I. OPENING

CALL TO ORDER: The General Business & Developer meeting of Lower Saucon Township Council was called to order on Wednesday, April 18, 2007 at 7:05 P.M., at 3700 Old Philadelphia Pike, Bethlehem, PA, with Mr. Glenn Kern, Council President, presiding.

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

PLEDGE OF ALLEGIANCE

ANNOUNCEMENT OF ANY EXECUTIVE SESSION (IF APPLICABLE)

Mr. Kern said Council did not meet in Executive Session.

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 Diane, Leslie, or Jack or call the Township office. Please state your name and address. If you can't hear, please let us know. Mr. Kern asked if anything was taken off the agenda this evening? Mr. Cahalan said no.

III. PRESENTATIONS/HEARINGS

A. PUBLIC HEARING & CONSIDERATION OF ADOPTION – ORDINANCE 2007-10 – AMEND VEHICLE CODE

Mr. Kern said ordinance 2007-10 has been advertised for a public hearing and consideration of adoption to amend Chapter 170 of the Vehicle Code to allow for the addition of a No Parking sign on Route 412 at Meadows road and a No Left Turn sign at the intersection of Meadows Road and Route 412.

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

Mr. Cahalan said these are two of the improvements that were recommended by the Township Engineer in the Meadow's Road area traffic analysis. It would be prohibiting a left turn coming out on Meadow's Road on to Route 412, and also, prohibiting parking on the north side of 412 to improve the site distance. The signs will be going up shortly for the weight restriction for the

Meadow's Road Bridge and they are still looking into signage for the Meadow's Road Bridge itself. Mrs. deLeon asked if this bridge is called Bridge 16. Mr. Cahalan said it's called Bridge 15 as 16 might be the Old Mill bridge.

Mrs. Yerger said this is a change to the traffic there. Is there any way we are going to help make people aware of this change? Mr. Cahalan said he doesn't know if there would be any more recommendations. Mr. Kocher said you'd have to do it in the newspaper, as PennDOT doesn't have any provisions for these types of advance warnings. Mr. Cahalan said it could be put on the website and be put in the newsletter. Mr. Horiszny asked if we couldn't put up a warning sign like "new traffic signal ahead". Mr. Kocher said there aren't any PennDOT regulation signs that could be put up.

Mr. Shawn Cressman, resident, said you could put a blinking light on top of one of the orange and white barrels for a month.

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

MOTION BY: Mrs. deLeon moved to adopt Ordinance 2007-10 – Amending vehicle code.
SECOND BY: Mr. Maxfield
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.
ROLL CALL: 5-0

IV. DEVELOPER ITEMS

A. ZONING HEARING BOARD VARIANCE – DAVE & JANE PATRIARCA – 3804 LOWER SAUCON ROAD – REQUEST VARIANCE TO DISTURB FLOOD PLAIN SOIL TO CONSTRUCT ADDITION TO DWELLING

Mr. Kern said the applicants were before Council at the last meeting and would like to again discuss with Council an alternate proposal to construct an addition to their existing home.

Jane & Dave Patriarca were present. Mr. Patriarca said the last meeting they came to, there was no disturbance allowed on the flood plain. They are proposing to take away the above ground pool and do an equal exchange and give back permeable soil, and then they could put on the concrete pad for the addition. Mrs. Yerger said equal exchange? Mr. Patriarca said they'd rather leave intact the 24'x24' garage, if possible, and revise their plans to equal the same amount of square footage that the pool does once you do your diameter change and the deck that went along with it. They would like Brien to come out and see if it's the same amount of square footage, and then they will redesign their house and pad that it's going to be built upon to equal what is allowable. Mrs. Patriarca said they plan they showed you is more given back than they would take. They want to swap out the land.

Mrs. Yerger asked if they were going to add bedrooms? Mr. Patriarca said no. One room that is considered a bedroom right now is going to become their front entry way or foyer, so the room will be totally dismantled. One of the other existing bedrooms is a den or will become a computer room. Mrs. Yerger said you aren't going to want a pool? Mrs. Patriarca said no, they want the larger space. The pool is a luxury, but they do have the stream they can cool off in. The house they have is 900 square feet and is very small. Mrs. Yerger asked if they figured any kind of riparian planting? There is nothing to hold those banks there. Mr. Patriarca said on the north side

there is, and on the south side it's all lawn. Mrs. Yerger said lawn doesn't anchor banks. You need shrubbery or trees. It's something to consider and be to your advantage.

Mrs. deLeon said she keeps going back to the HEA letter dated March 30, 2007, and No. 3 says "within any designated FA area, no new construction, development, use, activity or encroachment of any kind shall be allowed". If that's a state reg, do we have the authority to change it? Mr. Kocher said it's a township regulation and from your floodplain ordinance. Mrs. deLeon said who has the authority to waive that? Attorney Treadwell said that's why they are going to the ZHB. Mr. Kocher said there are actually two ordinances that govern what they are doing. The zoning ordinance by way of saying you cannot disturb floodplain soil and then Chapter 90 is your floodplain ordinance which governs any activities in the flood plains. Our review was on Chapter 90 and they are asking for a variance from the zoning ordinance. If they get that, they still would be back here to get a waiver from that section and a 50 foot setback from the stream section. Mr. Kern said how substantial is this disturbance? Mr. Kocher said the amount of disturbance is only one issue. The other issues are that the ordinance prohibits construction in the flood plain and it isn't within 50 feet of the stream. Their proposal addresses the concern Council raised last time as far as obstructions in the flood plain. It seems like a reasonable solution to that. There are other issues. Mr. Maxfield said now the applicant has expressed the wish to keep the garage which was to be removed. Now with an addition on to the house and all those structures so close to the stream, we have additional blockage in that area. Mrs. Patriarca said we can still do that. We just wanted to open up a dialogue. Our original proposal is we can take down the garage and the pool if that suits Council. We understand we need a variance, but if we could work it that we could still maintain to keep our garage, we wanted to see what kind of feedback we could get from Council. Mr. Maxfield said he can't really support it as it is. It's not just about percentages of swapping. It's about disturbance of the soils which is really what the ordinance mentions. Once those soils are disturbed, they are not quite the same for a long, long time. Mr. Patriarca said we are asking what we have to dismantle. If we give you back permeable ground and get grass there and allow water to seep back in for the same amount the concrete pad would be for the building, that was one thing that was discussed that would be creative and come back and speak to Council. Mr. Maxfield said in order for the disturbance, there has to be a gain of some kind…riparian area re-established. There has to be less objects in the way- something like that and make that situation as good as we can make it. He was disappointed to hear they wanted to keep the garage as that was a step in the right direction. Mr. Patriarca said we need a beginning point to begin with. Mr. Maxfield said the pool is not nearly close to the creek as the garage is. Mr. Maxfield said he's seen the floods in that area. Just the other day we didn't have a major rainfall, and it almost went over the other day.

Mrs. deLeon said you talked last meeting about doing something of a second floor to connect. Mr. Patriarca said the setback won't be feasible. Mrs. deLeon said the setbacks are existing. Mr. Horiszny said he thought it was mentioned last time also that you would use the garage pad as a construction site. Mr. Patriarca said the way Chris had spoken, once you take down the garage and make it into a dwelling for housing, then it doesn't grandfather over and you have to meet current existing setbacks. If we change its usage, he felt it might not be acceptable as grandfathered into using the same area. Mr. Maxfield said that's where your variance would apply. Last time you said you would utilize the foundation of the existing garage, take down the top part of it. If you are going to build right on top of an existing foundation, that's a lot less disturbance. Mr. Patriarca said they tried to talk to the FEMA representative and they can't even find any. Mr. Maxfield said try the Army Corp of Engineers. Mr. Kocher said DEP said they didn't have any jurisdiction. Then the Army Corp probably doesn't either. Mrs. deLeon said it would probably be us.

Mr. Maxfield asked the condition of the foundation? Mr. Patriarca said he got a feeling when Brian and his dad put it in, they put crushed stone down and just poured 6" slab over top. He thinks it's a floating footer. If the garage needs to be dismantled, they'll jack hammer the concrete. Mr. Maxfield said again, we're throwing out ideas and we do not have solid information. Mrs. Yerger said you have an existing non-conformity, and in some ways, the proposal we had before was at

least an attempt to lessen the non-conformity and that was the direction we were going. She was encouraged by that. Now you come and said that's not really what you want to do. You want to keep it exactly the same and do this disturbance and that's going in the wrong direction. Mrs. Patricia said we don't want to do that. We're just asking for some input. We don't want to disturb the neighborhood. We recognize that, living in the area. We will be willing to take down the pool and the garage. That was our original proposal…give back actually a couple hundred square feet of bushes or the proper vegetation that would be best to suit everything. There will be a period of time when the soil will be disturbed, and the construction we would try to make that as minimal and as fast taken care of. Mr. Maxfield said that depends on season. Mrs. Yerger said we really need to hear what you are going to do and bring it back to us. Mrs. Patriarca said would the original proposal be acceptable…take down the garage, take down the pool, put in the proper vegetation, would we be able to work this with you? Mr. Maxfield said our problem is what you are asking us to negotiate is the possible safety and health of other people in the township. That's a little tough for us to do. We're definitely going to be on the side of caution. If I had my "rathers", I'd rather have this plan didn't go through, but I will go through with what the rest of Council wants to do. If you want to work out some sort of situation that is okay to everybody else, it's okay with him. Mr. Patriarca said they need somebody to come out and eye it up and work it out with them. Mr. Maxfield said you are going to have to pay attention to how the excavation is done, that's all going to have to be minimized as much as possible. Mrs. Patriarca said they will abide with all regulations.

Mr. Horiszny asked if they are designing this for you? Mr. Patriarca said they have an engineer who is working with us on doing all the geographic work and for the building specifications. Mr. Horiszny said what about stilts? Mr. Patriarca said they had spoken about that, and they considered it, but for stability, a slab would be so much easier to do. Piers might also be another negotiability. Mr. Horiszny said if they went up 18" stilts, what does that do for impervious coverage? Mr. Kocher said it would be like a deck and be impervious.

Mr. Kern asked what direction Council wanted to go in. Mr. Maxfield said we don't have a solid enough plan to consider one way or another and he would like the applicant to come back with a good, solid plan on what they would want to do so they can say yes or no. Mr. Patriarca said they don't know who to talk to, Brien and his firm? Mr. Maxfield said if they want to give you advise, that's okay, but he knows there is a saying for township's, don't design anybody's project for them. You are going to have to design the project and work with engineers and present it. That's the way it goes. We don't want to be liable.

Ms. Judy Stern Goldstein said a lot times you are seeing where buildings are being raised up on piers, that's to remedy the existing situation so you have a building that is clearly having a whole block of obstruction. It's not an optimum situation, but they are dealing with the existing condition and making it less worse. To do new construction that way, it's still considered obstruction. Mr. Patriarca said if it's not even a feasible idea, then we're not going to spend the engineering time and money on it. Mr. Maxfield said we can't tell you that. That is something your engineer has to give you advice on. You are going to have to minimize all the impacts as much as possible if you want to be considered for a variance in a flood plain. That's the direction you should give your engineer and that's what he is going to have to prepare for us. It's got to be minimal. We have an obligation to correct or mitigate as much as possible any non-conformities that come before us if they are asking for changes. Mrs. Patriarca said they were proposing to give back some land. They have 1,000 to trade and only wanted 780. They'd be giving back some soil. We could make the addition even a little smaller to give back even more. We need to disturb the soil. The engineer did go through all of the work and our engineer says right now if we build it 18" above the flood plain level, we do all of this control plan for the soils, we follow all the regulation, we are getting guidance from him that we should be okay. It's hard for us to understand how we can come back with a better plan as we've done the homework with the engineer. Mr. Maxfield said what is presented to the township is nothing we can actually review. We can't review words, we've got to

see a plan, facts and figures and why it's okay at 18" and documentation. Mrs. Patricia said they provided all that. We have a plan. Mr. Kocher said after the last meeting, they got a new packet from their engineer. As far as the height of the proposed addition, it meets the ordinance requirement to be above the flood plain elevation and their floating calculations so the building doesn't float away are okay, and they did put a letter out on that today. That doesn't address the issues that we talked about, flood plain soil disturbance, no new construction in the flood plain, and the 50' stream setback. Mrs. Patriarca said they are asking to add on to a consisting structure.

Mr. Kern said we can support, oppose or take no action. Attorney Treadwell said they need two approvals…one would be the ZHB and the second would be this Council. Brien Kocher said correct. Attorney Treadwell said to be fair to the applicant, if this Council doesn't feel like you could support the approval they need from you, you should take that into account to what you would recommend to the ZHB. Mrs. deLeon said the two approvals from the ZHB are what? Attorney Treadwell said the first is the zoning ordinance variance which they've asked for from the ZHB and the second is the flood plain ordinance which only Council can grant. Mr. Kocher said the plan you have now shows that within 50' of the stream and they need relief on that if they can move it. The whole idea of no new construction in the flood plain is what they really need.

Mr. Maxfield said he can't support this. It would be going against everything they tried to do so far. Mrs. deLeon said if the ZHB says yes to them, they still have to come back to us and we can still say no. Mr. Patriarca said what's the difference now, we've got thousands of dollars tied up in this? Mrs. deLeon said more money. Mr. Patriarca said Chris has given them somewhat of a positive manner to move forward. Mr. Cahalan said he doesn't think Chris would advise that. He probably said is he gave you the zoning answers and said it's up to you if you want to proceed in that direction Mrs. Patriarca said you are right. Mr. Maxfield said if they grant you the variance, you can go to the next step. The grandfathering is because municipalities have to allow those things to exist because they are pre-existing. It's not that they are okay. It's not that we would allow them again. Because your house is there and it's in the flood plain, and you knew it was in the floodplain when you bought it, and now you want to make additions to it, he would think that would have been a consideration when you bought the house. With all the problems in the township of flooding, most people are aware of those problems. The floodplain ordinance has been in existence since 1979. Mrs. deLeon said this Council is very supportive of storm water controls.

Attorney Treadwell said would it make sense for their engineer to meet with HEA and have a staff meeting and go through this? Mrs. Yerger said that's their call. Mr. Kocher said the actual Harte Engineering numbers are really done. The issues he sees are riparian plantings. They may need a revised erosion control plan. The flood plain solid disturbance, and new construction in the flood plain. Mrs. deLeon said everyone has the right to come here, but the bottom line is no new construction in the floodplain. You are here because you are going to the ZHB for disturbance of floodplains and the disturbance of floodplain soils. If you get through the ZHB, then you need to come back to us for the floodplain ordinance. Attorney Treadwell said that is correct. Mrs. Yerger said this is a tough one and we worked hard to put the regs in place.

MOTION BY: Mr. Maxfield moved to oppose the request to the ZHB for the variance.
SECOND BY: Mrs. Yerger
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.
ROLL CALL: 5-0

MOTION BY: Mrs. deLeon moved that if this application proceeds to the ZHB, then the Manager should authorize the appropriate staff to go to the ZHB to oppose.

SECOND BY: Mrs. Yerger

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

ROLL CALL: 5-0

B. BARRY & DONNA SHERIDAN – 2422 & 2426 APPLEBUTTER ROAD – WAIVER REQUEST FOR RELIEF FROM ISOLATION DISTANCE FOR SEPTIC REPAIRS

Mr. Kern said the property owners are requesting a waiver of isolation distance from surface waters to repair the existing sewage disposal system which is not functioning properly.

Joe Bednarik from Keystone Consulting was present. He said their client is Colonel Barry and Donna Sheridan. They are stationed in Houston. They own the aforementioned properties. They put the properties up for sale. The people interested in purchasing the property have requested a third party inspection of the existing septic systems which were found to be inadequate. The inspection report, the systems are either seepage pits or cesspools and neither is acceptable in its operation. They are proposing to replace the existing systems with the current DEP regulation systems, a sand mound for 2426 Applebutter and a grade bed with a peat filter for 2422 that meets all the DEP environmental regulations for isolation distances from buildings, driveways, streams and so forth. The only issue is we cannot meet the 100' isolation distance that the township has in their ordinance to the streams. There's a stream that wraps around the front of 2426 and the same stream to the rear of 2422. The Sheridan's are requesting a waiver from the requirement to be 100' from the streams. The actual distance is greater than 50' for 2426 from the stream and for 2422 it's 60 feet to the one and greater than 70 feet to the other.

Mr. Kocher said since they meet the DEP requirements and we look at the existing systems that are cesspools, it looks like it will be an improvement to the water quality. Mrs. Yerger asked if these systems will be put where the cesspools were? Mr. Kocher said the plan doesn't identify that. Mr. Bednarik said on 2426, the cesspool is in the front yard, approximately where the proposed septic tank is going and the sand mound is going to the rear of the property. There's a relatively level grassy area. One 2426 the grade bed is going adjacent to the house, slightly to the NW of what was dug up and indicated as the existing cesspool.

Mrs. Yerger said would putting them back where they currently exist be better as far as limiting the amount and that we would not be as much of a variance? Mr. Bednarik said they only tested where they are showing the proposed absorption areas. Where the existing cesspools are, you have your hydraulic loading of the soils from the many years of the cesspools. Jeff Hough, one of the townships SEO's walked the site and determined where they did the soils testing for the proposed replacement systems, which is far away from any steep slope issue.

Mr. Maxfield said with septic systems, in ground, a sand mound drain down, does riparian function have a filtering device between proposed septic sites of the steams? Would that be good to maintain those areas? Mr. Kocher said he doesn't know how relevant that is to the effluent question because the systems themselves are designed so that when the sewage reaches the water table, it should be renovated. Mr. Maxfield said would the release from these systems concentrate release at all? Mr. Kocher said that's the guidance DEP gives us, when these systems are designed. Mr. Bednarik said the limiting zone on 2426 was 20". That's the minimum depth. We'll be adding 28" of sand so when you add the 28" of sand and the 20" of regular soil, you have your 48" required soil before you get to a water table. For 2422, the limited zone was 22" and we're proposing the use of a peat filter which replaces the sand, mainly because it's a much smaller lot. It does meet all the DEP regulations for the isolation distance to limiting zones due to water table and renovation factors. With a peat system, there is an annual inspection that is DEP required. The

peat is required to be replaced every eight years and sign that agreement to the annual inspections and the 8th year replacement of the peat. These lots are past Ringhoffer Road on the right hand side where the new storage facility is. They are served by public water.

MOTION BY: Mr. Kern moved to approve the waiver of the isolation distance from the surface waters to repair the existing sewage disposal system.
SECOND BY: Mr. Maxfield
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.
ROLL CALL: 5-0

C. LONG RIDGE SUBDIVISION – REVISED LANDSCAPE PLANS

Mr. Kern said the developer requested to revise their landscape plan for tree plantings. Boucher & James has reviewed the revised landscape plan and has found it to be adequate to replace the previously approved landscape plan.

No one was present representing Long Ridge.

Ms. Stern Goldstein said they reviewed the plans and the original plans were part of the subdivision land development applicant. Subsequent to that, and after construction, they maintained a different consultant and did a more extension plan that not only meets the maximum ordinance requirements and the specifications that were proposed, but actually exceeds that it's a better plan. There are more plantings and they are using more native varieties.

Mrs. deLeon said yesterday at the fire company meeting, there were issues raised regarding Long Ridge and their underground tanks. Mr. Stern Goldstein said all the underground utilities that are on the site were asked to be shown on the plan and there's no conflict between proposed plantings and what's there. Mr. Kocher said

MOTION BY: Mr. Horiszny moved to approve Long Ridge Subdivision Revised Landscape plans.
SECOND BY: Mrs. Yerger
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.
ROLL CALL: 5-0

Mr. Kocher said the fire chief has raised a concern about the distance of the hydrant from the edge of the road for access to the hydrant. The water tank and hydrant were located on the plan at that distance. The issues raised by the fire company at that time just were in the size of the tanks as the developer put increased tank sizes in. There was a letter sent to the developer indicating the fire chief's concern and the developer has not gotten back to them yet.

D. BETHLEHEM RENEWABLE ENERGY (BRE) – REVISIONS TO APPROVED BUILDING PLAN

Mr. Kern said the applicant is proposing revisions to the location of facilities within the fenced area. HEA and Boucher & James have prepared review letters with their comments.

Jim Preston, attorney was representing BRE. Chuck Foster with BRE and Denny Dobry the project engineer, were present. Mr. Preston said it's a plan revision minor in nature. Mr. Dobry showed the site plans. He said the bottom is what they had originally proposed. They took out some of the details. This was a pad on which two trailers would contain the control room and where the turbine itself would have been located. He showed the compressor room, maintenance shed and office. After they got conditional final approval from Council back in August, PPL up to that point did no

real engineering work on the site. They had looked at the sketch plan and said this was okay, but they really couldn't do the engineering until you have some kind of township approval. After they looked at the project, they said that the original arrangement would not work for them, and it took a number of months to come up with a solution using the same footprint and just moving things around. They took the pad and they turned it around and put it in the back. They took the compressor building and moved it. With negotiations with PPL, they were able to define it better and there are actually three pads in that location. They relocated the office building. They did not change anything outside the footprint of the pad. In response to one of the comments made from Boucher & James, they did have to relocate a few trees.

Mr. Maxfield said No. 7 on the staff recommendation, the applicant shall provide documentation which shows to the satisfaction of the township council that this revision does not increase the offsite perception of noise to be generated on site from the previously approved proposal. What would you be satisfied with in order to prove that? Mr. Birdsall said the concern they have is the ZHB heard testimony from their expert as to the achievement of noise levels and our expert had a chance to review that material. That was found to be part of the record and part of the decision. We would expect their consultant to produce a document indicating whether or not there is a lesser or a larger impact on noise. Mr. Preston said there was a ZHB decision and there were conditions in it for certain studies. Mr. Birdsall said their decision was based on a lot of information provided to them including their consultants report. Mr. Preston said what are you asking us to do? Mr. Birdsall said you are changing the location of the source of the noise. We don't know if that would change your consultant's opinion about whether or not you could achieve the noise levels in the ordinance. Mr. Preston said in the zoning decision itself, there's three paragraphs dedicated to conditions relating to noise. It states the design and the construction shall incorporate such noise, mitigation features and measures as are described in the report in the report. They still intend to do that. It also says design engineering details and proposed noise mitigation features and measures shall be provided to the township and the township engineer for review and comment prior to construction or installation. They intend to do that. It also says should the facility omit 6 decibels or more above the night time ambient background in the 31.5, the applicant shall design and install mitigation devices or measures to effectively to reduce the distance no greater than 3 decibels and they are bound by that. It also says if following construction and within 30 days of commencement of operation, and upon ten days of written notice to the township, sound measurements shall be made by the applicant at the locations identified as TP1, TP2, and TP3, in the report dated 9/13/2005. The measurements shall be conducted with step 1 sound level meter or analyzer. They understand that. It says a township representative shall be permitted to accompany the measurement crew. The applicant shall provide the township with a report documenting all measures taken, the instrumentation used, copies of the calibration certificates of all instruments used showing current calibrations and a complete description of the weather conditions during the measurement period. He would submit that is ample protection. Mr. Birdsall said those were all based upon information provided by your consultant and if your consultant had a chance to look at what you had presented now, he may have changed his report and there may have been more or less conditions. Mrs. deLeon said where it said your consultant provided a report on noise. Would that report have been different if it had been based on that layout as far as noise created? Mr. Birdsall said yes. Mr. Kern said from what he is hearing from the report Mr. Preston read, is that apparently there are some self containment procedures within the building itself that no matter where the building is located, it would have acoustic properties such that it would not change. Mr. Preston said they've agreed to that criteria and not to exceed those and to test and guarantee that they don't exceed those. Mrs. deLeon said the ZHB heard the report from your consultant with that layout. Mr. Preston said he doesn't think they did. He thinks there was information that was shared with the environmental review committee and Charles Elliot was involved in that and he appeared at the ZHB. The ZHB never reviewed that information. That was their concern, that first of all they comply with the ordinance and that they stay within the confines of that report. There is absolutely no way they can wander beyond. They agreed to test every two years.

Mr. Foster said they've agreed to test after this project is operational. They either comply or they are shut down. Mr. Kern said what he is hearing they agree to comply with exactly those parameters that were just read. Mr. Preston said absolutely. Mr. Kern said regardless of the location, you will comply with those parameters.

Mr. Maxfield said when you talk about the testing area, TP1, TP2 and TP3, will those areas have changed or are they standardized distance? Mr. Foster said he can't honestly answer that. The general noise producing items have moved further away from the road. His guess is if distance is a good proxy for noise, then their noise instance will go down. The compressors are in a sound proof building and being moved further from the road.

Mr. Preston said this is a good project. Mrs. deLeon said they are glad they did make changes to engines and turbines. It did make this a better project. They want to still make sure that it still meets everything. Mr. Preston said if you look at the ZHB opinion, which goes far and above the ordinance, they've agreed to it.

Mr. Kern said are there any questions on the Boucher & James letter. Mrs. deLeon said there are two parking spaces and buffer and plantings are also to be provided. Has that been provided? Ms. Stern Goldstein said that preambles what is proposed. Then our general comments are that they have some conflicts between their plantings and the overhead utilities and will have to revise the plans and resubmit, and demonstrate compliance. Mrs. Yerger said they said they were going to do that. Mrs. deLeon said she'd rather have one page with all the outstanding issues. Ms. Stern Goldstein said that was the only issue on her letter.

Mr. Kern said moving on to the HEA letter, are there any comments? Mrs. deLeon said No. 3 where it talks about where the highway occupancy permit either expired. Mr. Dobry said they had PennDOT issue a renewal on April 5, 2007. Mr. Birdsall said the EMS are here this evening and HEA is recommending the applicant go back to the EMS and make sure there is no difficulty with access to critical components that they've created by redesign of the cluster. Mr. Preston and Mrs. deLeon said they are both interested in what the City of Bethlehem is doing. Mrs. deLeon said there's a way the township could intercede to try to set something up. Mr. Preston said that's what they wanted to ask. Mrs. deLeon said as a landfill committee member, that is important. In 1998, when the host agreement was revised, they included the City of Bethlehem as they were the previous owners. They agreed in writing and when there is something that is going on at the landfill, they want to make sure they know to respond. There's been issues with 911 and the City has their own 911, the County has one. She's not comfortable with the whole system. Mr. Kern said what's the best method to expedite that communication. Mr. Dobry said he started to contact Bethlehem last April with a letter and followed up with phone calls and he talked to Robert Novak who is the Fire Marshal. He must have called him at least 12 times before December. He said he had forwarded all the information to their legal department and that he had badgered them, got no response. He got them to write a memo documenting that he forwarded the information to their legal department, and that's where they are at a dead end. He'd appreciate if the Township could intercede and get a response from them. Mrs. deLeon asked that the Landfill Committee meet with the City because this has been an ongoing issue. Mr. Cahalan said sure. Mrs. Yerger said maybe in the meantime Attorney Treadwell can make a phone call. Attorney Treadwell said he'll make a phone call.

Mr. Dobry said No. 5, states that the grading around the building containing the prefabricated power control room and exhaust stack must be addressed and reevaluated to assure positive drainage away from structures. He pointed out the prefabricated power room and exhaust stack on the plans. It's not a building. It's a concrete pad. The trailers will sit on the pad. There is a small drainage area coming off that bank. Mrs. deLeon said this will be a revision to the plans that are recorded. Mr. Kocher said correct. Mr. Preston said they do not have anything else.

MOTION BY: Mrs. deLeon moved for approval based on the staff recommendation for the revised Bethlehem Renewable Energy Final Land Development Plan dated April 18, 2007.

SECOND BY: Mrs. Yerger

Mr. Kern asked if anyone in the audience had any questions or comments? Allan Johnson, member of the EAC, said one of the things we asked when we reviewed your plans months ago was that any lighting that is on these buildings, be designed and implemented in such a way that it didn't bother people who are driving down Applebutter Road at night time. It appears that you've already gone ahead and constructed the gas compressor building as shown in the new layout. On the west side of the building, there are two lights that just shine in your eyes. Mr. Maxfield said you are talking about the new landfill buildings. He's gotten whacked in the eyes by him also. That's not the compressor building, that's the landfill office. Mr. Johnson would ask the landfill to correct that problem.

ROLL CALL: 5-0

E. <u>IESI BETHLEHEM LANDFILL – AUTHORIZE NOTICE TO DEP RECOMMENDING REJECTION OF MINOR PERMIT MODIFICATION & REQUEST DEP FINAL EXISTING PERMIT IN VIOLATION</u>

Mr. Kern said the township host municipal inspector has issued a letter reporting that the landfill is not in compliance with engineering plans approved by DEP and is asking that DEP be notified. HEA is also recommending that Council authorize a letter to DEP requesting their rejection of the proposed minor permit modification.

Sam Donato, IESI and Allen Schleyer, Compliance Manager were present. Mr. Donato said he has a letter from the 27th to Jack Cahalan from Scott Brown. Initially, after he received the letters, he gave Jack a call and Jack and Mr. Donato are trying to propose a meeting with the township staff and engineer and legal staff so IESI can bring their consultants and go through the outstanding issues on this letter. As always, they work with the Township and are always able to resolve all their issues. We were not able to get that meeting set up prior to this evening. He believes they can set up that meeting and soften the burden on the township as it relates to this interim pumping for basin 7. Mrs. deLeon said she would like to be invited to that meeting. Mr. Maxfield said can we table this? Mr. Kern said are there any time restraints? Mr. Cahalan said they got an extension from DEP. Mr. Donato said they can call Bill Tomayko and mention to him that they were at a council meeting last evening and we are proposing a meeting with the staff and that no action at this given time until Council gets their comments back to DEP. They would discuss any land use issues with the township as relates to their land development plan. Mr. Cahalan said he will arrange the meeting between now and next meeting. Mr. Birdsall will be available after May 4th. Mr. Birdsall said if you are responding to Bill Tamayo, the safest way to protect the townships' interest would be if you would be willing to withdraw the minor permit modification application. Mr. Donato said at this time when they spoke to Bill last week, Bill had no problem not responding to the minor permit modification at this time. He said it's our application. If it takes additional time, so be it. He doesn't have a problem with it. Attorney Treadwell said Council should still make that a motion to send the letter opposing the minor permit modification unless DEP agrees that everything is on hold. Just in case DEP comes back and says nope, we're going forward, then we need to have some type of position on record. We will coordinate it between the applicant and the township. Mr. Donato will call Bill tomorrow morning and Mr. Donato will follow up with a letter to Bill and a cc to the township.

MOTION BY: Mrs. deLeon moved to send the letter unless DEP says no.

SECOND BY: Mr. Maxfield

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

ROLL CALL: 5-0

Mr. Birdsall said the landfill committee met yesterday with their consultants. Rich Sichler has indicated that there's an elevation of chromium and mercury in one of the wells. He's been in verbal contact, but he would ask permission to allow the township to convey a letter of his to DEP just asking them basically what's up, what do you think this is? He thinks the one is a result of extra turbidity in the one well, and it may mean that the well may need better attention to how the water is drawn out of the well. The mercury looks like it may not even be an issue because of the mathematical issue rather than a real issue on the field. We weren't sure whether he had the right to send that letter directly to DEP or whether we should ask Council permission, so they are asking Council for permission. Mrs. deLeon said it showed up in the quarterly consultant's report review. Mrs. deLeon said she wants to make sure we are inclusive that they've exceeded the two parameters and there's a maintenance problem.

MOTION BY: Mr. Maxfield moved to authorize Rich Sichler to contact DEP about the findings in the monitoring well.
SECOND BY: Mrs. deLeon
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.
ROLL CALL: 5-0

Mr. Maxfield said Allan Johnson's concern about the lights, it does whack you in the eyes. Can it be shielded? Mr. Donato said he thought the lights were on a motion detector. He'll get a hold of their electrician tomorrow and see when he can get him out and they'll put the lights on a motion detector and redirect them also.

Mr. Birdsall said DEP issues monthly inspection reports. We believe the inspection reports should more accurately reflect the real condition on Basin 7 and the relocation of the recycle center. We would ask Council's permission to ask DEP's inspector to make note of the fact that it is not in accordance with the plan that is approved and have their inspector relook at the issue to see if they believe the issue should be marked differently.

MOTION BY: Mrs. deLeon moved to send a letter to DEP letting them know about improperly checked boxes in their inspection report of March 22, 2007.
SECOND BY: Mr. Kern
Mr. Kern asked if anyone in the audience had any questions or comments? Mr. Maxfield said this was an inspection that occurred already. Mrs. deLeon said yes, we got the inspection report. There were check boxes, like the recycling center was moved, and there's checkboxes that meets the plan. The recycling plan that's the new site, does not meet the approved plans, but yet the box checked off that it meets the approved plans. The error was DEP's error.
ROLL CALL: 5-0

V. TOWNSHIP BUSINESS ITEMS

A. TRANSFER OF DEVELOPMENT RIGHTS (TDR) PROS AND CONS

Mr. Kern said Council requested staff prepare a summary of the options that they may want to consider for TDR's to be used for open space preservation.

Ms. Stern Goldstein said she put together a short two page memo giving information to look over. They took essential elements for a successful program because you can't evaluate the pros and cons until you know what you have to do and what kind of commitment the township would need to have in order to enact such a program. TDR's are one of the tools that municipalities throughout much of the country and in PA have at their access which is a toolbox of options for planning and preservation for open space. The concept behind TDR's is that you have 100 acre white farm that meets the requirements and the objections and goals for preservation of open space in your open

space plan and comments in the township. The owner of the white acre farm would like to preserve it, but feels compelled to get the value of the land of that parcel and preserve it. The value could be in the transfer of development rights. Lets' say 100 acres, they have the right to put 50 houses in based on current zoning and there would be a formula for doing that. Take those 50 transfer developments rights, the TDR would be one dwelling unit, transfer it to the black farm where they could have had 50 units, and now they are absorbing 50 more, putting in 100 units on black acre farm and preserving the 100 acres of white acre farm and have reduced development standards on black acre farm to smaller lot sizes, less open space, things like that. This only works in preserving if there are specific sending areas where you are sending the transfer development rights from and preserving those lands and receiving areas, they need to be clearly marked on a plan. They can be done by zoning districts or parcels based on your open space goals and objectives. Then you need buy in to the whole thing because no matter what happens, there are perceived inequities. It's not always the new houses that get built. The TDR could get be translated that one TDR could be worth x amount of increase of impervious surface for non residential uses or x square feet of setback reduction for non residential uses. One of the examples is Warrington Township. It's not a real good example thought. There's two ways to do it. You transfer the actual dwelling units from one parcel to another, or that potential for dwelling units translated into development potential and impervious surface or building area. The inequity is that the area surrounding the sending area, that goal is obtained as you have more open space. The residents that are adjacent to the receiving properties sometimes have perceived equity as what they thought was attainable next to them, is now increased. LST doesn't have that much non residential area left to develop. She always recommends that the best way to retire development rights and not get more houses in the township is to use TDR's for non residential development, usually an industrial area, or commercial areas. It works very well.

In Warrington, TDR's were used extensively. There were several residential developments that were increased significantly with the use of TDR's and there were at least two non-residential developments that took great advantage of decreased building setbacks and increased impervious with the use of TDR's. Over 100 TDR's then retired, 100 dwelling units were not built because of that. She's seen examples of it working very, very well. She's also seen municipalities downzone their residential so that you can only get the full amount that you would have been entitled to, to start with, if you used the TDR's. That's a great incentive to use TDR's. In LST, there's a lot of policy issues to think about. There's great advantages if it all works out well. If LST had looked at something like this 15 years ago, their advantages would have been so much greater for the township. It's certainly something to consider, but don't jump into it. You need buy in to it. Without buy in from the group, it's destined to fail. Mrs. Yerger asked Jack to pass the material they received at Council, to the EAC so they can take a look at it.

Mrs. deLeon said she's been at several classes and she's still trying to see the receiving areas. Mr. Maxfield said the problem he sees with receiving areas in LST is that in order to have a receiving area, you almost have to wedge it in somewhere…everything is pretty squeezed and isolated and chopped up. Ms. Stern Goldstein said say you need an average density of one dwelling unit per acre. With the TDR's you are permitted to go up to two dwelling units per acre. That would be wedging them in essentially. Another way to do it is to say okay, by right, you can only do .75 dwelling units per acre and if you used TDR's, you could get up to the one that you used to have…you rezone the whole chunk of land that would be your receiving area. Mr. Maxfield said we get public outcry now when development comes in that is obeying the existing zoning, so to double that, he can't imagine anyone wanting that doubled next to their property. Mr. Kern said TDR's are potential tools to add to the toolbox…and the reason he had requested an exploration of this is because we currently don't have that tool in our toolbox and the only way to get it into the toolbox is to enact an ordinance. He does have a concept of where an area would be which would not be suitable for a public discussion as that would be revealing your cards to the developer which he doesn't want to do. He would want to sit down with Judy and talk about this.

Mrs. Yerger said how does this factor in with available EDU's? Ms. Stern Goldstein said it always doesn't fit into the equation. Your 537 plan, your allocation of EDU's, it all leads to mesh together and its one of the tools and works if there is capacity and it works with your 537 plan. Mrs. deLeon wants to weigh the cost of the preparation of the ordinance, the time our commission and boards are going to be asked reviewing something that there might not even be a place in the township to put this or one place to put it. Ms. Stern Goldstein said she hasn't looked at the whole township map in detail, she just looked at the map in general and it doesn't jump out at you that this whole quadrant of the township would be a receiving zone. Mrs. deLeon said we're looking into revising our comprehensive plan. Ms. Stern Goldstein said TDR's are very applicable in adaptive reuse of more urban areas, such as Hellertown.

Mr. Maxfield said he doesn't have any objection to the next step of an analysis. Once again, we need to know what we are talking about. Mr. Kern said there are sacrifices involved in the receiving area, but as Council, we'd have to weigh that against the goals of preserving what we want to preserve knowing that our mechanisms to do so are limited. It's something to be entered into cautiously, but if we have a specific idea of what the open space plan is, what we want to preserve and an idea of where the receiving area could be, and it makes sense, there's no reason not to do a TDR. Mr. Maxfield said he would like to do this at a public meeting as he'd like to hear from the public.

Attorney Treadwell said we can take the next step and Judy and him can look into it a little further without going to the preparation of the ordinance stage.

B. <u>LEITHSVILLE ACT 537 – UPDATE FROM LOWER SAUCON AUTHORITY</u>

Mr. Kern said Gar Davidson and Bradley Youst will provide Council with a status of the Leithsville area Act 537 plan.

Mr. Davidson said they have been working with Hellertown and Hellertown Borough Authority to look at different options for running the sewers and they have a power point presentation.

Mr. Youst said he will give a report on the update of the Act 537. They were here a number of years ago and they'd like to give a brief background on the Leithsville 537 study. Sanitary sewers in the township were originally constructed in about 1989. The Creekside Marketplace development came forward in the late 90's and as part of that development, it required a sanitary sewage pump station. That pump station met DEP design requirements for permitting of the station, but the construction and operational details were not functionally desirable to LSA for the long term operation. LSA negotiated with (Hellertown Borough Authority) HBA to implement an interim agreement allowing LSA, rather than to build the pump station that was designed for Creekside initially, to on an interim basis, pump the sewerage to the HBA system for transportation to the treatment plant. At that time, with permission from Council, the LSA initiated a sewage facilities planning alternative study that involved the Creekside area plus the existing Hellertown Park residential neighborhood nearby and the Leithsville area. Following some study of those areas and input that was received once we were out on the street and folks were aware that we were studying sewage needs, it came to light there was probably a need to incorporate the Bingen area in the study which was added March 2002. The eastern part of Bingen was also added in March 2003. The study results, which was a study of needs, showed high to moderate need for public sewer in the area in addition to the need of serving the shopping summary. They studied the Creekside Marketplace, the 412 Leithsville corridor, the Bingen East and Apples Church area, and the Hellertown Park neighborhood. The pump station would be in the general vicinity of the dot indicated in the center of the field. Their initial presentation to Council of the study of needs and the identification of a selective preferred alternative was in June 2004. We provided Council with extensive detail of the actual findings from the study of need. Following that, they met again with HBA and they agreed to extend our interim agreement to allow more time to study the and look for

a way to address it. They were directed to make a presentation to Hellertown Borough Council. When they made that presentation, Council raised the issue of the significant impact that they perceived if we were to use the selected alternative, which was laid out to follow the eastern boundary of an area in the Hellertown marsh. The alternative 3 was generally based on the 1976 Louisenberger design to collect and convey from the southern portion of the township recognizing that at the 527 planning stage, it's not really necessarily the time to do a redesign. The value of the marsh is perceived much differently today than in 1976. Hellertown raised that issue and raised their concerns about allowing us to construct the line even if it would be adjacent with the RR though that corridor and directed them to review rerouting a portion of our interceptor in a form of shared gravity line with HBA in the Front Street corridor. By 2006, the HBA had enough expertise that they felt they could tackle some localized study of the Front Street line to determine its condition. They did that and we met with them in the early part of this year. They gave us their study findings. They found that the Front Street line does have some problems. There are cracks and broken pipe joints, places where individual service laterals might have been roughly cut into the old pipe and not properly sealed, but they did not find catrostrophic failure or type of problems that would justify the expense of a wholesale relining or similarly very expensive project as an alternative to the replacement. They felt they would be able to repair the areas that they did see which was a third of the line in localized sections. Of $1.5 million that would have been their share, of the overall cost of the joint project, they would not likely need to spend that much to repair the Front Street line itself, but rather they'd be able to use somewhat of a lesser amount to make those repairs and use the balance of the money to continue with an infiltration and inflow reduction plan using the equipment that they purchased to locate problems in the balance of the Borough system in order to bring their overall extraneous flow to the system down and reduce the flooding conditions that occur in Front Street. What they are aware of and what the Council is aware of, were more symptoms of a larger problem, not symptoms of a problem localized to Front Street itself. Their purchase of the equipment allowed them to make a valid decision and gave them the tool to continue to move forward in helping reduce their problems throughout their system. They could use the $1.5 million for a much broader group of repairs throughout the Borough system, if not for all of the system, but to hit a lot more than just Front Street. They declined offering to participate in a joint project because it would not be financially feasible for them to put that larger sum of money into the project compared to the amount of repairs they could get in their system as a whole for the same money. LSA recognizes that as a good decision on the part of Hellertown Authority. They wanted to step back and see where they stood. The preferred alternative was a gravity solution. We would get the flow from the service area and be able to construct a pipe that would flow by gravity w/o the need for pumping facilities and provide us with a very stable, reliable long term operation recognizing that in some cases certain costs are higher, but in the long run, a gravity solution is more reliable and less costly. He showed an overview map of the vicinity with the lines that carry flow by gravity without a pump station. There are other advantages to a gravity flow. In the long term operation, it's a non-powered solution…a zero carbon footprint over the life of the system and it works by itself. A gravity solution would allow HBA to eliminate a pump station that they have at the Springhill Shopping Center, which he showed on the plans, and connect to our gravity interceptor and use that to convey the flow and no need to run a pump station for that local service area. Another advantage of a gravity flow system, it doesn't require us to construct another major pump station near the Saucon Creek. A gravity solution is more secure and not susceptible to power outages. You do have to be 100% certain that your infrastructure is going to work without fail in order to have a pump station to rely on to move that flow and not result in sanitary overflows. There's less stress placed on the downstream interceptor also. One final benefit could be an opportunity to develop or partially support in restoration of the construction, a bike path or walking path through parts of the Hellertown recreation area and Saucon Creek corridor. As far as next steps for us, we recognize we should seek an environmentally friendly road along the Saucon while minimizing negative impact. They will try to identify possible alternative gravity routes, although there aren't many. There was a referral to LST from Hellertown by a gentlemen named Frank Pazzaglia of Lehigh University, who is on the Hellertown Planning Commission. They arranged with him a walk of the area yesterday.

They did a walk where they started along Water Street near the railroad tracks south and walked to the baseball fields in Hellertown Dimmick Park. They turned west, headed towards the creek and followed a corridor or greenway that comes along the eastern side of the creek and made their way back to Water Street. Looking at the photograph of the greenway, the corridor is a grassed corridor. Frank's opinion is that it's located on a natural levy and the result of many years of sediment deposition by the creek. His ultimate study summary opinion is we should seriously investigate relocating our gravity alternative to follow the greenway corridor that is actually closer to the creek but is on higher ground than the footprint of the originally drafted alternative based on the 1976 plans. That might be very well accommodated by finding a way to cut through the ball field areas from the south, and instead of going due north, coming up to the creek area, doing a board crossing underneath, and get over to the parking area in the park land over on the north side of Water Street and continue the line. It would justify further study and environmental impact studies. They are open to direction from everyone. Your EAC is more firmly structured than it was over four years ago and if you felt it would be appropriate for them to confer with the EAC and have them look over the alternatives before they went too much further, they would be open to that. They are open to suggestions on how far they should go looking at a modified gravity and fine tuning of other alternatives before they go back to Hellertown and are open to suggestions.

Mrs. Yerger asked if they looked at the area down more towards Skibo Road as far as environmental impacts along the creek? If you look, it has some really neat features down there and she recommend that they take Frank down there and look at that end of it as there are lots of natural features down there. Mr. Youst said they respect the difficulties in that area and to round to the studies, they can expand the study to cover that area. Their somewhat foregone conclusion is that is an area they would want to stay out of. Mr. Davidson said they were able to look across Saucon and it's just loaded with trees and it's not a place they'd want to go. The sewer does get very deep in some of these areas along the way. If they do have to develop a relocation of the gravity route, they can extend the route around the marsh and then finding a way to tie back in to the original alignment and be able to get through the pinch point between the creek and the railroad up north of Water Street, that will add some length to the system. Depending on how much length that adds, it may make it critical or beyond the critical point of being able to accomplish the crossing under of the creek to eliminate the Skibo Road pump station. They have to investigate and weigh this. If the gravity plan does work out as being possible, it makes that pump station decommissioning possible. If it can't, it's still a smaller station by far than what they would have to have of a pump solution for this particular study area.

Mr. Maxfield asked about the interaction with the Thomas Iron Works, has that been discussed with Hellertown. Mr. Youst said not in particular, and there's been more public discussion with regard to that. They do try to follow very closely the alignment of HBA existing interceptors through that corridor. Mr. Maxfield said if you are coming to the EAC with information, residents of the area will turn out and the concern will be the Thomas Iron Works, so a detailed kind of explanation of what is going to happen would be beneficial. Mrs. Yerger said at areas that are considered environmentally sensitive, the more detail, the better.

Mr. Craig Medei said he lives at 1673 Mountain View Drive, which is the last house in Bright Acres. He said he's been there for 16 years. You folks do recognize there is a problem on Bingen Road? Mr. Youst said yes. Mr. Medei asked what was the time frame for the sewer system? Are you aggressively seeking a source system in that area? Mr. Davidson said yes. Mr. Medei said if you are doing that and it takes ten years, that's fine. He just needed to know that this is in the works. Mr. Davidson said if you go to our website, on the front page, go to Leithsville Sewer Study and you'll see the original discussion they had on this back in 2004. There's a reference to a map which shows the general service area.

C. HISTORICAL SOCIETY – REQUEST FOR PBS FILMING

Mr. Kern said the LST Historical Society would like to request Councils approval to allow PBS to film at the Lutz-Franklin Schoolhouse for a program they are doing on education.

Lorraine Torrella said Stacey Shillinger, Manager of the Educational Media and Outreach area of WLVT. Ms. Torrella received an email and they are here tonight asking that we give them permission to film. It's a promotional spot for their education department and film at the Lutz-Franklin Schoolhouse. They are creating this promotional spot to air at their Board of Trustees meeting on May 9. It will serve to honor a Lehigh Valley philanthropist who has been a long time sponsor for their Education Department. At the board meeting, she'll be honored for her commitment and generosity to the Education Department and the station. Mrs. deLeon said this is a great thing to do. Mrs. Yerger asked if it would be on the air. Ms. Shillinger said no, but there will be a tape you would be able to watch or go open the website and click on the icon and it will show the taping. Mrs. deLeon said we have a lease with the Historical Society to use the schoolhouse. She doesn't know where in the lease to request permission to have it. She doesn't see a need to do this and to ask Council for permission. Ms. Torrella said it was suggested to them. Mr. Maxfield said it was a nice courtesy of the Historical Society to speak to the township and he wishes them the best of luck. Mr. Cahalan said the purpose was to just have Lorraine come and inform Council about the proposed use and see if you had any questions.

D. UPDATE ON WISE PRESERVATION PLANNING RESARCH ON HELLER HOMESTEAD AND LUTZ-FRANKLIN SCHOOLHOUSE

Mr. Kern said the Township Manager will provide Council with an update on the research being done on these two historic properties.

Mr. Cahalan said Mr. Wise and his firm are busy doing research at the Court House. He has an associate who contacted Mr. Cahalan and said he spent a day there in Easton and stopped by and visited the Lutz Franklin schoolhouse and the Heller Homestead to get a look at the property. Mostly now it's research time that's being spent to gather information. Mrs. deLeon wanted to know if there is an opportunity for each of the board to meet with them? Mr. Cahalan said yes, they will let us know. So far all they have done was just a drive-by, it wasn't anything. Mrs. deLeon asked if she should do a motion to authorize that they meet with both groups. Mr. Cahalan said he can arrange that for the board to meet with everyone. Mr. Russell Rice asked when the last time Council members were at these two locations, has it been recent? Mrs. deLeon asked if he meant Wise, the firm we hired to do the….Mr. Rice said yes. Mrs. deLeon said Jack sad he did a drive-through. Mr. Cahalan asked if Mr. Rice meant when the Council members were last at the sites. Mr. Rice said yes he meant the Council. Mr. Cahalan said yes, Council members were just at the Lutz Franklin Schoolhouse on March 27th and the have visited the Heller Homestead individually. Mr. Rice wanted to now whether Council has visited both of the sites and is familiar with them. Mr. Kern said Council is very familiar with these sites.

E. RESOLUTION 41-2007 – TRANSFER OF MONIES

Mr. Kern said resolution 41-2007 has been prepared to transfer money from one Township fund to another.

Mr. Cahalan said this was put on here to get Council's permission to move money that is in Contingency accounts and one into the land purchase account which is $1 million that was budgeted and that will be with your approval into land purchase. The other amount is $200,000 amount that is in the contingencies and the Fire Equipment Replacement fund. When Council voted at the last meeting to approve the contribution to the Steel City Fire Company at the amount of $400,000, he was half correct when he said they would need a resolution to move money. There

was only $200,000 in there, so he needs Council's approval to move the additional $200,000 in there. He wanted to get into a recommendation involving the contribution to the fire companies. The most recent from Steel City of $536,000. The contributions being asked by the Township are also escalating. He's concerned with this cost of the equipment, Council is not equipped to really be an expert to determine what type of equipment is needed. The Fire Chief's spend hours and days devoting their time to coming up with the specifications that are needed for new equipment. He doesn't think the township council are in a position to say this is the correct equipment for that fire company based on their needs or what the cost should be. Last night at the Fire Chief meeting, he brought up a police recommendation that he is asking Council to consider. They are as follows:

1. Council require that new equipment be advertised for bid and bid requirements under the second class code be followed.
2. The apparatus be reviewed and approved by a committee consisting of the township manager, the solicitor and an outside consultant.
3. Council also require that options such as lease purchase of new equipment be explored prior to the decision to purchase.
4. State contracts such as Co-Stars be followed in purchasing the equipment.
5. The Solicitor determined if an agreement should be drawn up with the fire company preceding the new equipment specifying any requirements of trade in, sell other equipment no longer needed by the fire company.
6. Council require the fire company receiving the new equipment to submit a written plan describing how they will raise the funds needed for their portion of the fire equipment cost.

This was discussed last night with the Fire Chiefs. There is a consultant who would be available to review the specifications that are submitted and to assist with the bidding process. Mrs. deLeon asked where he found this consultant? Mr. Cahalan said he purchased his book and he has a website and he noticed that he does a lot of work with townships similar to LST. They hired this consultant to form a committee to review the request and to advise Council of the appropriateness. His services, he does specification review and evaluation, apparatus suitability, replacement reports, specifications, research and preparation, bid reviews and evaluation reports. He has a fee for writing the spec, including review of the current document and meeting with the fire company to discuss requirements, provide a draft spec and make any further readjustments to a final spec is $3,000. A spec review and a report and a meeting with the manager and the fire companies would be $850. That's the first contact with him.

Mrs. Yerger asked if this was part of the discussion at the fire meeting last night? Mr. Cahalan said he mentioned it, but they didn't discuss this particular consultant or his services. Mrs. deLeon said it was briefly discussed and he handed out another format. Mrs. Yerger asked what was the response? Mr. Cahalan said there really wasn't a response. They had a good and long meeting. There were some questions about the bidding process. Se-Wy-Co has an experience back in 96 where they bid out their aerial truck, so they had some experience with that. He's not equipped nor the Council to make an informed judgment on this equipment with the cost escalating and it should be competitively bid

Mr. Kern said when you are talking over $500,000 for equipment, the bake sales are over. He agrees with Jack that we do need some independent to review to make sure the specs are appropriate for Steel City. It's going to be necessary that the taxpayers step up to support the fire companies. He needs to know absolutely that it's the right apparatus. He would support this.

Mrs. Yerger said she does like the bidding process. Mr. Maxfield said this is a two part thing with the fund Jack was trying to establish. It's the only way we can insure a healthy future. We don't know how long the landfill will be around. Mr. Kern said the plan Jack outlined is pretty self evident and pretty clear.

MOTION BY: Mr. Kern moved to adopt the Manager's plan with "a" consultant.
SECOND BY: Mr. Maxfield

Mr. Kern asked if anyone in the audience had any questions or comments? Mrs. Yerger said is this going to include the consultant? Mr. Cahalan said it suggests a consultant. Mrs. deLeon said she's not sure about this guy as Jack just found him on the internet. Mr. Cahalan said he's an expert in the field of fire apparatus. He speaks nationally at conferences. He has a book about purchasing fire equipment apparatus. His website has some testimonials. He's been covered in the newspapers and employed by other townships. Mr. Kern said it should be delegated to Jack that he pick a consultant. Mrs. deLeon said last night there were questions about the second class township code being followed. We said we would get back to the firemen as to what that meant. This is premature to be talking about this policy tonight. We already voted to approve the expenditure at the prior meeting, so how do you know, after voting to support an expenditure, say that now the company that was contacted to manufacture the truck…she thinks the transaction has already happened. The reason they came to us was because the price increase was supposed to happen at a certain date which has passed, and now in hindsight, you are saying this is all after the fact. It is a good policy to follow forward for the next purchase. Mr. Kern said he's a little worried about rushing into the purchase when he knows there's a possibility of saving money. Mrs. Yerger said the second class code, it's what the township has to follow. Mrs. deLeon said we are not purchasing the vehicle. Mrs. Yerger said she knows that. We're helping to purchase it. Mrs. deLeon said there was a question last night no one could answer. Mr. Cahalan said they wanted to know what the requirements were and he described performance bonds, insurance, issues about bidding requirements, that would be available as a benefit to the bid process. Mr. Maxfield said we followed the second township code for every other bid we do, and we don't have to answer that question. He's assuming we run the township by the second class code. Why can't we just go with that? Mrs. deLeon said that could be a guideline. We went through this when Southeastern came and they didn't have the money to pay for the truck they had ordered. The solicitor, at that time, said the township wasn't going to sign any of the documents and that the fire company had to sign the documents and make the purchase. It was a grant that we gave them money and they turned around and did it. Attorney Treadwell said the question that comes to his mind, who is the township writing the check to? Mrs. deLeon said to the fire company. Attorney Treadwell said whatever the number is, Council voted to give the fire company x amount of dollars for whatever they want to do. That's the factual issue that he needs to get more clarity on. Did we give them the money specifically for one purpose or did we just say here's $400,000. Mrs. deLeon said they brought information and presented it to us. Attorney Treadwell said if they don't use the money for that purpose and they decide to spend it on something else. Mrs. deLeon said they don't get that money unless they buy the truck. Attorney Treadwell said then we get into the area of are we actually purchasing the truck and somehow avoid the competitive bidding requirements by giving it the fire company first. Mrs. deLeon said why haven't you raised this issue when we've given them money in the past few years. Each fire company received money. That has never come up. Attorney Treadwell said he doesn't recall it was ever for the purchase of a specific piece of equipment. Mrs. deLeon said absolutely. Mr. Cahalan said we gave to pay off loans that were taken out. Not since he's been here have we given a contribution for equipment. Mrs. deLeon said it's preceded Jack. She said she doesn't see a reason to rush into this tonight. Mr. Kern said the reason to rush into it as we want to expedite the process and move forward quickly. Mrs. deLeon said at the previous meeting, we authorized $400,000 to Steel City Fire Company for the purchase of a truck that was described. That motion was made because of a price increase. Now you are telling them they need to do another step. Mr. Maxfield said are you saying we should rescind that motion before we vote on this policy. Mrs. deLeon said she's not suggesting that. She made the motion and is comfortable at what she made. Mr. Maxfield said let's vote. Attorney Treadwell said it wasn't an agenda item at the last meeting, and he had no idea that it was going to come up at the last minute. He may have raised some of these questions then. Maybe we need some more facts. Mr. Kern said he wasn't aware it was an agenda item either. It should have been an agenda item so the public was aware of it and Council members were aware of it. Mr. Maxfield said there

was information Council members were not aware of when they voted that they should have been made aware of. Attorney Treadwell said he would have to look at the contract, he doesn't have enough facts for himself. Mr. Kern said we don't know any of this and if we followed this policy, we would know the answer to these questions. He's in favor of the policy.

Chris Snyder, Steel City Fire Department, said he's in favor of a policy, but it should be something that is discussed among the fire chief's. It did come up last night and there were some questions. We should meet as a group and not just try to limit one company to get funds after they were already promised the funds. We did talk about that and he's for that, but it needs to be straight across the board for all the fire companies. Not, it's this guy's turn, make a new policy. Lee Walters said the reason they came to Council last meeting was they got the letter of a price increase and there was not going to be another meeting prior to the price increase. They were unable to get on the agenda because of how soon it came through. They brought it up with the question of where they were to go from there. Council voted and approved the $400,000. He did do that and they entered into a contract. His name is on the line. What are we talking, for how long? Jack said he can't say. Mr. Snyder said they have three bids on the truck. That's a start and they are planning on selling a piece of equipment that it is replacing. Mrs. deLeon said is Council willing to absorb a penalty on this if its delayed beyond a reasonable time limit. Mr. Snyder said he looked through minutes of October 31, 2006 and pretty much in there, along with Jack's recommendation at that time, was let's meet with the four fire chiefs, let them agree to the process. They know best, better than any outside consultant that will come in here. He may be able to give guidance, but he can't say how the truck is built. They had the fire chief's approval on the type of apparatus they were building. Last night it came out at the meeting there were some self evaluations that needed to be done that was part of the whole process of getting the money. They weren't aware this was part of the money issue. They have handled it very well. Mr. Cahalan said what he heard last night from the meeting was that you didn't have an agreement with the Fire Chief's about the amount of money that you were going to ask the Township to contribute. Mr. Snyder said it's right here in writing. Mr. Cahalan said how much of the percentage were you going to ask the Township to contribute? Mr. Snyder said they didn't ask them for the percent. The township gave them the percent. Mr. Cahalan said the meeting in December you said you were willing to contribute 50% of the cost. Mr. Snyder said nobody agreed on any amount. Mr. Cahalan said he didn't say anyone agreed on it. They had a discussion with the Fire Chief's and you stated at that meeting you could contribute 50% if the township contributed the other half. Mr. Cahalan said then when you came on April 4, and asked the township for a commitment, you were offered 75%. Jack asked him that, and he thought he said his fire company could make up 50%. Mr. Snyder said there's no way they could do that. Mr. Cahalan said we have to look at what your capability is, but also we have to look at what the township can contribute. Mr. Snyder said he's looking back at October 2006 minutes, it said Steel City was next in line and the next contribution would not be needed until 2014, which is totally inaccurate. Mr. Cahalan said that may be a typo we didn't catch. Mr. Snyder said it also said you were talking about a new pumper which is over $600,000 and it said contribution could be $400,000 to $500,000. We came to you and asked for a direction. Mr. Cahalan said the chief's said last night as far as the contribution issue, that was an unsettled issue. Now you are saying what the Township offered. He thought Mr. Snyder was asking for a cooperative arrangement with the township. You should pay some and the township would contribute the remainder. Mr. Snyder said sure. Sometimes he wonders if the residents of Steel City get treated different from other areas of the township. Mr. Maxfield said can we not say that. We don't do that. Since you brought it up…if the members of this Council had known there was a self study going on, you wouldn't have been voted that money. Mr. Snyder said that self study had no contingency. Mr. Maxfield said it's common sense. Mrs. deLeon said she was at that meeting when the other fire companies had issues and they complied by doing this study, but we moved on to other agenda items and she never was under the impression that the two were tied together. Mr. Maxfield said of course they would be, that's common sense. You're the only one up here on this board that knew at the night of the vote and the majority of Council would not have voted if they knew the self study was required and under way. Mrs. deLeon said she has her own opinion. Mr.

Snyder said he had two letters from other fire chief's and if they had it tied together, there wouldn't have been an email sent out saying we're looking to know what the percentage of the contribution was going to be. They sat down with Jack and asked him about what kind of contributions might come out and we were told that Council doesn't want to do a straight percentage, they want to do it on a case-by-case basis. We came here for a case-by-case basis and that's where we're at. It seems like because we got $400,000, the other fire chief's want to say maybe you should have just gotten $100,000. Mrs. deLeon said at the October budget meeting, if you recall, she mentioned her unhappiness that we had not met with the fire companies like we normally do. The budget was handed to Council with Jack's input in there for the different areas we were going to get, and without a meeting and the meeting didn't occur until December 11, 2006. We had already passed preliminary plan approval. She remembers questioning we should be meeting and get the fire companies input. They didn't even have a courtesy copy. They were sent the copy and we met in December. Mr. Cahalan said all the agencies were given a standard notice that they were putting the budget together and they were invited them to notify if there were any requests. We were aware of the request from the fire companies. What he gave Council was a budget scenario of funding the fire equipment replacement fund. It set a limit of the $200,000. In the budget hearing, Council could decide what they wanted to contribute to a fire company All he was doing was coming up with a proposal that Council asked him to come up to grow the fire equipment fund with the landfill tipping fees, and to keep it viable for the ten years or so that the landfill was going to stay open That's the plan he presented to Council. He doesn't think the fire companies were excluded from the process, when they were, in fact, actively informing him all along of the needs they wanted included in the 2007 budget. Mrs. deLeon said she's not talking about those needs. She's talking about the way the monies got split up for the equipment fund. Back in 1999, an equipment list was put together. There was an agreed upon list, and as far as she knows, that list still stands. The next truck on the list was for Steel City. When she questioned Jack and your chart, she said here's a fire company getting prepared to buy a truck, thinking they are going to get a portion and she mentioned 50% and she mentioned the percentages at the December meeting and she suggested it should be in the 70/30 percent range. To her, there's only so many hoagies and bake sales and is not realistic to ask a fire company to do this.

Mrs. Yerger said just the sheer confusion that she's hearing tonight, it illustrates how badly we need a written policy on this. Mrs. deLeon said she agrees, after the next fire company meeting so we can have input from the fire companies. She dislikes being handed a piece of information at a meeting. Mr. Kern said understand the intent behind it which was to expedite this for the purpose of Steel City so we could get this process moving for them. Mr. Snyder said we meet with this consultant and he says that's the truck for you guys are we still looking at the $400,000? Mr. Kerns said if that's what the consultant says. This is not complex. This is a check and a balance over what you guys are telling us is right and we who don't know anything need to get a second opinion. If the second opinion says Steel City is absolutely right, they need that truck, then that's all he needs to hear. Mrs. deLeon said what about the penalties from signing for the truck. Attorney Treadwell said whatever Council does, Council does. He still needs some facts and it's going to depend how the money gets transferred or how it's going to work. Have you given the township the bids? Mr. Snyder said no, in the past, the fire companies handled the issue and it was in a grant form. No one reviewed the contract. There is no opting out period as they had to order the chassis. Attorney Treadwell said he's not saying it can't work he just doesn't have enough facts. Mr. Snyder said as far as working with this consultant it's a great idea. This truck has been a long process for us. Mr. Maxfield said at the last meeting, when we sat here, we talked about exactly what Jack said and we were led to believe there was no way you could get that truck if we didn't contribute a substantial percentage. We were given a thing that had all the signatures of the fire chiefs that they said it was this particular truck and we were presented with a time line. Why isn't everybody happy with the amount of money? Mr. Snyder said it limits the amount of money in the future for other companies. Mr. Maxfield said he sat there and said the pile of meat gets smaller and everybody has to know that pile of meat gets smaller. Is everybody going to realize they may not get a piece of equipment in the future because now this fund may not be viable. The answer

was yes. Mr. Snyder said we are all aware the meat gets smaller. Mr. Maxfield said they might not be able to get what they want. This is not what he heard at the meeting last night. He didn't hear anybody real happy about it. He doesn't want to blow a system already. Mr. Snyder said every company except Steel City has gotten a nice chunk of that fund and its still viable today. Mr. Cahalan said if there are big amounts of money going out, the fund is going to trickle. Every fire chief, with the exception of Chris Snyder, said they were waiting for this meeting last night to discuss your contribution. He didn't hear they were signing off on it last night. Mrs. Yerger said what did they sign off on? Mr. Cahalan said they signed off on their turn for the equipment. Attorney Treadwell said are we saying the four fire chief's in LST are not all in agreement. He thought the last time we had this discussion was the way it would work going forward was that the four chief's would come forward and say we all agree that X company needs this, Y company this and everybody agrees. Is this where we are? Mr. Maxfield said no, that's the problem. Chief Tom Barndt, Fire Chief of Se-Wy-Co said Linc is pretty much on base about the letter signed by the Chief's and we approve of this truck. However, in this case, that letter that is signed by the Chief's say that the truck is the one we approve and say it's okay for Steel City. It says nothing about them coming to the Township for funding. We had a meeting scheduled for last night that we were all banking on from the December 11 meeting. There was a lot of underlying circumstances that were going to be brought to the table last night. That letter doesn't say come to the township and get your funding. It just says it's approved by the Chief's for that truck. Attorney Treadwell said his recollection was that the funding would be approved by all four Chief's. Mrs. deLeon said no. Chief Barndt said Se-Wy-Co was the last to get money from the township. They bought a 2002 engine for $393,000, and over a period of time when Steel City was specing this truck, our payments were $2,000 a month, so he proposed to the other Chief's who meet on a regular basis, instead of us paying that $2,000 a month, how about if we take a balloon payment and go to the township and say can you pay off the balance of our loan which was $175,000 and it went to Council. All the Chief's agreed to it and it went to Council and by the time it was paid off, it was about $160,000 which made sense to pay it off while Steel City was doing this. They've been specing this truck for three years or so. The decision on the funding was to be at the meeting last night. The other Chief's had no idea that Steel City came to the Council meeting that night to try and get funding which is where the turmoil comes up. All of Council was not aware of this other than Priscilla, on the night this was made. That is a huge concern. As far as the list of items presented to Council tonight, the question about the township code, was do we have to take the lowest bid. That is a concern when you are bidding fire apparatus if you have to take the lowest bid, it may not be the safest piece of apparatus and they ran into that with their ladder truck in 1996. Mr. Maxfield said they must take the most reasonable bid. Mrs. deLeon said you can think what you want, but she knows what is in her head. She's offended by him assuming that she purposely held information back from this Council. She did not do that. Chief Barndt said he's not saying she withheld information. He's adding to the fact what Tom said, that information was at a Chief's meeting with Jack and the Council liaison on December 11, 2006. The reason it was brought up at that time was because we thought we could clear it up between us and we were to report back within three months and the date of the meeting got pushed to last night and they were to come up with a total amount of funding and a percentage of contribution from the township. Mr. Snyder said he wasn't aware the Chief's were going to come up with that percentage, he thought is was up to the Township Council. Chief Barndt said they were going to discuss it at the meeting last night and it was on the minutes. Mr. Snyder said what funding would you want them to receive? Chief Barndt said the funding isn't up to him to say. The contribution is coming from the Township and they need to decide how much to contribute. Mr. Maxfield said was 80% ever mentioned? Chief Barndt said absolutely not. Mrs. deLeon said no one agreed to any particular number. She said in all fairness to Council we need to let them decide what the percentage was. We never agreed to a percentage. Chief Barndt said there were a lot of figures thrown out and we all agreed it was Council's decision. Mrs. Yerger said they said they couldn't come up with half. Mrs. deLeon said she has always been in favor of a percentage. It's always different because of the needs and she would want to know a percentage. Mr. Kern was uneasy with percentages as it's a nebulous percentage whereas if it's a specific dollar amount, then everyone knows what we are

talking about. Chief Barndt said it needs to be the same across the board. Mr. Horiszny said what it really needs to be is 100%. The people should be paying for these trucks. The fire departments should not have to pay for this equipment. They are saving people's houses and lives. Stephanie Brown, resident, said she's very uncomfortable listening to them fight, her main concern is who is going to show up when she dials 911. People moving to the area don't know how it works around here. She can't remember the last time there was solicitation in LST asking for money. PA is known for its volunteer fire companies and thank God we have them. Are you ready to pay for professional personnel. Without people like Chris and Tom, where would we be and bringing a consultant in is a little offensive to them. She trusts these people on what they are doing. Rick Walters, resident of Steel City said why didn't these issues come up with the other companies and the equipment the township provided. He's not part of the fire company He only sees the results of the money that is allocated and there is none in Steel City. We do have the results of the landfill and we get dimed zero out of it. Our roads are falling part. We don't have a pipe that's any good. There's paving and pipes being replaced everywhere. Not one road in Steel City to be paved. Mr. Cahalan said the Road Master does inspection of all the roads and indicates every storm drain problem and every pothole and they rate them. Mr. Cahalan said there is a process that is followed. Mr. Walters wants to know when Steel City is scheduled for maintenance. Mr. Cahalan said if you can name a specific road in Steel City, give it to Mr. Cahalan. He will call Mr. Cahalan tomorrow and speak about this. Mr. Walters said it's amazing that for the last fire company on the list, the protocol is changed. Mr. Kern said that's not fair. Steel City has a piece of apparatus up…probably the most expensive piece of apparatus ever ordered by the Township. Mrs. Yerger said she assumes they get police. Mr. Walters said yes, but he isn't happy with the rest of what they get. Attorney Treadwell said at the last meeting you approved that allocating, but it hasn't carried out yet. He needs to see more of the information. Mr. Snyder said the first payment on the truck is 9 months. Attorney Treadwell said he can look into it and come back with a recommendation. No one wants to penalize you guys. He will be back on May 2.

ROLL CALL: 4-1 (Mrs. deLeon – No)

MOTION BY: Mr. Horiszny moved for approval of transfer of funds of Resolution 41-2007.
SECOND BY: Mr. Maxfield

Mr. Kern asked if anyone in the audience had any questions or comments? Mr. Cahalan said the resolution was put together to move $1 million from the contingency and the land acquisition fund into the land purchase line item account so if the township wants to spend that on any land acquisition, that money would be in the account. The other one is $200,000 being moved from contingencies in the fire equipment replacement fund to the line item that would be needed to make any grants to fire companies for equipment. Mrs. deLeon said when we approved the budget and had this money in the contingencies, why didn't we pull this money out at that item and put it in the correct line item? Mr. Cahalan said because they didn't have any specific land purchases in mind. Mrs. deLeon said don't you think we should wait until we have a land purchase. Mr. Cahalan said it just gives the township the ability if they do want to move on a land purchase. Mrs. deLeon said we would have to do that at a public township council meeting and at the same meeting we could do a resolution which would identify why we're putting $1 million into that account. Mr. Cahalan said you can do it either way. Mrs. deLeon said we should wait It should just be the $200,000 for now. Mrs. Yerger said just because we move it from one fund. Mrs. deLeon said there was a reason we left it in contingencies because that money was the extra money. In order to take it out, we needed a resolution that defined the purpose of the money being transferred. Everybody wants to preserve this open space, but to do it prematurely, she disagrees. Mr. Cahalan said it's not giving up any more control on it, it's just moving it into the account and we're not losing any interest on it. Mrs. deLeon said why do we have a contingency line item. Mr. Cahalan said because in the beginning of the year you wanted to put money away for future land acquisition and purchases, and that's what you budgeted. At that time, we didn't have any specific line item to put it in to purchase that land. Mrs. deLeon said and we still don't, except in theory. Mr. Horiszny said

the fact that the $200,000 does deal with fire companies, at the PSATs convention, on Monday, there's a session on volunteer fire companies, so if somebody could attend that, he'd appreciate it.

ROLL CALL: 4-1 (Mrs. deLeon – No)

F. CASINO IMPACTS BENEFIT GRANTS

Mr. Kern said the township manager will review a draft procedure for the distribution of the Host County Casino fees that Northampton County will begin receiving in 2008. The procedure was requested by the Northampton County Executive and was drafted by the Manages from LST, Hellertown Borough, and Freemansburg Borough and reviewed and endorsed by the SV Partnership at their last meeting on April 11, 2007.

Mr. Cahalan said that basically sums it up. This is the process that Mr. Stoffa, the County Executive, asked us to provide him with so that he could divide up the county host fee that they will start receiving in 2008 from the casino in Bethlehem. That amount set aside in the host county is $1,680,000. What we worked on is a process and that's what is before you It recommend the money be split up three ways…60% of the money would be designated for the priority municipality impact grant and we're suggesting this money be reserved for the five municipalities that are considered priority municipalities adjacent to Bethlehem. They are Lower Saucon, Freemansburg, Hellertown, Bethlehem Township and Hanover Township who should have the most impacts from the casino. The other 20% will be put into a casino impact mitigation grant. This would be a grant of money that would be available to all of the counties. This would call for the applicant to spell out what the specific impacts they are experiencing and the method they propose to mitigate that impact. Mr. Horiszny said the line in that particular paragraph should be mitigating instead of mitigate. Mr. Cahalan said 20% would be open to all the other municipalities in Northampton County with the exception of the five priority municipalities and the City of Bethlehem. We attached a suggested application which is very simple and it would be filled out by the municipalities and be submitted to Mr. Stoffa. This was reviewed and approved by the S. V. Partnership and Hellertown Council adopted this procedure. If Council approves it tonight, we will put it together in a cover letter and forward it to Mr. Stoffa. Mrs. deLeon said reading Hellertown's letter of April 18, they are asking that we add the different municipalities in the first section. Mr. Cahalan said what they were talking about was the 60% portion and they wanted it specified that it would be directed towards the impacts that the municipalities would be experiencing. Mrs. deLeon said are they suggesting changing the words in there? Mr. Cahalan said they could change the language to say that's what the funds are going to be used for. They wanted to keep it as simple as possible, and not tie the hands of the municipalities. If that's something you are interested in, we could go back and look at it. We can add language saying this money will be used for casino impacts. Mr. Horiszny said it's better to keep it as open as possible. Hellertown adopted it and they'd have to readopt it again then. Mr. Cahalan said you can approve it as it is and we'll leave it that the priorities impact grant is not tied to impacts only or he can hold up the approval and/or you can make the approval subject to this change. Mrs. Yerger said is this unlimited? Mr. Cahalan said yes, as long as the casino is there and makes money, the host fees are to be paid. Mr. Kern said this is just a response to John Stoffa, and the County has to approve it. Mr. Cahalan said the amount that should be coming in to Northampton County is $3.3 million, with 50% of that reserved for the county projects and 50% distributed to the municipalities with priority going to the municipalities adjacent to the city of Bethlehem which would be $1,680,000.

MOTION BY: Mr. Horiszny moved for approval of the Casino Impacts Benefit Grants procedure with one spelling correction.

SECOND BY: Mr. Kern

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

ROLL CALL: 5-0

VI. MISCELLANEOUS BUSINESS ITEMS

A. APPROVAL OF MARCH 27, 2007 MINUTES & APRIL 4, 2007 MINUTES

Mr. Kern said the minutes of March 27, 2007 and April 4, 2007 Council meetings have been prepared and are ready for Counicl's review and approval. Mrs. deLeon said page 1, line 11 should be Lenny Szy, not Sze.

March 27, 2007:

MOTION BY: Mr. Kern moved for approval of the March 27, 2007 minutes, with correction.
SECOND BY: Mr. Maxfield
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.
ROLL CALL: 4-1 (Mr. Horiszny – No)

April 4, 2007:

Mrs. deLeon said page 15, line 8, Priscilla and Glenn met with the Chief's, who is saying this? Mr. Cahalan said it was he said that. No correction.

MOTION BY: Mrs. Yerger moved for approval of the April 4, 2007 minutes.
SECOND BY: Mr. Maxfield
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.
ROLL CALL: 3-1-1 (Mr. Horiszny – No, Glenn Kern – Abstained)

B. APPROVAL OF MARCH 2007 FINANCIAL REPORTS

Mr. Kern said the March 2007 financial reports have been prepared and are ready for Council's review and approval.

MOTION BY: Mrs. Yerger moved for approval of the March 2007 financial reports.
SECOND BY: Mr. Kern
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.
ROLL CALL: 5-0

VII. PUBLIC COMMENT /CITIZEN NON-AGENDA ITEMS

- Stephanie Brown said Jack said the signs are going to be put up for the bridge. They are up. Mr. Cahalan said he wasn't aware. Ms. Brown asked what the "no turn" signs are up for? That's part of that signage? Mr. Cahalan said that's part of the warning so if you are over that tonnage, you can't make a left. Ms. Brown said with the left turn for Meadow's Road, are the police going to enforce that? Mr. Cahalan said it will be part of their normal enforcement duties. Ms. Brown said since the adoption of the no left turn, did the township change its position from the Meadows to 412 one way? Mr. Cahalan said that's still pending before Council and we are waiting for Hellertown Borough to finish improvements of Walnut Street. It was a short term fix. Ms. Brown said there is a sign pointing to no left turn off of Springhill town Road, that's a great thing. Mr. Cahalan said It'll be one way from the Meadow's Bridge north. Ms. Brown wanted to know what is going on with the County and the bridge. Mrs. Yerger said they are not done with the bridge. Karen is still working on it. She is still researching and hopefully will be done next month. Mr. Cahalan said the last he heard was when they gave Stephanie a copy of the minutes that they are planning to replace the bridge. Ms. Brown said she gave them an article on lime putty repairing

bridges. Did you get it? Mr. Cahalan said it was distributed. Ms. Brown wanted to know if that was viable for that bridge? Mr. Kern said that would be an engineering question. Mrs. deLeon said there's a book in the back, by Ian Cramb and he does not recommend using concrete, but lime. Ms. Brown thanked Jack for all of his help lately. He's been very kind to her and she appreciates it.

VIII. COUNCIL & STAFF REPORTS

A. TOWNSHIP MANAGER

- Mr. Cahalan said in the packet there is a survey form that the County Grants Administrator, Lori Suwenski has asked them to complete about the community development block grant program. She came to the partnership meeting and did a presentation. They are trying to go in on a whole submittal by the entire county. He doesn't know what our chances are for qualifying. There's a little map they did that's attached and he doesn't think we meet any of the percentages. They asked us to identify pressing needs we plan to address in our community, regardless of their effect on low and modern income, individuals or neighborhoods as identified by HUD. He gave them a copy of some suggestions and they can get back to him. The suggestion he came up with were sewer laterals for residents along the Leithsville sewer line, ADA improvements to restrooms in Seidersville Hall, Handicapped accessibility for the Heller Homestead and Lutz Franklin and the demolition of the Merra House. If you have any other suggestions, let him know.

B. TOWNSHIP COUNCIL/JR. COUNCIL MEMBER

Mrs. Yerger

- She said awhile ago, behind the Giant is a detention basin that is not functioning correctly. They were supposed to be talking to Giant about remediation. Can we ask Judy Stern Goldstein for an update? Mr. Cahalan said he knows she's been there looking at it several times.

Mr. Maxfield

- He said Columbia Gas is replacing their lines in the township. He was appalled last weekend as he went down Wassergass Road. There was an incredible wide open gash that runs from one hilltop to the other hilltop was orange with mud as were the ponds and streams. He called County Conservation on Sunday and left a message. He got a message back today, but didn't get to talk to them. Can we contact Columbia Gas and tell them to start taking care of things the way they should.

Mr. Kern

- He said every few months a resident from near the high school calls him and asks him about any progress on the ATV ordinance, so he's following up. Attorney Treadwell said they have a draft with the 50' restriction from the property lines. Mr. Maxfield said he got one with a 150 yard buffer. Attorney Treadwell said recently? Mr. Maxfield said four months ago. Attorney Treadwell said we have a much more updated version. He has 50 feet. Mrs. deLeon said she doesn't think we discussed the feet. Mr. Maxfield said 50' isn't going to do it. Mr. Johnson said you should tie the ATV ordinance with the noise ordinance. Attorney Treadwell said that was the problem last time it was discussed, you have to buy all these noise meters to monitor the noise. Ms. Brown said she rides an ATV and not everybody rides like an idiot. It's annoying sometimes but not more annoying than someone cutting their grass. Mr. Maxfield said it makes a difference. Come by his house. Her ATV isn't loud and there aren't many places to ride. For someone who lives on ½ acres, that's not fair.

Mrs. deLeon

- She said she'll be going to another PSATs conference and she's sure on the agenda is the cable franchise issue. All we're doing is talking about improving the cable access to this

community. We really need to take a step forward and do something. Maybe we should hire the cable consultant. This is what he does. She's embarrassed to even go again. We need to do something with our cable. Jack started to fill out the form on line that PSATs had, but apparently the legislation that they were asking the information for was withdrawn. He contacted PSATs and he never got a response. There was an email that there was little response submitted.

- She said Ron sent an email tonight asking about County Council, did anyone follow up on that? No one responded to her email? Mr. Cahalan said Leslie notified them.
- Monday, April 30, we have the interactive workshops at the SV school district and are anticipating a good meeting. It's 5:30 PM for registration and it starts at 6:00 PM.

Mr. Horiszny

- He attended the last session of the LS Historical Society and at that meeting they voted to offer the Lutz-Franklin bell for use in Kingston Park as part of the pavilion or whatever décor, on a permanent loan basis.

MOTION BY: Mr. Maxfield moved to have our Planners include it in the plans.
SECOND BY: Mr. Horiszny
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.
ROLL CALL: 5-0

Jr. Council Member
Absent.

C. SOLICITOR
Nothing to report.

D. ENGINEER
Nothing to report.

E. PLANNER
Nothing to report.

IX. ADJOURNMENT

MOTION BY: Mr. Horiszny moved to adjourn. The time was 12:03 AM.
SECOND BY: Mrs. Yerger
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.
ROLL CALL: 5-0

Submitted by:

Mr. Jack Cahalan	Glenn Kern
Township Manager	President of Council