINUTES

Mr. Kern said the minutes of the March 17, 2010 Council meeting have been prepared and are ready for Council's review and approval.

- MOTION BY:** Mrs. deLeon moved for approval of March 17, 2010 Council minutes.
- SECOND BY:** Mr. Maxfield
- Mr. Kern asked if anyone had any questions? No one raised their hand.
- ROLL CALL:** 3-1 (Mr. Horiszny – No; Mrs. Yerger – Abstained as she wasn't at the meeting.)

VII. PUBLIC COMMENT/CITIZEN NON-AGENDA ITEMS

- Joan Madzarac, resident of 2074 Easton Road, Bethlehem said she went to the Bethlehem Council meeting again last night and here's what she told them: She told them that a Lower Saucon Councilman said he can't see how putting a hat on those street lights changed anything. She had a little show and tell. The audience loved it, but Council hated it. She said picture this, the lights are twice the size of your head and double lights. They are a hundred times or more brighter than this. If they would do this on our side, isn't that better or they can go to A.C. Moore and buy glass paint and paint the side black. She told them that one of our neighbors emailed Judy Ranier, the Manager of the project, about the garbage and delay in doing something about the lights. In return, she got a derogatory email from Judy. Judy said the email was not meant for her. Judy does not live there, nor does her caretaker, but yet she explained her remark as a result of frustration. What about our frustration, disappointment and suffering? Yet, we have remained civil. Only she can end all of this light invasion and frustration. It is now eleven months and all we hear is wait. Are we waiting for a slow boat from China? Judy also said in her email that the City is happy with what they have done. What have they done? Absolutely nothing. She doesn't know how long they can continue to ignore this problem. Mr. Donchez was present. She said that she requested that Mr. Alkhal, who is the Public Works head, meet with her at his convenience one night. He can bring bodyguards or Judy if he wants to. They will not hurt him. She advises he wears old shoes or

General Business Meeting
April 7, 2010

boots. If she takes him to Bethlehem Fields, it is usually a mess over there. She would ask the Mayor too, but he has yet to identify us as part of his constituency. She has big spot lights as do her neighbors. They could turn them on to their buildings to negate their lights. While they are waiting for them to change the street lights, why can't they do something about their building flood lights and porch lights. Those tenants in Building I use those porch lights as single lights. Maybe they should be changed to red lights. From what she has witnessed, it would be more appropriate. She cannot live with their intrusion on her home any longer. The young man from the Zoning Hearing Board who was at the last meeting said he had voted against the changes that resulted in this problem, but your zoning okayed it and we are stuck. If the City can't remedy the light intrusion, who can. We are not asking for the buildings to be torn down, only the lights changed to a neighbor-friendly lights. Is that still asking too much? One of the members in the audience stood up on her behalf and said that if he were living where she was living, he would either shoot out those lights or move. He said he wants them to do something and to tell her they can't do anything or where she can turn to do something. They all met with dead faces. They have a different system there. We are very informal here and you talk back to her and anyone can ask anything. Not there, only to the President, and he only says thank you and goodbye. No one says anything. She's been going to Council meetings for over 50 years and to Hellertown meetings as she's on the border. She's never experienced this situation the way they conduct themselves. You may get a memo. Someone answered they are looking into this. They are not looking into the situation. She can open her garage door and show them. She can go in and out her garage without turning the lights on. That's how bright it is. That's the same thing that is happening in her bedroom. It's getting hot outside. Last night she couldn't open her windows. She doesn't know what to do anymore. That's the situation as it is right now. Mr. Maxfield said the only thing he can think of is do we want to write them a letter right to Council and say you need to address this ongoing problem that they've been hearing about for a year now. Does that sound reasonable? If they are not listening to members of the public and are being met with stone faces, then maybe we need to write them a letter to the Council President. Mrs. Yerger said how much success have you had with going through the Press? Ms. Madzarac said one of her neighbors put in a piece in "Letter to the Editors" in the Morning Call, and it was never printed. She sent it several times, so she asked one of the guys at the Morning Call why her letters weren't published and he said it's political. If the Morning Call doesn't feel it's appropriate, they won't print your letter. Mr. Kern said she should try the Express Times. If you can get some momentum going anywhere, the Morning Call might jump on board. Ms. Madzarac said every time she buys the Express Times, all she gets is the New Jersey news. Mrs. Yerger said they do local news also. Mr. Horiszny suggested Paul Carpenter or someone like that. Ms. Madzarac said the reporter is a freelance writer from the Bethlehem Press, he keeps interviewing her, but she never sees an article. She will try the Express Times. She would suggest waiting until the next meeting so see if Mr. Donchez sends them another memo. The audience was having a good time with this. Three men have stood up and supported her. This one guy really told them and said you aren't listening to this lady, tell her what you can do and if you can do anything. Mrs. deLeon asked if there a condo association there? Ms. Madzarac said this is apartments. She also told them when the apartments are empty, they don't turn any lights on usually. Now they are doing this in spite as there is an empty apartment, and the shades are all up, they have all the lights on, and last night they turned the porch light on which all comes into her bedroom. When they had the second floor empty, they had no lights on. Only when it's in the front, they turn all the lights on and they shine them all over to her. Mrs. deLeon said Judy has to report to someone. Ms. Madzarac said Norris Boyd. Mrs. deLeon said did you ever write a letter to him? Ms. Madzarac said he was there. Mrs. deLeon said yes, but write him a letter as he has to report to someone. Ms. Madzarac said her neighbor has been sending him emails and she said they are going to soon accuse her of harassment. Ms. Madzarac said that's not harassment. You are telling them there is a problem. Mrs. deLeon said she should send them a registered letter rather than an email. Ms. Madzarac said would a lawyer write a letter, would that have any impact? Mr. Maxfield said it would probably be better than sitting at a public meeting. That would be a start. Attorney Treadwell said if you hired an attorney, that's the first thing he would do is write a letter. It would be to the City and Judy Ranier's boss. Ms. Madzarac said this

General Business Meeting
April 7, 2010

is a lot for her. She already bought trees to plant in front of her house. Mrs. Yerger said it's not only you that is being affected by this. Ms. Madzarac said it's mostly her house because the way the road turns, every light comes to her house. Mrs. Yerger said if you could get a small group, it just wouldn't be you to go to the meetings. Mr. Maxfield said she liked her suggestion to see if Mr. Donchez acts on it just because if we do write a letter, it will be our effort of last resort. If those two ignore us, what can we do as a governing body? Probably nothing. Ms. Madzarac said there are some nights you can't stand it. It gets brighter and brighter. Mr. Maxfield said more of the energy efficient bulbs, as they heat up, they get brighter. Ms. Madzarac said she will keep Council informed.

- Stephanie Brown, Meadows Road, said she came tonight because she was here for the Meadows Banquet Facility. When she went on the Township's website this afternoon at 2:00 PM, it wasn't crossed off, so she's a little upset she's here. She doesn't understand why it wasn't posted. Mr. Cahalan said it was posted. It was later than 2:00 PM as they didn't receive the notice earlier than that. They put it on as soon as they received the postponement which was received about 3:00 PM or later. Mrs. deLeon said in the beginning of the meeting, Mr. Kern always asks if anything was taken off the agenda, and that's why we tell the audience so they don't have to sit through the entire meeting if there was an agenda item taken off that they were there for. We have done that for many years now. Ms. Brown said she would like to make a few comments, so she'd have to wait anyway. She was listening to the presentation previous to the Meadows. She understands Mr. Maxfield's concern as to how late some of these activities go on at these banquet halls, but her bigger concern as someone who lives not that far from a banquet hall, is that they have no guidelines for banquet halls in this Township. She's not against them 100%, but after what she's seen in the last five years, the changes down at the Meadows, what really bothers her is some of the stuff going on down at the Meadows. Her concern is how do you keep that stuff from going on. We know the Meadows is acting as a restaurant. She understands there was a concert there on March 25th. When did it become okay that they could have concerts there? That's a lot of traffic and people. In the last couple of months, she's seen a lot of buses being bused in. She thinks you can't just box them in and say you can't do this or you can do this. It's always nice for a nonprofit to do something like a basket bingo or craft show. It's just getting out of hand down there. You are worrying about traffic between midnight and 2:00 AM. She's worrying about traffic when she's trying to get to the store for dinner at 4:00 to 6:00 PM. She's worried about the amount of traffic going over the bridge. She's worried about the backup of traffic at the bridge. When are we going to start saying what can happen at a banquet hall? It's getting out of hand down at the Meadows. Why does it keep getting bumped for at least three months now? Attorney Treadwell said it got bumped today because he and the Zoning Officer had a conflict with the Zoning Hearing Board on April 19th. The applicant's attorney had a conflict with tonight's meeting and this is an important enough issue that everybody needs to be present and ready to discuss this and answer any questions that anyone might have. Instead of proceeding with some of the people involved here, some not, he thought it was better to move it to the June meeting when everyone could be there to discuss it. Ms. Brown said physically, they are still allowed to do whatever they want to do down there until this comes up? At one point the yellow signs were up as they were going for a variance, does it have to be posted for a variance with whatever they are coming to Council for? She hasn't seen signs up as she did a couple of months ago. Attorney Treadwell said he doesn't know if someone took the signs down. There were signs up originally stating that they had an application pending before the Zoning Hearing Board. He doesn't know what the status of that is. Ms. Brown said they haven't been up in months. Attorney Treadwell said they can look into whether they took the signs down or whether the Township did. Did you notify the Township that there was a concert going on? Ms. Brown said yes, she did. She actually emailed Mr. Cahalan. It was advertised in a book that she picked up in Quakertown. It was a tribute band. She heard music coming from the Meadows in the summer, but it never dawned on her they were having concerts down there. She constantly sees them advertising the Easter Buffet, Mother's Day Buffet, and they are having bridal shows. They are still serving lunch through dinner Monday to Wednesday. It's crowded and the parking lot is pretty full when she walks past it. She's upset it keeps getting pushed back. Mr. Horiszny said he agrees about it getting pushed back month after month. He would think they

General Business Meeting
April 7, 2010

could get by with a concert if someone booked it and had it if it was their event. Mr. Kern said they are having lunch and dinner there? Ms. Brown said yes, she's told the Township before. She has the ads cut out. You can go on their website and they have an Atlantic City Buffet during the week. They have buffets for holidays, but this is three days a week. Mr. Cahalan said with exception of the concert, they were aware of that information and it was covered in the Notice of Violation (NOV) that was issued to the Meadows. Attorney Treadwell said that's one of the reasons for the scheduled Zoning Hearing Board hearings to address the NOV question as well as their applications for special exception and variances because they've done some work on buildings there without the proper permits and without notifying the Township of what they were doing. Some of the improvements they've constructed are in the flood plain. They presented to the Township showing what was there before and what is there now. The best way to correct those issues without making them rip down everything they put up is for them to go to the Zoning Hearing Board and request the necessary variances and special exceptions to allow them to keep what they have. If the Zoning Hearing Board says no, then they'll have to take it down. The use issue will obviously be addressed at the Zoning Hearing Board as part of the violation that the Zoning Department has issued. Ms. Brown said they are in violation now, but those activities are still going on as far as she knows. She doesn't know anything about the NOV. The only violation she saw is when Code Master came in and cited them for that long list of building violations and that was taken care of, and then that disappeared. Attorney Treadwell said those were building code issues and these are zoning issues. Ms. Brown said would that be posted on the property like the building issues were? Attorney Treadwell said the NOV would not be posted on the property. Ms. Brown said is that public? Attorney Treadwell said it is a public document. Ms. Brown said she could come into the Township and see this? Attorney Treadwell said yes. Mr. Kern said the Zoning Hearing Board meeting would be a good meeting for her to go to if she is in objection to what is going on.

- Ms. Brown said she has some problems with Meadows Road. She was unable to get pictures, but she was talking to one of her neighbors and with the drainage field coming out of the Meadows Subdivision and coming out and running out on to Meadows Road and to the railroad tracks, there's a six foot pond on the railroad tracks after some of these major rainstorms. She thinks it's really dangerous and the fact that those concrete barriers are there seem to be what is causing this ponding and it's very deep. It does dissipate eventually, but all that run off from the Meadows is coming own Meadows Road and ponding. She doesn't know if the Township is aware of this especially with the Rail Trail. It's a pretty big problem. Does she need to send pictures? Mr. Cahalan said that is something they are going to have to address when the Rail Trail is opened up. Ms. Brown said it has been flooded there for years. This goes way back to when PPL had the tree trimmer trucks there and they weren't supposed to have them there and all that dirt and mud ran down the driveway and clogged it up. The Township made someone fix it up between the substation and the driveway and Wilmet Lane, but not all of that was fixed. She was talking to one of her neighbors and he's trying to get the Township to answer him about what happens to that section between Wilmet Lane down to the railroad track as that has never been fixed. He was told it was supposed to be fixed and there's a significant amount of mud under Wilmet Lane, at least on that side of Meadows Road. Yes, there's always been some water runoff there, but there's always been talk for a long time about putting a pipe through and continue the water down closer to the creek. She doesn't know what happened with fixing that runoff situation. She's told the Township it's dangerous to walk there. There are right-of-way issues there. What's going on there? Mr. Cahalan said he will look into the pipe under Wilmet Lane. It's probably private property and was put there by the property owner. The restabilization of the gutter was done by the individual who was working and parking the trucks at the PPL station. That was taken care of. Public Works is responsible for the rest of the gutter down by Wilmet. They can look at the pipe that goes under the driveway. Several years ago, Hanover Engineering put together a plan to address conveying the storm water all the way down to the creek, which is a pretty expensive proposition and never undertaken. That's something that's out there. They will have to address the other storm water issues when the Rail Trail gets opened so it's not a problem. That's something they are looking at part of the planning for the Rail Trail. That crossing is a concern for a lot of reasons, not only

storm water, and that is something the Planner and Engineer are going to look at closely before it is opened up. Ms. Brown said her concern is the pipe under Wilmet Lane is it may be private but walking past it almost every day, the mud that washed down from the substation and the vehicles being illegally parked there, is what caused that pipe to fill up with mud. Why hasn't it been fixed? One of the things the Township Zoning Officer said is it's late in the season and we can't fix it right now, which is understandable to a point, but now it seems it needs to be fixed. Mr. Cahalan said he'll take a look at it.

- Ms. Brown said she has a question about the Rail Trail which she brought up before, and as a Township resident, she's a little upset. She sees so many people using the trail. She brought this up at the Rail Trail meeting as to why the opening is not posted as to "No Trespassing" and she's not sure exactly sure what she was told, but it's important to keep people off the trail right now until it's finished as that's a liability to her, as a taxpayer, if someone gets hurt on that trail. It's not technically opened to the public. She walks the roads and other people should have to wait until the trail is opened like she has to. You should at least post it at the openings. Mr. Cahalan said they did respond to Ms. Brown previously and indicated to her they are not encouraging people to use the trail. They haven't announced the trail is open. They posted an announcement on the Township website that the trail is not open to the public and that people using it are using it at their own risk. They have blocked off the entrances so that people cannot get on it with motorized vehicles. What is there, is not a real trail, it's basically an abandoned railroad bed that was there previously. That's how it's going to remain. They don't have any plans to post it. They are addressing parking issues that have been reported to them and that's what they will continue to do until they come back to Council with the plans to open portions of the trail, hopefully, this year. Ms. Brown said the neighbor she's speaking to who lives basically on the trail says his concern is the railroad bridge is very dangerous and a lot of kids hang out there. What happens if someone gets hurt? Mr. Cahalan said for safety, they put up Jersey barriers on the Saucon Creek bridge and the other bridge by Old Mill Road has the original railings on it. Ms. Brown said that it's something that should be posted "No Trespassing". She disagrees that the Township doesn't want to do it and keep people off of it. Mr. Cahalan said he did speak to the Solicitor about this and the feeling is that it's not necessary to do that. That's what Hellertown's position is also. Attorney Treadwell said we don't actually own the trail. We lease for a recreational trail purpose from SEPTA. SEPTA still owns the property, so there's an enforcement question. We're not the owner. Ms. Brown said if you lease something, you have a certain amount of responsibility, don't you? Attorney Treadwell said when it's improved as a use for a trail. Ms. Brown said there's no liability on the township then? Attorney Treadwell said he didn't say that. He could never say there's no liability on the part of the Township.

Kimberly Kelly, Jr. Council member left the meeting. The time was 8:30 PM.

VIII. COUNCIL AND STAFF REPORTS

A. TOWNSHIP MANAGER

- Mr. Cahalan said the vacancy for the EAC, they received several letters of interest from resident who asked to be considered. After review and consideration of the candidates, he is recommending that Dr. Dru Germanoski, who resides at 4206 Countryside Lane be appointed to fill this vacancy. Dr. Germanoski is familiar to all the Council members. He did some work for us. He's a Professor and head of the Geology Department at Lafayette College. He's co-author of 24 scientific papers and 66 abstracts. He gave Mr. Maxfield his resume earlier and it's 19 pages long. He's an expert in a couple of areas. He'd be an excellent resource for the EAC, and his appointment would be for a three year term and the EAC will determine if he will fill a voting or non-voting slot. Mrs. deLeon said she's uncomfortable with that. She thinks only Council can determine whether or not he fills a voting or non-voting slot. Mr. Cahalan said he thinks we had the opinion previously from

the Solicitor on that. Attorney Treadwell said he doesn't recall. He didn't realize this was going to be an item tonight. Mrs. deLeon said the vacancy does happen to be the voting member. Only the Township Council can appoint members to the board. You can't say we want to appoint him and the EAC makes the recommendation as to whether he's filling a voting or non-voting part. There happens to be a vacancy as a voting member. That is the vacancy. She'll make a motion to appoint him to the voting position, is that wrong? Mr. Cahalan said he's recommending that he be appointed to the EAC and it's the EAC's decision whether he will fill a voting or non-voting slot. Mr. Maxfield said they did that before, but brought it back to Council for final approval. We made a recommendation, that's all. Mrs. Yerger said Mr. Cahalan is appointing him to the EAC and wants us to bring back a recommendation back whether or not it should be voting or not. Mrs. deLeon said he's not a member until Council appoints him. We are going to tell him he's on the EAC and he's going to go to a meeting. To her, he's a valuable member and should be the voting member. With 19 pages as a resume, she'd want him as a voting member. Mr. Kern said there are voting and non-voting members on the EAC and there may be some non-voting members who have been on the EAC and may have priority over a new member coming on. Mrs. deLeon said then why was there many months that went by that the EAC didn't recommended moving a non-moving member up? How long has this vacancy been open? Mrs. Yerger said a couple of months. Attorney Treadwell said this was his opinion from November 2005, that the Manager would seek interested candidates and recommend to Council an individual to fill the vacancy, which the Township Council would proceed to appoint. Thereupon, the EAC would decide whether the individual should fill a voting or non-voting seat and report this action to the Manager to be approved by the Township Council. It is Council's duty to appoint an individual to fill the vacancy and the EAC would decide if the individual should fill the voting or non-voting position and come back for approval by Council. Mrs. Yerger said we should discuss and recommend. Mrs. deLeon said we're not taking action tonight then. You'll just discuss his name and come back. Mrs. Yerger said he needs to be appointed. Mrs. deLeon said there's no place to be appoint him. The only place to appoint him right now is for the vacancy on the voting side. How many voting members do you have? Mr. Maxfield said seven voting members and four non-voting members. Mrs. deLeon said there are four people filling four spaces. You have to resign or have an opening for him to fill. Mr. Maxfield said that may be and we may appoint him to the voting position, but the way we move things around in the past, we had a conversation and if we spoke to Dru and he realized there were other members that have been there longer, then if we make a switch, it is with everyone's agreement. The problem is that terms run with the positions. We have an empty position right now with an associated term with it. If he's not mistaken, that position has already been expired. It would have been up for reappointment already. Mrs. deLeon said you have been without a representative since January 1. As soon as that position as vacant, you should have decided if someone on the non-voting should have moved up and then they would have been the voting member and you would have had a vacancy on the non-voting position. It just looks a little more orderly. Mr. Maxfield said we could have done that. From a member, it didn't seem imperative to do. Now we have someone coming on, and we have to consider these kind of things. We didn't have any voting difficulties. We never had quorum problems or anything like that. Attorney Treadwell said you could have four non-voting members who want to remain non-voting and don't want to move into a voting member slot, but we don't know that tonight. Mrs. deLeon said to appoint someone tonight, the only place to put him is the voting member. Bring it up at your EAC meeting and tell them Council wants to fill the position, but we want to have a recommendation from the EAC if they want to move someone up from non-voting and put him there, and then we'll vote on it. Right now the only vote we can take is to fill the empty slot which is the voting slot. Mr. Kern said procedurally, why couldn't we appoint him in a non-voting spot until the EAC decides. Mr. Maxfield said per the by-laws we are allowed to have as many associate members as we'd like. We have four specified.

General Business Meeting
April 7, 2010

The statute does allow for an unlimited number of associated members. Attorney Treadwell said it's not in the statute, it's in the PA Environmental Council handbook. The handbook recommends that associate members be appointed and further suggests that associate members should be given high priority for appointment to the EAC when vacancies occur. Mrs. deLeon said she feels there should be no action taken tonight and the EAC should just bring it up at their next meeting and then come back with a recommendation and it'll be fine. Mr. Maxfield said the idea of appointing him as an associate member is interesting because you have to have him as part of the group to be in the discussion. We aren't going to make a decision without his input. Mrs. Yerger said that would be changing the by-laws. Mr. Kern said the easiest approach is what Mrs. deLeon said and discuss it at your next meeting and then come back to Council. Mrs. Yerger said he should be invited as a resident. Mr. Cahalan said if he was appointed tonight as the voting member, could the EAC come back later with a recommendation to move somebody from a voting to a non-voting slot? Mrs. deLeon said they would have to resign. Attorney Treadwell said there would be procedures you'd have to go through to make it happen. Mr. Maxfield said we may be switching terms then. Mr. Kern said work it out at your next EAC meeting. Mr. Maxfield said waiting a week is fine. We'll just invite Mr. Germanoski to the meeting. Mrs. deLeon said in the future if there is a voting member, you should ask the existing non-voting members if they want to move up. Mr. Maxfield said if we don't have an associate member who doesn't have a desire to be a voting member, Dru sure has a nice impressive resume. Mrs. deLeon said she remembers him at one of the Township meetings. Ms. Brown said as far as she knew, this was a non-voting position. That's how it was advertised as she saw it. She couldn't understand as the gentleman that resigned was a voting position. She saw it on the Township and the EAC website. Mr. Kern said if it was, that would have been a mistake. Ms. Brown said she understands that, but she's just bringing it to their attention. Mr. Kern said no action until the next meeting.

- Mr. Cahalan said the City of Bethlehem requested a letter of support from the Township. They are putting in an application for funding to DCNR for \$400,000.00 to replace the High Street Bridge. The High Street Bridge crosses the railroad track. That portion belongs to the Norfolk Southern. Norfolk Southern would like to demolish the bridge. They have made a request to the State PUC to do that. Their answer as far as a replacement is to fill in the cut with fill and pave a berm over it to let the traffic on High Street get across that previous bridge opening. If that were to occur, that would block the future potential linkage between our Rail Trail and the Bethlehem Greenway which now goes to Saucon Park. They are hoping that some time in the future they could reach some agreement with Norfolk Southern and also extend the Bethlehem Greenway further down so it can link up with Hellertown. This would be for funding from DCNR to put up a culvert there that would allow pedestrians and bike travel through that area. With Council's approval, he will send a letter of support to the City of Bethlehem.

MOTION BY: Mr. Maxfield moved for approval to send a letter of support to the City of Bethlehem.
SECOND BY: Mrs. deLeon
ROLL CALL: 5-0

- Mr. Cahalan said due to the weather conditions, Ken Luybli, the Fire Marshal, Lynn Keck, the Fire Chief of Leithsville Fire Company who is also the Township Forest Fire Warden, and Bill Cszasz, our Emergency Management Coordinator, have requested that the Township enact a temporary burn ban due to the extremely dry weather conditions. According to the PA Forest Fire Warden's website, a combination of strong winds, low relative humidity, and warm temperatures, will create an explosive fire growth potential. Per Resolution #33-2006, the Council delegated authority to him to enact a temporary burn ban and that would be in effect immediately and continue until the Fire Marshal and the Forest Fire Warden advise him that conditions are such that risk of fire has abated. Mrs.

**General Business Meeting
April 7, 2010**

deLeon said the similar notices were on the Northampton County website. Is there any way our website can load those alerts so people can see them? Mr. Cahalan said we can see about that. Mrs. deLeon said this is the time of year that it's bad. Mr. Kern said is it the Northampton County link? Mr. Cahalan said it's a system from Northampton County Emergency Management where you sign up for an email alert.

- Mr. Cahalan said he sent something around about the Volunteer Recognition picnic and it looks like the consensus is that Monday, June 14 would be the best day. That'll be here at Town Hall Park and further details will follow.
- Mr. Maxfield said to jump back to the first item we were discussing about Dru Germanoski; do we need to take any kind of action or direction to acknowledge that we generally agree with Mr. Catalan's recommendation to appointment to the EAC or does that just happen next time? Attorney Treadwell said that can happen next time. Probably what the EAC will do is that so and so be appointed to the voting be appointed to the voting position and so and so fill the other vacancy. Mr. Maxfield said the by-laws state that Mr. Cahalan makes the recommendation. Mrs. deLeon said you would be making the recommendation to Mr. Cahalan and he would bring it to the Council. Mr. Kern said they looked on the Township website and it was incorrect on there. Ms. Brown said she had asked especially with it being a voting position being open, is there a procedure for a non-voting member to move up. Mrs. Yerger said it was correct on the EAC website. Mr. Cahalan said they have items under "Announcements" that may have been on there previously when there were openings that Colin Guerra and Chiharu Tokura filled and they were non-voting vacancies. He's not sure what Ms. Brown is referring to. There were previous announcements about the EAC and those have been already filled. Ms. Brown said her question is, is this legitimate as it wasn't advertised correctly, doesn't it have to be advertised again correctly and be reopened to the public? There's a difference between a voting and non-voting member. Attorney Treadwell said he doesn't think there's any formal advertising requirement.

B. COUNCIL/JR. COUNCIL

Kimberly Kelly – Absent

Mr. Maxfield

- He said noticed at Polk Valley Park, and he mentioned it a few months ago that there is a wire hanging down that's almost touching the stream area. He doesn't know whether it's cable or whether it's dangerous. Mr. Cahalan said he will check into it.

Mrs. Yerger – No report

Mr. Horiszny

- He said do we need to take action to waive our tipping fees for the Great PA Cleanup? It's April 17th to May 1st.

MOTION BY: Mrs. deLeon moved to waive the tipping fees for anyone who is registered with PennDOT for the Great PA Cleanup.

SECOND BY: Mr. Horiszny

ROLL CALL: 5-0

- He said there's a thing called CREP which is a conservation initiative that landowners can take and it will cost the Township nothing. He wants to pass it on to the Saucon Creek Watershed Association to see if they want to publicize it, and if they don't, maybe the Township will. He will give it to the Watershed group first.

General Business Meeting

April 7, 2010

Mr. Kern – No report

Mrs. deLeon

- She said on April 10th, this Saturday, Lehigh County Historical Museum, they are having their history expo. It's from 10 AM to 4:00 PM. All the historical organizations will have tables set up.
- She said on April 24th, Saucon Valley Annual History Day is at the three historical sites.
- She said on May 1st at the Conservancy, they are having their annual plant sale and community yard sale. If anyone has anything they want to try to sell, they have tables. You have to have your reservations in by April 25th.
- She said May 1st is also the young artist's reception. The current exhibit for art is the area artists. In May, it's going to be the young artist's exhibit.
- She said April 14th, next Wednesday, in the morning at DeSales, Hellertown-Lower Saucon Chamber is holding a breakfast, and the Lehigh Valley Convention Center and Visitors Bureau will be there talking.

D. SOLICITOR – No report

E. ENGINEER – No report

F. PLANNER – No report

IX. ADJOURNMENT

MOTION BY: Mrs. deLeon moved for adjournment. The time was 8:58 PM.

SECOND BY: Mr. Horiszny

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

ROLL CALL: 5-0

Submitted by:

Jack Cahalan
Township Manager

Glenn Kern
President of Council