

**I. OPENING**

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

**II. PUBLIC COMMENT PROCEDURE**

**III. PRESENTATIONS/HEARINGS**

- A. Metro PCS – 4105 Sherry Hill Road – Co-location of Antenna – Conditional Use Hearing

**IV. DEVELOPER ITEMS**

- A. Metro PC – 4105 Sherry Hill Road – Co-location of Antenna – Site Plan Review
- B. Long Ridge – Lower Saucon Road – Extension Request to Complete Improvements
- C. Agentis – Route 378 – Extension Request to Complete Improvements
- D. Lehigh Gas – Route 378 – Extension Request to Complete Improvements

**V. TOWNSHIP BUSINESS ITEMS**

- A. IESI Bethlehem Landfill – Review of Comments on Cell 4-F Berm Revision
- B. Saucon Valley Community Center – Approval of 2010 Senior and Summer Recreation Program Agreements
- C. Alternative Fuels Incentive Grant (AFIG) Award – Approval to Purchase Police Cruisers
- D. Resolution #42-2010 – Appoint Special Fire Police
- E. Resolution #44-2010 – Saucon Creek Watershed PA Rivers Registry
- F. Resolution #45-2010 – Disposition of Records
- G. Review and Approval of EAC By-Laws
- H. Recommendation to Revise Third Party Building Inspection List
- I. Approval of 2010 Animal Services Agreement with the Center for Animal Health and Safety

**VI. MISCELLANEOUS BUSINESS ITEMS**

- A. Approval of April 7, 2010 Minutes
- B. Approval of March 2010 Financial Report

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

**VIII. COUNCIL & STAFF REPORTS**

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

**IX. ADJOURNMENT**

Next Park & Rec Meeting: May 3, 2010  
Special Council Meeting: May 5, 2010 @ 4:00 p.m.  
Next Council Meeting: May 5, 2010 @ 7:00 p.m.  
Next EAC Meeting: May 11, 2010  
Next Zoning Hearing Board Meeting: May 17, 2010  
Next Planning Commission Meeting: May 20, 2010

**I. OPENING**

**CALL TO ORDER:** The General Business & Developer meeting of Lower Saucon Township Council was called to order on Wednesday, April 21, 2010 at 7:01 P.M., at 3700 Old Philadelphia Pike, Bethlehem, PA, with Mr. Glenn Kern, Council President, presiding.

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

**PLEDGE OF ALLEGIANCE**

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

**Mr. Kern said Council did meet in Executive Session just prior to this meeting to discuss potential property acquisition, specifically there were four items. The Skraban property, the Reis property, the Shelly property, and the Mease Land Trust Beneficiary on Orchard Road.**

**MOTION BY:** Mr. Maxfield moved for approval to authorize the appraisal on the Skraban property on Springtown Hill Road.

**SECOND BY:** Mr. Horiszny

**ROLL CALL:** 5-0

**MOTION BY:** Mrs. Yerger moved for approval to authorize the appraisal on the Reis property.

**SECOND BY:** Mrs. deLeon

**ROLL CALL:** 5-0

**MOTION BY:** Mr. Horiszny moved to direct the Solicitor to send a letter to Mr. Shelly offering him our thanks for participating in the Open Space program.

**SECOND BY:** Mr. Maxfield

**ROLL CALL:** 5-0

**MOTION BY:** Mr. Maxfield moved to authorize Heritage Conservancy to be listed as the third party on the conservation easement.

**SECOND BY:** Mr. Horiszny

**ROLL CALL:** 5-0

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

Mr. Kern said for citizen agenda items – Council operates under Robert’s Rules. What that means is during agenda items, Council will talk amongst themselves and amongst staff and the interested parties. At the conclusion of that, we open it up to the public for public comment. There is an opportunity for non-agenda items at the end of the meeting to discuss whatever your business might be. We do have a microphone and there are microphones up at the table. There is a sign-in sheet in the back of the room. Please print your name and address and email address. It is very helpful in transcribing the minutes. For those who want to receive emailed agendas, please give your email address to Leslie or Jack or call the Township office. Please state your name and address. If you can’t hear, please let us know. You can check the minutes on

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the website, which is [www.lowersaucontownship.org](http://www.lowersaucontownship.org). Mr. Kern asked if anything has been taken off of the agenda? Mr. Cahalan said no.

**III. PRESENTATION/HEARINGS**

**A. METRO PCS – 4105 SHERRY HILL ROAD – CO-LOCATION OF ANTENNA –  
CONDITIONAL USE HEARING**

Mr. Kern said the applicant is seeking conditional use approval to co-locate 6 antennas on an existing 160' tower, as well as install an equipment cabinet on an existing pad.

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

**SECOND BY:** Mr. Horiszny

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

**ROLL CALL:** 5-0

Attorney Debbie Shulski was present representing PCS. She said they are here tonight seeking conditional use approval for the tower. There are two witnesses present. She'd like to summarize her witness's testimony. John Wolstenholme was sworn in and William Blessing, Radio Frequency expert was also sworn in. Mr. Blessing would testify as to his credentials and qualifications in the field of radio frequency and he's testified before municipal proceedings and has a number of years experience in this field. In the packet, is exhibit C5. Mr. Blessing will also testify that Metro is authorized to proceed with this application by the tower owner which is marked in your packet as exhibit A5. Mr. Blessing will also testify that Metro is authorized to proceed with this application by the tower owner pursuant to its lease agreement which is marked in the packet as exhibit A3 and he would further testify that Metro is licensed by the FCC. Under the FCC, it is required that Metro has reliable coverage which is the ability to initiate and maintain a call without going directly into voice mail or busy signals. The FCC license is marked in your packet as exhibit A4. Mr. Blessing would also testify that he prepared what is known as a propagation analysis, exhibit A6, which depicts the distant coverage in Lower Saucon Township and the surrounding area. The white area depicts what is known as the significant gap in coverage. As you can see, there's a gap in coverage in this area so if a user were driving down a stretch of the Township, they wouldn't be able to initiate or maintain a reliable call. Exhibit A7 depicts the proposed coverage when the facility is up and running or on air as we call it. As you can see on this exhibit, the area that was previously shown in the white is now shown in green indicating that there would be reliable coverage in this area. The propagation analysis demonstrates that the antennas must go where proposed in order to satisfy the function and the company's grid system. Mr. Blessing would testify that Metro's policy is to co-locate whenever possible, which is obviously preferred by the municipality as it eliminates the proliferation of towers in the Township and is obviously preferred by the applicant as well. Part of his testimony would also be that the facility complies with all required antenna and power levels and the maximum permissible exposure levels and that this board is probably aware, that the carrier complies with those FCC regulations. They did have an EMF report prepared by Dr. Foster which demonstrates that the levels are way below the acceptable FCC levels and that report is marked as exhibit A9. As indicated in the Dr. Foster report, these are very low power transmitters and operated power levels are comparable to other communication providers, fire emergency and police providers in the Township. Mr. Blessing would further testify that the facility complies with all applicable standards under the zoning ordinance. Many of these standards are not applicable to this type of facility because it is a co-location and not a new tower, but it does comply with the applicable ones. For example, Section 180-127.1.J requires compliance with all the applicable FCC standards and as she just indicated, they do have an EMF report that shows the facility will comply with those standards. Section 180-127.1.M1 requires demonstration that there's a need for the site and proper propagation plans marked at exhibit A6 and A7 which will satisfy that requirement. In addition, Section 180-127.1.N requires that the facility be removed if it's abandoned or not used for a certain

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period of time, and Mr. Blessing would testify that Metro is agreeable to comply with that requirement. Lastly, Mr. Blessing would testify that the proposal complies with all applicable state and federal regulations, all relevant FCC regulations and that the facility would not cause any radio frequency interference with other communication providers in the Township. That would essentially summarize Mr. Blessing's testimony. She asked if there were any questions? Mrs. deLeon said this is the first time it was ever done in this fashion. Normally, they question each other back and forth, and it seems like she's done this many times before. Mr. Kern asked if there were any questions from anyone in the audience? No one raised their hand.

Attorney Shulski said the second witness is John Wolstenholme, who is an architect and his credentials are shown on his CV which is marked exhibit A10. He would testify that he reviewed the site plan and the site plan accurately depicts what is being proposed. The site plan is marked as exhibit A11. The property contains an existing 160 foot lattice tower. Metro has proposed to co-locate six telecommunication antennas. There's another provider currently on the tower at a height of 160 feet. Metro's proposing it's antennas at 150 feet. The associated radio equipment cabinets will be located in the existing fence compound area. There's no bump out of that compound area so it's all existing at this point and they would put their equipment on a concrete pad in that area. They are proposing three radio equipment cabinets. They are approximately 3 x 3 x 6 in size, essentially the size of a small refrigerator. Mr. Wolstenholme would further testify that the antennas would comply with all the applicable structural requirements and the facility will be designed in accordance with all applicable safety standards and building code regulations. A structural report was prepared and is marked as exhibit A12 in accordance with Section 180-127.1.I of the zoning ordinance. Mr. Wolstenholme would further testify that the facility only requires monthly maintenance trips; therefore, has a diminimus impact on traffic, if any, and requires no lighting, no sewer, produces no noise, and there's no water. He would further testify that the site complies with the applicable standards of the zoning ordinance and again, similar to Mr. Blessing's testimony, many of these standards aren't applicable for this type of facility because it's a co-location and not a new tower. In accordance with 180-127(1)(a) a site plan was prepared. The height of the antennas will not exceed 25 feet above the structure in compliance with Section 180-127.1.D2 and as previously mentioned, the structure was prepared in accordance with Section 180-127.1.I. Metro also received a NEPA Approval letter in compliance with your section 180-127.15.2 of the zoning ordinance and that letter is marked as exhibit A14. Basically that's saying the facility will be in compliance with the NEPA requirements. In addition Mr. Wolstenholme would testify that the proposed use doesn't have an impact on the character of the neighborhood especially given this is an existing tower that is already there and we're going below the height of the existing antennas and not increasing the tower. Again, it is consistent with your ordinance which is to encourage co-location on existing structures. Lastly, he would testify that the proposed use serves the best use of the Township, the convenience of the community, public welfare by making wireless telecommunication facilities available to the public including the residents of this Township. That would essentially conclude testimony of Mr. Wolstenholme. Mr. Wolstenholme said he would like to add two comments. The proposed cabinets will be going on an existing 10 foot by 18 foot concrete pad. There will be no ground disturbance whatsoever in the facility. There will be a light at the equipment itself which will be on a timer type switch so the technician who is going into the compound would be able to turn on the lights and if they forget to turn them off, they will turn off 30 minutes after they leave. Mrs. deLeon said are they shielded so they don't leak off site? Mr. Wolstenholme said due to the tower and the cabinets are located central in the site, there's not going to be glare issues. Mrs. deLeon said right now there's no existing light. Mr. Wolstenholme said there's a signal light on the existing pole, but it's outside of the compound, just like a street light. There's no need to light the tower. Mrs. deLeon said they are very sensitive to lights glaring at them when they drive by or bothering neighbors. Mr. Wolstenholme said it is on a timer, so it's not going to be on all the time, just 30 minutes. Mr. Maxfield said the site is relatively remote. Mr. Wolstenholme said it's 100 feet from the closest property line. Mr. Maxfield said he's not aware of any housing close to it, not within a couple 100 feet.

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Attorney Shulski said that concludes their case. She asked if anyone had any questions. Mrs. deLeon said on No. 13 of your tab handout, there is a letter from Boucher & James, is there a reason why you didn't include our engineer's letter? Attorney Shulski said she doesn't know if she saw an engineer's letter. Attorney Treadwell said the Boucher & James letter is for the conditional use and the Hanover letter is for the site plan which is the next item on your agenda. That's why Boucher & James is included in the conditional use packet. Mr. Wolstenholme said they don't have the Hanover letter. Mrs. deLeon said she understands what Attorney Treadwell said. Attorney Shulski said they took a quick look and don't have any objection to the items in the HEA review letter. When they discussed the Boucher & James letter, there were just a few items on the site plan requirements that they think are not applicable or they are requesting waivers from it. Mr. Wolstenholme said the site plan requirements were discussed at the Planning Commission and they felt that due to the fact that they weren't really creating any disturbance at all on the ground, that most of those items were a requirement of the zoning and was not really applicable to this site.

Mr. Kern said does Council want to go through the Boucher & James letter? Mrs. deLeon said she thinks they should. Attorney Treadwell said you can do it now. Mr. Maxfield said what they did at Planning Commission was review the letter and asked the applicant if there were any items that would be a problem or they did not agree with, and that seemed to cut down on the process. Mr. Wolstenholme said the location is not called out on the plans. Should he approach the board to see where that's going to be at? Mr. Maxfield said the options where it could be are pretty limited. They have a pretty good idea where it's going to be. Just include it on the plan. Mr. Wolstenholme said they could submit that on the building permit. They will be directly adjacent to the cabinets and concrete pad. Mr. Kern said what elevation would the lights be? Mr. Wolstenholme said the lights are only 7 foot above grade and are directly in back of the cabinets. Mrs. deLeon said there should be as much information given at this hearing in case there are questions later on.

Mr. Kochanski asked if Mr. Wolstenholme complied with various items on the Boucher & James letter, and the following are Mr. Wolstenholme's answers. Mr. Wolstenholme agreed that should the airport be within five miles, they would be properly notified. Two of the cabinets are radio cabinets where there is electrical devices. There are no hazards. There is a third small sealed battery cabinet that also has no hazardous concerns with that. There are no fuels or any explosives that are stored on the site. Attorney Shulski said they can add a note to the plans to confirm that. Mr. Wolstenholme said what was presented during the Planning Commission was that the lease the owner had signed with Metro PCS was satisfactory to that board. They were in agreement with the application being presented. If it needs to be on the plans, that would not be a problem. Mr. Wolstenholme said as far as the area in dimension, the size of the lot is about 16 acres, so the impervious coverage is extremely minimal, probably less than 3% on the site. Attorney Shulski said they are not adding any impervious. Mr. Wolstenholme said there is no land disturbance with this application.

Mrs. deLeon said she has a question regarding the required permits and supporting documentation. You do it now while the application is pending. Are there annual reports or continuing permits? Will the Township get other documents? Attorney Shulski said some Township's require annual reports. Attorney Treadwell said he doesn't believe our ordinance requires any continuing reporting of that nature. Does the FCC license get renewed on a periodic basis? Mrs. deLeon said what if the permits are pulled? If something happens with those permits, how will we ever know? Mr. Maxfield said wouldn't we be copied on everything like that? Attorney Shulski said if there is a violation, usually the whole Township knows, but they can look into that. There are some very severe penalties if they violate the FCC standards or if Metro were to lose their license. Mrs. deLeon said as a Township, we should know if something happens to the permit. Attorney Treadwell said he can draft a condition that as part of the conditional use Metro would be required to notify the Township if any of the applicable permits are revoked. Attorney Shulski said they have no objection to that. Mrs. deLeon said we should think about that for a future ordinance change also. Mr. Maxfield said one of the items that came up at Planning Commission was there

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are recommendations from the fire company about Knox boxes and the applicant has agreed to put that on their structures and on the gate. Attorney Shulski said Metro has no objection to that, but it's the tower owner that would have to ultimately agree. They are going to coordinate with them. It's a condition that would benefit everyone. Mrs. deLeon said she was going to bring that issue up on the next agenda item, only because our adjacent municipality, Hellertown, had much discussion over the legality of requiring this. Our ordinance had already been in place and they were considering a proposed ordinance. She's not sure it's even legal to do that. Attorney Treadwell said they have asked the applicant to comply. Mrs. deLeon said she doesn't know if it's legal to even ask it. Mr. Maxfield said he doesn't see why it would be illegal to ask. The applicant is willing to agree to it and the situation helps everybody. We should help and work with each other. Attorney Shulski said Metro has no problem reaching out with the tower owner. They will try and facilitate to the extent they can. Mr. Maxfield said if you are not successful, please inform the Township.

Mr. Kern asked if there were any comments from the audience? No one raised their hand.

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

**IV. DEVELOPER ITEMS**

**A. METRO PC -- 4105 SHERRY HILL ROAD – CO-LOCATION OF ANTENNA – SITE PLAN REVIEW**

Mr. Kern said the applicant is seeking site plan approval to co-locate 6 antenna's on an existing 160' tower, as well as install an equipment cabinet on an existing pad.

Mrs. deLeon said we just had this hearing, now what about the decision? Attorney Treadwell said he will prepare an opinion and bring it back at your next meeting unless Council tells him otherwise. The second part of the application is the site plan which goes along with the conditional use, which is all the same information you just heard as part of the conditional use hearing unless the applicant has anything else to add or Council has any questions. Attorney Shulski said she just wanted to clarify one thing. They are proposing three equipment cabinets. There may be only two built at this time, but the plans do show three. There is still no expansion of the pad.

Mrs. deLeon said how can we vote on the site plan without finalizing the conditional use? Attorney Treadwell said you can wait until the next meeting and approve them both at the same time. They are both on the agenda tonight because the applicant is here tonight. Mr. Kern said what's the risk of approving the site plan approval tonight? Attorney Treadwell said there isn't a risk. Any approval of the site plan is obviously subject to the use being approved. Mr. Kern said is Council familiar enough with the site plan to approve it?

**MOTION BY:** Mr. Horiszny moved for approval of the Metro PC – 4105 Sherry Hill Road – Co-location of Antenna – Site plan review.  
**SECOND BY:** Mr. Maxfield  
Mr. Kern asked if anyone had any questions? No one raised their hand.  
**ROLL CALL:** 5-0

**B. LONG RIDGE – LOWER SAUCON ROAD – EXTENSION REQUEST TO COMPLETE IMPROVEMENTS**

Mr. Kern said the developer has requested a one-year extension of time to complete the improvements associated with their land development.

### **STAFF RECOMMENDATION FOR LONG RIDGE EXTENSION**

The Lower Saucon Township staff recommends that Township Council approve an extension until May 4, 2011 for completion of improvements at the Long Ridge Subdivision. This approval is subject to the following conditions:

1. The owner/developer shall enter into an Extension Agreement with the Township satisfactory to the Township Solicitor and Township Council.
2. The Improvements Security shall remain in full force and effect until project completion or June 4, 2011, to the satisfaction of the Township Solicitor.
3. The owner shall pay any outstanding plans and appeals account invoices owed to the Township.
4. The Township Engineer is hereby directed to inspect the erosion and sedimentation controls for the project and notify the developer of any deficiencies. The developer must correct any deficiencies noted by the Township Engineer within 60 days of receipt of his report.

Mrs. deLeon said there is a violation letter. Mr. Kocher said the NPDES permit expired in March, so he doesn't know if they are actively looking to renew that, but the County is telling them no more earth moving except to correct the deficiencies until they get that renewed. Mrs. deLeon said she's uncomfortable extending this if they are missing one of their permits. Mr. Kocher said the disadvantage is then if we become the owner, we have to handle it. Mrs. deLeon said what do we do? Mr. Kocher said we're better off keeping the obligation. If you want to do it in a shorter amount of time, like six months, so we can re-evaluate it, that's okay. Mrs. deLeon said she'd rather do a shorter time period. Mr. Maxfield said if they don't have their NPDES, then who is the enforcement agency? Mr. Kocher said it is DEP. Mr. Kern said there can be no earth movement whatsoever on that site? Mr. Kocher said other than correcting the erosion control deficiencies. They are allowing that. Mrs. deLeon said is someone monitoring that from the Township? Mr. Kocher said they were out today to document their erosion control concerns. There will be a letter from HEA shortly. The County is the one to keep an eye on the permit.

Mr. Maxfield said he knows with the setup up at Long Ridge, the compound type of arrangement they have, they had a different owner for the compounds than for the surrounding open space area, and it was kind of chopped up. Does the lack of the NPDES permit apply to the entire site including the interior of those compounds or can work be done on the interior of those because they are a different owner? Mr. Kocher said he doesn't remember how they set it up. His recollection is it's one entity. Mrs. deLeon asked Mr. Maxfield to say that again. Mr. Maxfield said he doesn't really know who is the owner of the compound as they were for sale. The individual houses with the little building area, compound type area, those had a separate owner. Ashley was still responsible for the open space around it and whatever happened there. He didn't know how the NPDES permit was applied to the entire site. He would guess it would be the entire site, but that would mean if there is a lack of the NPDES permit, we need to notify the owner of the compounds also. Mr. Kocher said from their letter, it was sent to Ashley and Gigliotti, so it probably was one overall permit and Ashley added them as a co-permittee. Mr. Maxfield said if Gigliotti is not the owner anymore, will it go to the subsequent owner? Mr. Kocher said not unless they transfer it. That was Gigliotti's responsibility. You get yourself off these permits if you're not involved in them. Mr. Maxfield said it's not our responsibility to notify them? Mr. Kocher said no. Mr. Maxfield said if we see any earthmoving anywhere on that

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site, we should notify DEP? Mr. Kocher said we should first make sure it's not them doing what they are supposed to do as far as fixing things, then the conservation district should notify them. Mr. Kern said can someone give him a date of six months that you want on the extension letter? Mr. Maxfield said November 4, 2010.

**MOTION BY:** Mr. Maxfield moved for approval per the staff recommendation for Long Ridge – Lower Saucon Road – extension request to complete improvements until November 4, 2010, with condition we change the date.

**SECOND BY:** Mrs. deLeon  
Mr. Kern asked if anyone had any questions? Mrs. deLeon asked what about the security improvements, do we have to change that from June 2011 to December 2010? Attorney Treadwell said he would be happy if they gave us till June as that gives us a longer period with the security. Mrs. deLeon said okay, we'll leave that the same.

**ROLL CALL:** 5-0

Mrs. deLeon said getting back to this violation letter, she noticed the letterhead is from Ashley and it's signed by Ryan Pektor. Is there anything the Township should do as we received this NOV letter, is that appropriate to do? Attorney Treadwell said we can certainly ask them for an update as to what they plan to do to fix the problem. Mrs. deLeon said she would like to see that. Attorney Treadwell said as part of the letter when he sends them the extension agreement, he will also ask them for a timeframe as to when they expect to commence with construction of the further improvements as well as when are they going to fix the NPDES issues. Mrs. deLeon said they need to know that we are aware of that. Do you need a motion for that? Attorney Treadwell said no, he doesn't need a motion to put that in the letter.

**C. AGENTIS – ROUTE 378 – EXTENSION REQUEST TO COMPLETE IMPROVEMENTS**

Mr. Kern said the developer has requested a one-year extension of time to complete the improvements associated with their land development.

**STAFF RECOMMENDATION FOR  
AGENTIS BROS. EXTENSION**

The Lower Saucon Township staff recommends that Township Council approve an extension until May 1, 2011 for completion of improvements at the Agentis Bros land development. This approval is subject to the following conditions:

1. The owner/developer shall enter into an Extension Agreement with the Township satisfactory to the Township Solicitor and Township Council.
2. The Improvements Security shall remain in full force and effect until project completion or June 1, 2011, to the satisfaction of the Township Solicitor.
3. The owner shall pay any outstanding plans and appeals account invoices owed to the Township.
4. The Township Engineer is hereby directed to inspect the erosion and sedimentation controls for the project and notify the developer of any deficiencies. The developer must correct any deficiencies noted by the Township Engineer within 60 days of receipt of his report.

**MOTION BY:** Mr. Maxfield moved for approval per the staff recommendation for Agentis – Route 378 – extension request to complete improvements, with the addition of today's date on the staff recommendation.

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**SECOND BY:** Mrs. Yerger  
Mr. Kern asked if anyone had any questions? No one raised their hand.  
**ROLL CALL:** 5-0

**D. LEHIGH GAS – ROUTE 378 – EXTENSION REQUEST TO COMPLETE IMPROVEMENTS**

Mr. Kern said the developer has requested a one-year extension of time to complete the improvements associated with their project.

**STAFF RECOMMENDATION FOR  
MMSCC II, LLC – LEHIGH GAS CORPORATE OFFICE EXTENSION**

The Lower Saucon Township staff recommends that Township Council approve an extension until May 4, 2011 for completion of improvements at the Lehigh Gas Corporate Office. This approval is subject to the following conditions:

1. The owner/developer shall enter into an Extension Agreement with the Township satisfactory to the Township Solicitor and Township Council.
2. The Improvements Security shall remain in full force and effect until project completion or April 4, 2011, to the satisfaction of the Township Solicitor.
3. The owner shall pay any outstanding plans and appeals account invoices owed to the Township.
4. The Township Engineer is hereby directed to inspect the erosion and sedimentation controls for the project and notify the developer of any deficiencies. The developer must correct any deficiencies noted by the Township Engineer within 60 days of receipt of his report.

Mr. Maxfield said when does this one expire? It says an extension until March 4, 2011. Ms. Huhn said it should have been May 4, 2011. Mrs. deLeon said this is the office at top of 378. Weren't there issues with parking? Mrs. Yerger said she goes by there every night and there's parking issues up there. Mrs. deLeon said this was a big thing for approval and wanted to use the existing site. Mrs. Yerger said they are parking on the road. Mr. Kocher said Mr. Garges did institute some sort of action related to the number of occupants in the building, but he doesn't know what the status of that investigation was. Mr. Garges was handling that. Attorney Treadwell said he believes Mr. Garges is still working with the occupants of the building to figure out, what, if any, violations there are and how to rectify them. Ms. Huhn said she believes the developer told Mr. Garges that he was looking for additional parking off-site. We do have a security reduction we are holding that has not been released because of the parking issue. Mrs. deLeon said did they change occupants in the building? Mr. Cahalan said no, they are still the occupants. Attorney Treadwell said there are a lot more people and a lot more cars. Mr. Maxfield said there's a lot more activity going on there than was related to us at the Planning Commission. Mr. Kern said isn't the parking determined by the square footage of the building? Mrs. deLeon said it was, but remember they couldn't meet the requirements. We gave them compact spaces. Then we reduced about five to ten spots to compact so they could have more. Mr. Maxfield said then we had an emergency pull over area. Mr. Kern said from a planning perspective, if it goes by the square footage, obviously that's not a good criteria for parking places. Mr. Maxfield said certain information was related to them about the usage of the building and more space may be being used inside the building now than what was previously stated and the actual number of people using the number was stated to be a certain number and obviously it's more than that as the parking is overflowing each day. Mr. Kern said how is it determined how many parking spaces were to be there? If it's square footage, that's

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not the way to do it as it has to be determined by some other means and is that part of our planning process that it failed? Mr. Kochanski said parking is generally done based off of the square footage and in cases, depending on the specific use, it's off of the number of employees. This specific one he'd have to take a look at the zoning ordinance and see what those standards are for this particular use. It varies depending on the use, how the parking is actually calculated. Mr. Maxfield said even if we did base it on square footage, it was relayed to us that there was one floor that was going to be used entirely for paper storage. That may not be the case anymore. Maybe we're basing it on actual usable square footage. He can't recall exactly.

Mrs. deLeon said March 4, 2011 should be May 4, 2011. It's just like the other one with the violation letter. We have security held and if we don't give it to them, we have to make the changes. Attorney Treadwell said correct, Mr. Garges is completely aware of this and working with the occupants to fix the parking problem, so he would let that run its course. Mrs. deLeon said is there any way when we send them their extension, we tell them about the parking. Attorney Treadwell said Mr. Garges is already in contact with them. He's aware of it. If a NOV is needed to fix the problem, he will issue that NOV. Council will get copied on it.

- MOTION BY:** Mr. Horiszny moved for approval of Lehigh Gas – Route 378 – extension request to complete improvements, with changes.
- SECOND BY:** Mr. Maxfield
- Mr. Kern asked if anyone had any questions? No one raised their hand.
- ROLL CALL:** 5-0

**V. TOWNSHIP BUSINESS ITEMS**

**A. IESI BETHLEHEM LANDFILL – REVIEW OF COMMENTS ON CELL 4-F BERM REVISION**

Mr. Kern said Township Landfill Engineer Jim Birdsall would like to review the comments prepared by the Township Landfill Committee following their review of the IESI Bethlehem Landfill Plan for Cell 4-F MSE Berm Revision.

Mr. Birdsall said in summary, what IESI is proposing to do is a minor permit modification at the landfill. This is in line with what they were approaching the Council about many years ago and that is trying to shift more storm water to the south and get away from either re-routing the pipe or discharging down the north slope. Both the rerouting and the pipe is what they are permitted to do right now, but traveling down the north slope was an option that the Township was very concerned about as being a negative option. Their proposal is to shift the high point of the final landfill to the north thereby allowing more runoff after closure to go to the south, reducing the amount of storm water that goes to the north so that they wouldn't need a detention basin and so they wouldn't need any special piping or rerouting of the storm water back to the south. There would be no change in the ultimate capacity of the landfill with their plan. They actually are reducing the overall height of the landfill which means less of an impact on the horizon. What they intend to do is accomplish this by building up a steep slope near the north property line near the motorcycle hill climb and near what is known as the woodfill area. They would be building in almost a wall or an MSE berm, an engineered berm, rock and soil berm with fabric that runs back into the soil similar to what you would see in a highway embankment where they have a very high steep embankment that they are building up. It's a technology that is used. They don't have a problem with the technology, but they may have some questions about the details. The responsibility is theirs to build, theirs to design, and theirs to make sure it's safe as a structural engineer and as an element of the landfill. All that would be reviewed by DEP also. What it means to the Township is there is a change in the footprint of the final plan which must come back to Council for review. Mr. Garges has notified them that they'll have to go through a land development process to show that they

meet our ordinances, so there will be another whole round of this. This initial comment package is only for the minor permit modification that's in front of DEP right now. IESI has made a formal presentation to DEP. DEP has given us some time to react as a community to offer any comments we want to with regard to the proposal, so it is appropriate for you to make a comment to DEP, but please keep in mind that you will see the whole package coming through with the Planning, EAC and Landfill Committee, then back to Council in a final footprint. Whether or not it's significant enough to require a re-recorded plan, that's something you can judge at that time. Some of the issues we've raised in the letter are related to zoning more than they are engineering of landfill, although some are related to engineering of landfill. The concern we have as far as operations and landfill is that where they want to build this is very close to the north property line. The face of the wall and at sections it's 45 feet high and it is 20 feet away from the north property line. The north property line is kind of a tree row and then it drops down into the hill climb property very steeply. To visualize this tall wall with a 20 foot area that is sloped and then trees at the bottom of the 20 feet that kind of overlap the property line and then further drop down. He is concerned they are foreclosing the opportunity to have a piece of equipment come in along the base of the wall and repair the wall. That's kind of a practical operating issue. Laressa has pointed out that depending on the termination of facility, that actually could be a violation of DEP regulations with regard to setback – a setback of facility to a property line. That's going to be an issue we raised in the letter. Their lining of this new modified cell for 4F, the lining and the placement of waste is closer to the property line than DEP would allow, so that's another issue we are raising in the letter. Mr. Kern said would DEP catch that without our intervention? Mr. Birdsall said probably. It's an obvious issue. If our interpretation of the regulations is correct, they may interpret it different. The other issues we want to bring to their attention is that a portion of this berm, earth reinforced structure, is over what we call the woodfill area which is an area about 60 years ago was filled in with debris and it grew up in trees. The trees in that area are 12 to 24 inches in diameter or larger. When the City of Bethlehem started to come to the Township and ask for approval under the Act 101, one of the things they had not done that they were supposed to do was close off and cap all of the landfill that the City was operating which was part of the first application. As part of that first application, they didn't show anything over in this woodfill area and DEP and the City felt it was better not to disturb that as the trees were so big and the garbage was so old, that whatever leached out already leached out 40 years ago and DEP and the Township felt it would be more hazardous to the environment to disturb that. We did have them and DEP did cause them to do soil testing within that area just to see what kind of waste was in there and there were some surface features they had to pick up by hand in the way of old cans and some debris, and there was some question about gases and leachate over the years, but it was a pretty minor issue as he recalls and other than monitoring it down hill on the north side with monitoring wells, it was not worth doing anything more with that wood fill area. The top fringe of that now would be disturbed. Some of the trees would have to come down, some of the garbage in that area would have to be dug out, and relocated. They would have to come up with a good structural foundation to build this retaining wall. They make generalized statements on this issue based on three or four test digs and borings they did, and asking they identify that a little more carefully because it may actually ultimately wind up impacting what they can do with the wall or what they can't do with the wall. They are also raising concerns as part of this whole process, they need to move the PPL power line out of the way. It's our understanding they have negotiated with the hill climb people to allow the easement diagonally across the hill climb property, but also cut more deeply into the woodfill area and go basically right across the middle of the woodfill area. The problem with that is if PPL is going to require them to take down trees down in the Hill Climb property, that's going to be a problem with the Hill Climb property, but also if they require them to take trees down in the woodfill area, it could affect the erosion and stability of that area. He thinks we need to find out more exactly what PPL would require in that instance – just cutting the trees down or topping them and leaving the stumps, he doesn't know whether that will work and be satisfactory to PPL or even satisfactory to the Township under the Township ordinances. It's way too early to try to guess whether or not that sort of public utility relocation would allow PPL and the applicant, IESI, to avoid typical zoning because they are PUC regulated. It's not a public convenience. It's a private convenience. It's for

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the landfill that this thing is being moved. There's that issue that needs more scrutiny. Mr. Kern said the point is to just bring it up to the DEP at this point. Mr. Birdsall said and air it to the applicant. We want to make the applicant aware of the Township's concerns as well. This is the first venue we've been able to do that. We never saw any plans, so we're trying to let everybody know what problems we see.

Mr. Maxfield said one of our original concerns was the pipe going down the northern slope and the disturbance that would occur from that, we didn't really want that type of disturbance. Now we're going to be dealing with the power line and from what he's seen of the power lines lately, with the high detention lines is they just level the area underneath it for 100 feet on both sides of the line. We may be dealing with erosion and all sorts of things like that on that slope and maybe even more disturbance. Mr. Kern said the most dangerous aspect of that from what he heard from Mr. Birdsall tonight is if they do that cutting in the woodfill area as no one knows what's under there, and whether it could change the terrain and impact on that area and create some mess downstream. Mrs. deLeon said the PPL easement, is it going to go through the woodfill? Mr. Birdsall said it won't be up and down the hill. It would be diagonally down the hill, across the slope. He has a copy of the plan if you want to see it. Mrs. deLeon said when they discovered the woodfill there was a big document with all kinds of drums and a glass flag, and they don't know the extent of what was buried there. That was just what they could find on the surface. Mr. Maxfield said whatever they dug up would have to be removed and incurred per today's regs, so that might be a better situation for the garbage, but the trees and he likes the fact that the line is diagonal which takes out even more space than straight down the hill. That kind of thing causes more disturbance than a pipe would. He would personally not like to see the line issue happen. He doesn't know if that's necessarily tied to everything they want to do or if there are other ways to deal with that. Mr. Horiszny said what is the reason to do that - because the berm is going to be under the towers? Mr. Birdsall said actually the towers were going to be moved in the original plan. He doesn't think they were going to be moved as much as they never had to get an easement from the hill climb people before. He doesn't recall if it crossed the woodfill area on the old plan or not. He imagines there were some. There is that easement through there now that probably skirts just around the woodfill area, but he doesn't really know how much it's impacted in the permit of the plans. Some tower was being moved even in the approved plan. Mrs. deLeon said the issue before us tonight is not the PPL lines, it's the minor permit mod. Mr. Birdsall said it's all related. Mrs. deLeon said it's related but there's not a minor permit mod on the PPL line. Mr. Maxfield said we need to know the implications of the minor permit mod. Mrs. deLeon said the minor permit mod is for the berm. Mr. Maxfield said to get that berm, there are other things they have to do too. Mrs. deLeon said yes, that's what's all addressed in this letter. Mr. Maxfield said it's an earthen berm? Mr. Birdsall said it's layers of rock and fabric and soil of certain size. They have granular size that they must screen and put in as certain size. Then like a wire basket front, like a gabion, but they'd like to know a little more about. What that fabric is in the front that holds it together. He's not too worried about what is horizontal as he is as what is going to be exposed to the weather on the south side. Mr. Maxfield said will that surface be visible from both sides of the landfill? Mr. Birdsall said you won't see it from the south side at all. You probably won't see this wall at all from either side as the trees mask it on the north side and the landfill itself will mask it on the south side. You won't see the stone gabions or whatever is going to be exposed. It's not a sheer wall, it goes up and then it goes over another three foot, so it steps up. The other thing they raised, they are a little bit concerned about their stormwater management and that we have no stormwater management regulations now with regard to water quality, recharge, and things like that. We're just bringing that to their attention that they should start looking at best management practices and what they might have to do with their NPDES.

Mr. Horiszny said mechanical stabilization is the baskets and the fabric? Mr. Birdsall said yes. Mr. Horiszny said with this step design, is that better or worse for water runoff in a storm situation. Mr. Birdsall said there really won't be much water coming over the face of that because that wall builds up almost to the top of the future landfill. Basically, there is a couple of acres draining to

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the north at the top of that wall, but it's creating the beginning of the downhill slope the most. Mr. Horiszny said how high will this berm be? Mr. Birdsall said the wall at its highest is about 45 feet. A lot of it is ten or twenty feet, but at the highest it's 42 feet or so. Mr. Horiszny said is it going to be a constant line across the horizon? The difference in height is because of what's below it. Mr. Birdsall said right. He doesn't think it will look that unusual because the hill does have some flat areas. If you are standing over in Bethlehem Township, some areas are flat and it's not going to be that long. It's only 600 feet long. It's not going to look that unusual. It will be hidden by the trees from the north. Mr. Horiszny said does it seem like a berm that is really necessary. Mr. Birdsall said they don't have any other way to shift the high point of the landfill without creating real steep slope on the north side. Mr. Horiszny said is the key then the steepness? He always thought filling in that Basin 7 was a smart way to go. He didn't think there would be a wall built. He thought there would just be a small mountain built. Mr. Birdsall said if they used the typical side slopes of the landfill and come up as fast as they could, with the criteria of DEP, it wouldn't change what they are permitted for right now. They basically took as much liberty as they could pushing everything to the north in their original plans, as far as the normal slope of the landfill. Now they are really kind of shifting this over to this and making this side a lot steeper. Mrs. deLeon said when they agreed with the concept of this, because they didn't want it to go down the north slope, they didn't realize it was only going to be twenty feet from the property and that's not really allowing having equipment and access. That was one of our concerns going down the north slope, how are you going to maintain the pipe going down if you can't get around the slope. Mr. Maxfield said the property that is closest to it is not landfill property, they don't own it? Mrs. deLeon said the Bushkill Motorcycle owns it. Mr. Birdsall said it goes from the water tower basically over toward the center of the landfill property, over toward Basin 7. As soon as you get to Basin 7, the IESI property is already much wider. By the time you get to Basin 7, you are adjacent to the woodfill area. This wall either is adjacent to the Bushkill property or the woodfill area. Mr. Horiszny said where's the woodfill area from Basin 7? Mr. Birdsall said if you are standing at the top of the hill looking down on Basin 7, the woodfill area is off to the left. Mr. Horiszny said beneath the big flat area, the open area? Mr. Birdsall said yes. Mrs. deLeon said what she would always ask the landfill to do, when they create their maps, always identify past areas. The woodfill area should always be on the top sheet whatever the plan is called because ten years from now are we going to remember what the woodfill area was. We know because we were surprised by the report, we had no idea. Mr. Horiszny said how long is this berm from where to where? Mr. Birdsall said he wants to say 600 feet, maybe 1,000 feet. Mr. Horiszny said so it would go down to where Basin 7 is all the way to the end of the landfill over the Bushkill Climb area. Mr. Birdsall said if you can picture where the maintenance garage is now, it basically is from there over to the water tower. Mr. Horiszny said why do they even need anything. The woodfill will be changed because of the power line. Mr. Birdsall said they only need to touch a little bit of the woodfill area for their wall. Just the southern edge of the woodfill area, which isn't really too much; we just want them to delineate it a little more carefully. Mr. Horiszny said if they went on the same angle of the current steep slope, surmising it's fairly consistent, and made a peak on the landfill area, would it require a wall to maintain that kind of steepness? Mr. Birdsall said no, that's what they have approved right now. They are basically starting from ground level and he's sure they have a little edge protection on their liner, and going up at a landfill approved slope with today's rules and today's approved plan. Mr. Maxfield said would the Landfill Committee want these comments and letters forwarded to DEP? Mrs. deLeon said that was their conclusion. Mr. Maxfield said he thinks this is a good introduction to it. The only concern he has with the letter is the general comments which don't cover everything you covered that is of concern. We should address those major issues right up front. Other than that, he would make a motion.

**MOTION BY:** Mr. Maxfield moved to send the letter to DEP, copy of Hanover's letter dated April 13, 2010.

**SECOND BY:** Mr. Horiszny

Mr. Kern asked if anyone had any questions? Mrs. deLeon said we have to make sure DEP understands this is just our minor permit mod, it's not the land development. Mr. Birdsall said

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they will bring that up to the front. Mr. Maxfield said everything Mr. Birdsall thinks is a major issue, he'd like to see it bulleted in the general comments.

**ROLL CALL:** 5-0

Mr. Birdsall said should he draft it and send it to you and you would send it as a transmittal or under your own signature. Mrs. deLeon said it should go on Township stationary. Mr. Cahalan said he will send it with his signature, as host municipality.

**B. SAUCON VALLEY COMMUNITY CENTER – APPROVAL OF 2010 SENIOR AND SUMMER RECREATION PROGRAM AGREEMENTS**

Mr. Kern said the Agreements between the Saucon Valley Community Center and the Township have been prepared for the 2010 Senior and Summer Recreation Programs.

Mr. Cahalan said this is our annual approval we do for these programs. There are three programs run by the Saucon Valley Community Center. The funds have been budgeted for these three programs in the 2010 budget. The first program is the adult senior program and that's a program that runs over in Seidersville Hall. It's a year round program. They run a program on Tuesday's from 9 AM to 3:30 PM. Wednesday from 9:00 AM to 3:00 PM; and Thursday from 9:00 AM to 12:30 PM. That is year round with limited summer hours. They have a contract that is in there. The amount of that program has been budgeted is \$16,219.00. The second program is the summer recreation program and this is for the Township children. It's run by Saucon Valley Community Center at Town Hall Park, Southeastern Park, and Steel City Park. They have a limit of 70 children at Town Hall Park; 35 at Southeastern and 40 children at Steel City Park. They run two sessions of this from June 22 to August 13. The cost for that program is \$24,200.00. The third program is a program we started several years ago. This is a program for young children called the Summer Children's Program. It's split up into three sessions and held over here at Seidersville Hall. There's a summer art program for children aged 3 to 5. There's a program called Book Worm for children ages 3 to 5. There's another one called Science Fun for children in the 1<sup>st</sup> through 5<sup>th</sup> grade. Those programs will run from July 12 all the way to July 2<sup>nd</sup>. That's limited to 15 children for the four week session. The cost of that program is \$3,207.92. The contract has been prepared. We normally approve it here and then it gets sent to Saucon Valley Community Center for their approval and signatures. Mr. Kern asked if Council had any questions. Mr. Maxfield said the children enrolled, do we always meet the maximum number? Do we have waiting list? Mr. Cahalan said normally when they announce the opening, it does fill up fairly quickly. The summer recreation programs are always maxed out. The other program is filled and the senior program is a drop-in center if seniors can make it. Attorney Treadwell said paragraph 3 on the summer recreation and children's program, \$12,100 is in parentheses but it says \$13,930.00. He doesn't know which one is right. He's guessing the \$12,100 is right. Mr. Cahalan said yes.

**MOTION BY:** Mr. Horiszny moved for approval of Saucon Valley Community Center – 2010 senior and summer recreation program agreements, with corrections.

**SECOND BY:** Mrs. deLeon

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

**ROLL CALL:** 5-0

**C. ALTERNATIVE FUELS INCENTIVE GRANT (AFIG) AWARD – APPROVAL TO PURCHASE POLICE CRUISERS**

Mr. Kern said the Township has been awarded \$42,700 in funding through PA DEP's Alternative Fuels Incentive Grant (AFIG) program for the replacement of the fuel dispensing system at Public Works. The Finance Director is recommending that, since Council has already set aside Capital funding for the fuel dispensing system, these grant funds be used to fund the purchase of two (2) new police cruisers.

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Mr. Cahalan said there is a memo from Cathy Gorman and she does point out that she submitted this grant to the alternative fuels incentive program and one of the things we committed to doing if we were awarded these funds was to switch our fuel use for vehicles from gasoline to E85 fuel. That is an ethanol blend, 85% ethanol and just 15% gasoline. That's an alternative fuel that burns cleaner than gasoline. It's renewable and is domestically produced. It's an environmentally friendly fuel. She points out that Council budgeted \$54,000.00 in the capital fund for the replacement of two older police cruisers. Council has also budgeted \$40,000.00 in that fund to replace the Public Works fuel dispensing unit. We're not prepared to move on that as we are still going through some paperwork with DEP about a fuel spill that happened several years ago and we employed GeoServices to get that all straightened out with DEP, so we're not prepared to request that it be replaced. We would like to use the funding that's in there and put it towards the purchase of the two police vehicles and then we will be switching to the E85 fuel that doesn't require any modifications to any of the engines and we don't have to clean out the tank. She points out that the vehicle mileage using the E85 will be slightly less per gallon, but the cost per gallon is lower than traditional gasoline, so there will be no additional cost for fuel. Mr. Kern said has Roger reviewed E85 and its affect on the mechanics of an engine? Mr. Cahalan said there have been no problems. Mr. Kern said the only reason he's asking is because he knows from outboard motors, it's creating havoc, not E85, but the 10% ethanol is just wrecking engine parts in outboard motors like Evinrude and Mercury. Any seal or rubber component, it is destroying. He's wondering if anyone is aware of that as far as this goes in automotive. Mr. Cahalan said he'll ask Roger to look at that, but he did review this pretty carefully. We have been using a modified diesel product with a bio-fuel and we looked at that closely before we started using that in the trucks. That's being used in the fire engines also. He will ask Roger to look into that. Mr. Maxfield asked if these are diesel vehicles? Mr. Cahalan said no, they are flex fuel vehicles that can use the E85. Mr. Maxfield said this isn't the same fuel as the police department uses? Mr. Cahalan said yes, the E85 will be used in all the vehicles that were previously using gasoline. Mr. Maxfield said that's quite a percentage, 85% ethanol and 15% gas. That's pretty high.

**MOTION BY:** Mr. Maxfield moved for approval to purchase two (2) police cruisers.  
**SECOND BY:** Mr. Horiszny  
Mr. Kern asked if anyone had any questions? No one raised their hand.  
**ROLL CALL:** 5-0

**D. RESOLUTION #42-2010 – APPOINT SPECIAL FIRE POLICE**

Mr. Kern said Resolution #42-2010 has been prepared to appoint Special Fire Police to participate in non-emergency activities and emergencies.

**SPECIAL FIRE POLICE**

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

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

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

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

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

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

**NOW, THEREFORE, BE IT RESOLVED**, that the following additional persons are confirmed as Lower Saucon Township Special Fire Police.

Mr. Cahalan said we do this on an annual basis. There is a document attached to this that lists the special fire police for 2010. We did make a correction to the original one. This would appoint the following people for the Se-Wy-Co Fire Company: Ronald Horiszny, Robert Gearhart, James Petrowski. Steel City Fire Company: Frank Gerger, Chris Snyder, and Ron Beck. Leithsville Fire Company: Cynthia Messics.

**MOTION BY:** Mr. Horiszny moved for approval of Resolution #42-2010.  
**SECOND BY:** Mrs. deLeon  
Mr. Kern asked if anyone had any questions? No one raised their hand.  
**ROLL CALL:** 5-0

**E. RESOLUTION #44-2010 – SAUCON CREEK WATERSHED PA RIVERS REGISTRY**

Mr. Kern said Resolution #44-2010 has been prepared to support the Saucon Creek Conservation Plan and to request that the rivers, river segments, watershed or tributaries contained in the plan be listed on the Pennsylvania Rivers Conservation Program.

**RESOLUTION SUPPORTING THE SAUCON CREEK WATERSHED CONSERVATION PLAN AND LISTING THE SAUCON CREEK WATERSHED ON THE PENNSYLVANIA RIVERS REGISTRY**

**WHEREAS**, the Lower Saucon Township Council recognizes the importance of conserving the Saucon Creek Watershed to foster the quality of life in Lower Saucon Township; and

**WHEREAS**, the Commonwealth of Pennsylvania, Department of Conservation and Natural Resources, Bureau of Recreation and Conservation (PA DCNR), has established a "Pennsylvania Rivers Conservation Registry"; and

**WHEREAS**, Lehigh County Conservation District has completed a Saucon Creek Watershed Conservation Plan for the Saucon Creek, its tributaries and segments, which contains a number of conservation recommendations suitable for implementation, development or acquisition in Lower Saucon Township and throughout the entire Saucon Creek Watershed and its tributaries studied in the Plan; and

**WHEREAS**, the Saucon Creek Watershed Conservation Plan has been reviewed and found acceptable by the Lower Saucon Township Council; and

**WHEREAS**, Lower Saucon Township does endorse the Saucon Creek Watershed Conservation Plan, and will endeavor to take appropriate action to implement its recommendations.

**NOW, THEREFORE, BE IT RESOLVED**, that the Council of Lower Saucon Township, Glenn Kern, President; Thomas Maxfield, Vice President; Priscilla deLeon, Council Member; Sandra Yerger, Council Member; and Ronald Horiszny, Council Member; requests that rivers, river segments, watershed or tributaries defined above, be listed on the Pennsylvania Rivers Conservation Registry.

Mr. Cahalan said this was a request from the Saucon Creek Watershed Association that we take this step which is supporting the conservation plan which we've all seen. This would be a further step to have these elements in the plan listed on the PA Rivers Conservation Program registry. Mrs. Yerger said what about the unnamed tributaries? How is that going to affect them as far as protection? Mr. Maxfield said there have been unnamed tributaries identified in the plan, but just not named. They made an effort to go out and identify as many of those as they can. There are still some that remain that we probably should make an addendum to sometime. Mrs. Yerger said can you do that? Mr. Maxfield said yes. To name them, we'd have to go through that whole process that Springfield went through. Getting them in our Township GIS system would be the biggest help. Mrs. Yerger said if we could get them on the mapping, that would help. The headwaters are the most precious areas. Mr. Maxfield said what we've done in the past is use the County soils maps to identify water ways and if you have one on site that everyone knows is there and identify it, it's included. Mr. Kocher said they've used a couple of methods and that's one. USGS sometimes has it. The Township's own mapping sometimes has it. Then there's a final recourse, if they submit a plan and we physically identify it. Mr. Maxfield said he guesses if we assume they don't identify a waterway that is there, we are going to identify it for them. Mr. Kocher said right. Mr. Maxfield said right now we're okay and covered, but it would be really much better to have it more solid. Maybe a combination of the plan we're supporting and the GIS. Mrs. Yerger said it's an extensive waterway. Mr. Maxfield said there have been historic maps for subdivisions that have come into the Township that do not identify waterways. Mrs. Yerger said right, that's where she was going with this.

**MOTION BY:** Mr. Maxfield moved for approval of Resolution #44-2010.  
**SECOND BY:** Mr. Horiszny  
Mr. Kern asked if anyone had any questions? No one raised their hand.  
**ROLL CALL:** 5-0

**F. RESOLUTION #45-2010 – DISPOSITION OF RECORDS**

Mr. Kern said Resolution #45-2010 has been prepared to authorize the disposal of records per the Municipal Records Act of 1968 and Township Resolution #24-96.

**A RESOLUTION FOR DISPOSITION OF RECORDS**

**WHEREAS**, by virtue of Resolution #24-1996, adopted June 5, 1996, Lower Saucon Township declared its intent to follow the schedules and procedures for the disposition of records as set forth in the Municipal Records Manual approved on July 16, 1993; and

**WHEREAS**, in accordance with Act 428 of 1968, each individual act of disposition shall be approved by resolution of the governing body of the municipality; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Township Council of Lower Saucon Township, Northampton County, Pennsylvania, in accordance with the above cited Municipal Records Manual, hereby authorizes the disposition of public records as listed in the attached guidelines.

Mr. Cahalan said this is a procedure that takes place periodically to dispose of records and to do that we follow the PA Municipal Records Manual. We attached a copy of the resolution that was adopted back in 1986 saying we are following that and we also attached a list of the types of categories of

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records that have retention periods and we have a lot of records upstairs we would like to dispose of and we're stating we are going to do it per this retention and disposal schedule. Mr. Kern said everything has to be shredded? Mr. Cahalan said yes. Mr. Maxfield said is it then recycled? Mr. Cahalan said he doesn't know, it's going to be a vehicle which will come on site and do it right here. Mr. Maxfield said can we ask them to recycle it in the Abitibi bins? Mr. Cahalan said yes, he can ask them. Ms. Huhn said she will also check. She said Kal said it shreds everything, binder clips, binders, so it's not just paper. Mr. Maxfield said it doesn't matter. You can put magazines with staples in. You can put in glue, that sort of thing. Mr. Cahalan said if it can be bagged and transferred. That last time it was transferred, it looked like it snowed out there. Mr. Maxfield said we should look into that. Mr. Cahalan said he will. Mr. Horiszny said do they bill us by poundage? Mr. Cahalan said it's by cubic feet. Mr. Horiszny said we don't have to report to Hough, the recycle guy? Mr. Cahalan said we normally give him anything, but yes, he will give him a report on it. They attached a proposal from a company that does all the shredding.

**MOTION BY:** Mr. Horiszny moved for approval of Resolution #45-2010.  
**SECOND BY:** Mr. Maxfield  
Mr. Kern asked if anyone had any questions? No one raised their hand.  
**ROLL CALL:** 5-0

**G. REVIEW AND APPROVAL OF EAC BY-LAWS**

Mr. Kern said draft by-laws for the EAC have been prepared for Council's review and approval. Mr. Cahalan said if there are any questions, there are two members of the EAC here who can respond to your questions.

Mr. Maxfield said the EAC went over these extensively. Attorney Treadwell reviewed them twice and we're pretty confident that they are in a useable state now. Mr. Horiszny said on the very first page, Article 3, it says "the by-laws shall have power". Doesn't it really give you authority? Mr. Maxfield said he's not sure if it has specific legal meaning, but these were taken from the State examples. Whatever power means to them is what it is. Mrs. deLeon said the sample by-laws you took this from, were for multi-Councils, as in the EAC booklet, that she found on the internet from 2004, it gave examples of a single EAC and then also a multi EAC. The multi ones were more elaborate than the single ones. Mr. Maxfield said you mean multi-municipal? Mrs. deLeon said yes. She can see where a multi-municipal EAC would require more elaborate by-laws because of the different entities being represented. Mr. Maxfield said when these were drafted, they were also aware that Council was giving them more powers than most EAC's had the freedom of. A lot of EAC's are not able to review plans. They were told they wanted them to. Mrs. deLeon said she doesn't have a problem with that. Mr. Maxfield said they went for the more extensive version. Mrs. deLeon said she doesn't know what really changed as they didn't get a copy of the current by-laws, so she's not sure what changed. They have current by-laws. Mr. Cahalan said they do not have by-laws right now. Mr. Maxfield said we approved them and recommended them to Council, but Council never approved them. Mrs. deLeon said why didn't we vote on them? You gave them to Layne? Mrs. Yerger said it was long ago.

Mrs. deLeon said these are the issues she has with these by-laws and she doesn't want to be disrespectful to the members. She wanted to have an EAC ever since the 90's. She introduced the concept and it really didn't go anywhere until we re-did our comp plan and zoning in 2000. It was put into the law. Her issue is with the memberships and with the voting and appointments. She went back to the administrative code, so she's a little confused why Attorney Treadwell supported this as our code is very, very clear and it says "a vacancy on boards and commissions shall be filled" and it goes into detail on how to do this. "Appointments on boards and commissions shall be made by the Manager with advise and consent of Council", that's done at reorganization. "All boards and commission and authorities shall work with the Manager". It deals with absenteeism. It deals with vacancies. It deals with all that stuff and that should be the basis for every board or commission that

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we have. The reason why we went to a home rule or optional plan form of government was because there were inconsistencies with previous Council Supervisors at that time, and they came up with this concept to be fair, so everything would be the same for everybody. Nobody would be treated differently. We do have procedures in the Township for vacancies and whatever and there's always been this question as to does Council does approve a resignation. She went to Robert's Rules of Order and it says "a resignation is actually a request to be excused from a duty. It is effective only after the resignation has been accepted by the appointing or electing authority unless the by-laws say otherwise." The Township should accept resignations and then that would start the process for filling them and advertising the position. Mrs. Yerger said what exactly do you want? She's confused. Mrs. deLeon said the purpose of the EAC is advisory. When you talk about membership, members are appointed per the administrative code of the Township which is Mr. Cahalan who provides us with a recommendation and it has to be approved by Council. Then "the EAC shall comprise of seven residents who shall be members", and that's okay. Then all of a sudden it jumps to "five residents who shall be associate members". She took the time to go back and look at the ordinance that created the EAC back in 2003 and it goes on and talks about the appointments, three years, and then she also pulled the minutes. It was a Council meeting of February 5, 2003 and it said "Mrs. deLeon said Resolution #24-2003 was approved retroactively that will appoint non-voting members to the EAC". It goes on to talk about "the Council created the ordinance for the EAC consisting of seven members, whereas on January 15, 2003, the Council authorized the addition of four (4) non-voting members, who shall be residents of the Township to the EAC and whereas the following four non-voting members for the initial term set forth below." It lists Dennis Aranyos, Ronald Horiszny, Eric Schenkel and Rett Oren. It says they shall "expire on the first Monday in January following the last year of their term of office. They shall serve a term of three years, except that initial appointment shall be so staggered that the terms of approximately one-third of the membership shall expire each year". It was approved by all of Council and it says "Mr. Maxfield said they took a vote last night and staggered the terms. According to the by-laws, all the rest of the officers should be elected internally. That would be the Chairman. Mrs. deLeon said we need to set the terms that we just approved. Mr. Maxfield said they also staggered their terms. Mr. Maxfield would give Mr. Turner a letter stating the terms". We have a resolution on file that we are ignoring. Mr. Maxfield said we're not ignoring it. We are writing new by-laws and Council gets to vote on them and accept them or not. Mrs. deLeon said the by-laws have nothing to do with the resolution. The resolution is law that can only be set by Council. Mr. Maxfield said do you want us to repeal the resolution and start a new one? Mrs. deLeon said she doesn't want to repeal the resolution. Attorney Treadwell said his understanding is that these by-laws state that there will be seven (7) members of the EAC. The seven (7) members that were created by the ordinance that created the EAC. There will then be five (5) associates that the EAC would pick and have one year terms that would be appointed each year as an associate. It's a different category. It's an associate, it's not a non-voting member. Mrs. deLeon said the EAC handbook says "the governing body can establish an associate member program" is what we did. We created it. We allowed it to happen, but Council makes the appointments, not the EAC. The by-laws say "that appointments and re-appointments of associates shall be made by the EAC". Mr. Maxfield said that is not what we talked about at EAC. It's been changed in the re-typing. We agreed that Council should appoint anybody to the EAC. We don't want to pick them. Mrs. deLeon said how come we got this copy? Mr. Maxfield said we did not discuss that at EAC. That was a suggestion made at the EAC meeting and we turned it down. Mrs. deLeon said she's glad to hear that because ultimately she would think a consideration would be your recommendation to Council on a vacancy and it should come from the Manager. According to what she read here, the EAC would be recommending a vacancy of the voting members and you could use a non-voting member as the recommendation. To her, Council should appoint the non-voting member because they ultimately could be a voting member. Mr. Maxfield said that is a mistyping. Attorney Treadwell said Article 7, last sentence of the first paragraph, "appointments and reappointments of Associates shall be made by the EAC".

Mrs. deLeon said in Section 2, and this wording is in the multi-municipal EAC by-laws and she just feels that if someone is missing meetings and there are three in a row, our administrative code already deals with this. For a committee to publicly discuss this, this is like an Executive Session thing.

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Council makes the appointments if there are issues at a meeting, the Chair of that board or commission should relay that to Mr. Cahalan. Mr. Cahalan should notify Council and it should be an Executive Session. The person may have reasons why they aren't coming and may not want to share it with everyone at a meeting. Mr. Horiszny said that's incorrect as there isn't even a subject. It says to notify, but it doesn't even say of what. Mrs. deLeon said it's already covered in the administrative code, and it's just too personal. She has issues with people not attending meetings. Yes, sometimes there's reasons people can't attend. This is blowing it out of proportion. She thinks the Chair's duty is to let the Manager know. The Manager would then let Council know and we, as a Council, since we appointed the member, would deal with the absence. Isn't that an Executive Session item? Attorney Treadwell said it can be. It's technically not a personnel issue as it's not an employee. Mrs. deLeon said appointments are covered under the Sunshine Law. Attorney Treadwell said he said it can be an Executive Session, it doesn't have to be. Mr. Kern said how does the Chairman and Vice Chairman of the EAC feel about that? Mrs. Yerger said here's the key word to her, it's "may". It doesn't say we have to. It doesn't say we "shall". It says "may". It's the Chair or majority present "may" vote to notify. It doesn't say we shall vote to notify. That's part of it. Mrs. deLeon said she just thinks government goes overboard sometime with all of these words to say something. Our administrative code is our constitution. It says very clearly "if a member of a board or commission shall be absent from its meetings for three consecutive months, the Council may declare the appointed position vacant". You're making it so much more involved. That wording could be in your by-laws and if there's an issue, you let Council know. Mr. Maxfield said if that's the administrative code, Council can still do that even though we have this language in there. This is how we work internally. This is the by-laws for the EAC, not for Council. Council can do whatever it wants to. Council can dissolve the EAC tomorrow if it wants to. This is just how we work internally. Mr. Horiszny said he still thinks you need to get a subject in that section. You got to notify them of something. Mrs. Yerger said looking at this language, the majority of it was pulled from the EAC handbook. Mrs. deLeon said if you look under a regular EAC, without multi-municipal, it doesn't have that language in there. Mr. Maxfield said why would that make a difference? Mrs. Yerger said these are examples, and you don't have to follow them. Mr. Maxfield said those were examples put in there to see what applied to the municipality the best.

Mr. Horiszny said Article 10, Section 2, it says you have to vote on everything. You have to have a motion for Roll Call, for the Pledge, Report of Officers, General Business, etc. He doesn't think you really mean that. Mr. Maxfield said that means if you want to remove anything from the agenda, it says "to dispense with any item on the agenda". That applies to us as a Council also. If we change the agenda at all, we're supposed to all vote on that too. This is saying if anything is removed, there has to be a vote. Mr. Horiszny said Article 11, Section 2, it talks about the newspaper of general circulation, he thinks if he was doing it, he would try to make his by-laws say by email so that you don't have to spend the money to go to the newspapers as paper don't read it anyway. Mrs. deLeon said this is governed by the Sunshine Law. Mr. Horiszny said this is our by-laws. Attorney Treadwell said it's a public meeting and you have to advertise it. Mr. Horiszny said Article 12, Sub-committees not more than two or not less than two? Mrs. Yerger said it's members, not people. Mr. Horiszny said it's the same difference. Mr. Maxfield said you can have two regular voting members and you'd have associates, however big you want to make the Sub-committee. That's our Open Space Committee. Mr. Horiszny said he doesn't know how many people would understand that "Members" mean EAC members versus Members of the Sub-committee. Mr. Maxfield said in the rewrite of this, they were very clear about separating the members and the associates. There is no language in here where it calls an associate a member. Instead of calling them non-voting, we called them associates. The by-laws make it very clear that associates do not make motions or vote on motions, so it's strictly the membership that does that.

Mrs. deLeon asked Mr. Cahalan what he was saying about 2005 that a motion changed something? Mr. Cahalan said he was speaking about the direction Council gave at a meeting in 2005. Mrs. deLeon said what was that direction again? Mr. Cahalan said he doesn't have it in front of him. Mrs. deLeon said that direction didn't rescind a resolution, so she thinks we're in violation of that resolution. If

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Council passes a resolution setting up a program like the regs say we establish an associate member program and we said that the terms had to be three years. She's been on Council since 1988 and she has a good memory, and she doesn't remember rescinding that ordinance. Attorney Treadwell said there's a Council resolution from 2003 and he will take a look at that. However, the way the by-laws are written in front of you, he did not have a problem from a legal standpoint with appointments and re-appointments of associates being made by the EAC because the resolution refers to associate members. These by-laws refer to associates. It's a different category. He understands that now Mr. Maxfield has said that the EAC doesn't want to do it that way, they want Council to appoint the associates, which is fine too and he doesn't have a problem with that. Mrs. deLeon said eventually this person could become a recommendation as a voting member. Attorney Treadwell said they could not become a voting member until Council appointed them. Mrs. deLeon said she just feels that as a governing body, they should have full control over our appointees. Mr. Maxfield said he doesn't think we should be talking about this anymore as this is something the EAC never wanted. The EAC discussed it and we said no. Mrs. deLeon said she has fundamental issues here. Mr. Maxfield said that one is a fundamental issue, but he's not sure about the other one. Mr. Kern said how are we rewording that? Mr. Maxfield said EAC should be replaced by Township Council. Mrs. deLeon said we are optional plan form of government, maybe these other EAC's may be second class code or their code is different. You really have to know what you are comparing. She doesn't always agree with the Solicitor. Mrs. Yerger said they tried to be careful.

Mr. Kern said the only other issue is Article 4, Section 2, does anyone have a problem with that? Mrs. deLeon said she does. Mr. Maxfield said how would this be worded then? We are notifying them that we are aware that they missed that many meetings. Mr. Horiszny said it doesn't seem complete them. Notify them that they are aware or notify them they are subject of dismissal. Mr. Maxfield said if we could put in a word or two, that would be okay. Mr. Horiszny said he would add that they are subject to dismissal because of the absences. Mr. Maxfield said we'd have to put something at the very end, "subject to dismissals".

Mr. Maxfield said while we are talking about this notification thing, his understanding was it was called an Environmental Advisory Council for certain reasons. There are certain abilities that the Environmental Advisory Council has per the state ordinance that other boards may not have. We can reach out to other communities without the okay of Township Council. We can do cooperative things with other Townships without the okay from Council. Dealing with our own membership like that, the Board knowing who is the most effective or not effective on the Board, if there are personnel reasons involved, doing it internally, he doesn't see a problem with that. He doesn't see that Council, if you are appointing members to the Board, he doesn't see any lack of control. It hasn't been a problem in the past and doesn't see why it would in the future. He asked if he was right about the Council status? Attorney Treadwell said there are different powers and duties for all of the different Boards. Mr. Maxfield said they are the only Board that has two different types of members and associates. Mrs. deLeon said if you look up the purpose of an EAC, it's to identify environmental problems and recommend plans and programs to the appropriate agencies. It doesn't say to deal with absenteeism. You haven't sold her on it.

**MOTION BY:** Mr. Horiszny moved for approval of the EAC by-laws, with corrections.  
**SECOND BY:** Mr. Maxfield  
Mr. Kern asked if anyone had any questions? No one raised their hand.  
**ROLL CALL:** 4-1 (Mrs. deLeon – No)

**H. RECOMMENDATION TO REVISE THIRD PARTY BUILDING INSPECTION LIST**

Mr. Kern said The Zoning Officer is recommending that Council consider authorizing a change in the inspection agencies on the Third Party Building Inspection List.

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Mr. Cahalan said we've had for several years since 2007, a third party building inspector list. As you recall, historically, it was lengthy and on the recommendation of the Zoning Officer, it was narrowed down to two agencies. One who did the commercial inspections and another agency did both the residential and commercial inspections. At one of the agencies that was doing the inspections, several of their key personnel transferred to a new agency that was created, and the Zoning Officer is recommending that we replace the agency that has been doing the commercial inspections, Code Master, with Keystone Code Consulting. They have submitted all the necessary paperwork and it has been reviewed by the Solicitor and if Council approves, they would revise the list of third party building inspectors to list the two firms which would be Base Engineering who would only do residential inspections and Keystone Code Consulting would do both commercial and residential inspections. Mr. Maxfield said is this a division of Keystone Engineering? Mr. Kocher said the answer is no.

Mrs. deLeon said if there's a residential things going on and it's an ongoing type of thing, will they still go with the existing code? Mr. Cahalan said your question is answered in here - the existing assignment will be completed by the previous agency. Mrs. deLeon said continuity.

**MOTION BY:** Mrs. deLeon moved for approval to revise third party building inspection list.  
**SECOND BY:** Mr. Maxfield  
Mr. Kern asked if anyone had any questions? No one raised their hand.  
**ROLL CALL:** 5-0

**I. APPROVAL OF 2010 ANIMAL SERVICES AGREEMENT WITH THE CENTER FOR ANIMAL HEALTH AND SAFETY**

Mr. Kern said the Township Manager will review the proposed 2010 agreement with the Center for Animal Health and Safety for animal services for stray, abused, or injured dogs.

Mr. Cahalan said this is an annual renewal that we do. The one major change in this agreement is that the cost has risen dramatically over the last couple of years. Two or three years ago it was \$40.00 per stray animal, now it's up to \$75.00 and he realizes they have indicated their costs have one up considerably and their contributions have been lower due to the state of the economy. We do need the service as we don't have any alternate type of service. We need to have stray dogs picked up by the service. One of the things we've done over the past couple of years is to institute a procedure where stray cats are not picked up by the shelter. This is strictly for stray dogs. You can see the numbers that peaked back in 2006 when we were still picking up cats, our service was primarily picking up cats all over the township and very few dogs. They've instituted the Trap, Neuter, and Return (TNR) program. If people do have cats, they are asked to get a trap, pick it up, bring it to the shelter, and it will be neutered and then it will be returned. That's caused a dramatic drop-off in the pickups and the cost. Even though this is a high fee per animal, our costs have come down. We're still in the neighborhood of \$2,000.00 a year. That's a dramatic decrease from 2006, when we were paying about \$6,000.00 a year for these services. The Solicitor has reviewed this and it will be checked off to only indicate that only police officers and animal control officers can bring stray animals to the center for animal health and welfare and the type of domestic animal will be checked off to say just dogs. He's recommending approval of the agreement.

**MOTION BY:** Mr. Horiszny moved for approval of the 2010 animal services agreement with the Center for Animal Health and Safety.  
**SECOND BY:** Mrs. Yerger  
Mr. Kern asked if anyone had any questions? No one raised their hand.  
**ROLL CALL:** 5-0

**VI. MISCELLANEOUS BUSINESS ITEMS**

**A. APPROVAL OF APRIL 7, 2010 MINUTES**

Mr. Kern said the minutes of the April 7, 2010 Council meeting have been prepared and are ready for Council's review and approval.

**MOTION BY:** Mrs. Yerger moved for approval of April 7, 2010 Council minutes.

**SECOND BY:** Mrs. deLeon

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

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

**B. APPROVAL OF MARCH 2010 FINANCIAL REPORT**

Mr. Kern said the March 2010 Financial reports have been prepared and are ready for Council's review and approval.

**MOTION BY:** Mr. Horiszny moved for approval of the March 2010 financial report.

**SECOND BY:** Mr. Maxfield

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

**ROLL CALL:** 5-0

Mr. Maxfield said the financial reports are really very nice. It's much easier to read.

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

- Ms. Joan Madzarac, 2034 Easton Road, said she called Mr. Donchez, President of City Council, and in talking to him, he said that City Council has no power to help her. They have a division of power. Their Mayor has all the power. She told him she called the County in 2009 to find out who she could go to so she could solve this light problem. They told her she could go to the City and to make sure she got it on record, which she felt meant City Council. She said they made a change and gave all the power to the Mayor. Council only handles the money, so she requested they still hold the money back from these people. She asked if anyone gets the Bethlehem Press? There's an article in it from last week with Ms. Madzarac's picture in it. The reporter who comes all the time to the meeting did interview her. She doesn't know what it said. She doesn't know if that article did it or the fact that she called the Council. Monday she got a call from their electrician, Greg Kreider, which she had requested they come to her house and check this out. Mr. Alkhal said they were going to come out last night about 8:30 PM. She apologized to Council and said she's sorry she didn't go to the Mayor who has been sitting there all these weeks and months and never, never acknowledged anything. That really bugged her. They did come out and she got nowhere. There's a light on the border of Hellertown and Lower Saucon that faces towards the project. In order for that light to shine into her bedroom window, it would make a 180 degree bounce up into her window. They claim that's the light that is coming into her house. They are going to come out and shut it off and see. She said it's the light across the street. They are saying no, it has a baffle on it. Mr. Kern said was that light lit when they were there, the one you thought was a problem. Ms. Madzarac said all the lights were lit. Then she opened her garage and all the light was in the garage and goes over to her neighbor's garage. They said oh no, it's only one light over by Building J that is shining. They are going to put something on that light, turn it around, and it won't shine on you. She told them it's still not going to work. He said she is going to have to live with some spill over. She said she doesn't think she has to live with any spillover. There's a street between us. He said it's going to cost us \$1,000 for them to remove the light, and because of the aesthetics, they don't want them removed. The company who made those light made them for all of Bethlehem and they want that Colonial atmosphere. They don't want to change them and he said if she wants to offer them \$1,000.00 to have them remove the light that's bothering her, she

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could do that. She said she can't believe they would want to go to court and fight this out in court rather than spend that money to just change those lights to the kind of lights she's been telling them that face downwards and towards the highway. He told her she could take it to court if she wants, but he didn't think she was going to win because they approved them, they meet all their codes, and as far as they are concerned, they are okay and she is just going to have to live with it. Mr. Maxfield said he wonders if the lights further down in the industrial park meet their codes also. The ones that shine all the way up to Route 78. Last time we talked about writing a letter and he thinks we're at that point now. Ms. Madzarac said it would have to go to the Mayor now. Mr. Maxfield said send it to Council also. Attorney Treadwell said the two people who came to your house, the electrician works for the City of Bethlehem or for the project? They were both City of Bethlehem employees? Ms. Madzarac said yes. She thought all the people who sit behind the Mayor are civil servants. They work for the Mayor so if the Mayor says no, they could be fired. She didn't know that. Just like that, if he doesn't like what they are doing, he can fire them. Evidently, it could be him, she doesn't know. He was really criticized last night and told him they didn't want him to campaign on city time. Another woman said he's so nice he can campaign anytime he wants as it's a 24 hour job. That was conflicting there. Mr. Kern said the offending lights, there's several, how many of the street light variety? Ms. Madzarac said ten. Mr. Kern said are they LED fixtures? Ms. Madzarac said they are so bright. That yellow glow and it's sickening. They are bigger than your head and they are double. She asked them about the ones on the building and Michael Alkhal said he didn't know the reason for it. They just sign on the side of the building. They are very irritating because whenever her bushes are bent down from the snow this winter, it shines both on her TV set. She had to turn her set around. Her neighbor said the same thing, the lights are shining in her house. She finally figured out about the porch light and what the signal was with this girl. When they turn them on, they are bright white lights and shine right in the house. The one apartment that is facing her house is empty. They opened up all the blinds and put the porch lights on and had all the room lights on and that all came into her bedroom. The next day she wrote a note to the caretaker and put it on his truck asking him to shut that light off and to close that blind and he did do it. It's getting ridiculous. Mr. Cahalan asked who was the manufacturer? Ms. Madzarac said she didn't know but the City would know. She might have the name somewhere. Mr. Kern said they were at a conference and thinking of her as there was a display of vendors who had all kinds of lights for Township's. Ms. Madzarac said she will let Mr. Cahalan know if she can find the name. Mr. Kern said they spoke to the gentlemen who represented these particular fixtures, Holophane Granville. You will be interested to hear what he has to say. Speaking with him, they told him about her situation and he said there are shields that can be put in there very easily. Ms. Madzarac said they are put in there, but it doesn't cover the bulb as the bulb goes up. She said can't they put a black shield towards her and they said they won't do it as it spoils the beauty of the light. Mr. Kern said this gentleman indicated they make shields like that basically that you can insert in and shield halfway. Ms. Madzarac said there is something they call a baffle, but it's doesn't baffle it enough. Mr. Kern said it needs a little more research as this was just one vendor who was telling us it was a natural black insert. If there is such a thing and we can get the manufacturer of those lamps, it would be pretty easy to figure out if they do make a baffle that works. Ms. Madzarac said they put a hat on it and the light sticks up and the bulb still shines up and out towards her house and comes into her bedroom. Mr. Kern said this gentleman said you can baffle it most anywhere you can. That's one particular manufacture. Ms. Madzarac said she will call Tracy Samuelson and try to get the name. She will get it to them tomorrow. Mrs. deLeon said you should be writing to the owner of the building. Mrs. Yerger said have they indicated to you that they want them that bright. What she is hearing from you is they want them that bright because of the appearance. Ms. Madzarac said they said and there were people walking their dogs there. Mrs. Yerger said that's what she thought. There are people walking their dogs throughout that complex and on the sidewalk. They are not going to want to shield these. They are going to want the sidewalk illuminated. Ms. Madzarac said the sidewalk on her side is not illuminated at all. Mrs. Yerger said these lights don't illuminate the sidewalks, but illuminate your house across the street? Mr. Cahalan said part of it is in the back of the building. It's the parking area in the middle. Ms. Madzarac said they don't need that much light in that

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parking lot for those people to walk around, it's like daylight. Mrs. Yerger said she thought they were saying those lights were helping to illuminate the sidewalks down the side where people do walk their dogs at night. She didn't know if that was playing into or not. Ms. Madzarac said as far as what he was saying to her last night, they want their parking lot illuminated. The lights are so bright that they reflect off the cars. You can see the entire reflection off the windshields. They were supposed to plant trees and they didn't plant them. When they pull into the lot so their high beams don't hit her house, that's what the trees were supposed to do and shield the light. She even got six more trees to put on the lot next to her house to try to help herself keep from these lights, but she can't put anything in front of her house as her gas and water pipes are there. She is stuck and has to keep that area open. Mr. Maxfield said if we can write them a letter and recommend to them what we need to purchase, that would be really good. If we do that, he would recommend we send it to Mr. Donchez, the Mayor and the Complex Manager. The baffle is a very simple thing to do. They just can't come in and create a neighborhood that is entirely alien to the existing neighborhood and expect everyone to be happy and deal with it. Ms. Madzarac said it's totally disregard to Lower Saucon Township. She will get the information to Mr. Cahalan.

**VIII. COUNCIL AND STAFF REPORTS**

**A. TOWNSHIP MANAGER**

- Mr. Cahalan said he has a recommendation to fill an EAC vacancy. The EAC has recommend to him that Colin Guerra, who has been a non-voting member of the EAC fill the vacant voting slot on the EAC that was previously occupied by Dennis Aranyos for a three year term expiring on December 31, 2012.

**MOTION BY:** Mr. Maxfield moved for appointment of Colin Guerra to the EAC as a voting member with term expiring on December 31, 2012.

**SECOND BY:** Mr. Horiszny

**ROLL CALL:** 5-0

- Mr. Cahalan said the Hills of Polk Valley subdivision paid a recreation fee of \$9,339.00 for their subdivision and at the last P&R meeting, the board recommended that fee be deposited in the Polk Valley Park Fund.

**MOTION BY:** Mrs. Yerger moved that the recreation fee of \$9,339.00 be deposited into the Polk Valley Park fund.

**SECOND BY:** Mr. Maxfield

**ROLL CALL:** 5-0

- Mr. Cahalan said another request we received was a request to make a contribution to the David Lang Memorial Golf Outing and that is a charitable event held annually to support the David Lang scholarship fund that benefits future scholar athletes at Saucon Valley High School. A \$100.00 contribution would sponsor a hole at this even on June 19,2010 at the Locust Valley Golf Club. If Council is interested in making that contribution again, he'd need a motion.

**MOTION BY:** Mr. Horiszny moved for approval for a \$100.00 contribution to sponsor a hole for the David Lange Memorial Golf Outing.

**SECOND BY:** Mrs. Yerger

**ROLL CALL:** 5-0

- Mr. Cahalan said the temporary burn ban was lifted on Thursday, April 15. He did speak to several residents and the fire chiefs, and if we do put another burn ban in effect, we will be using the County alerting system where they can cover the whole area and put automatic phone calls to houses to tell people that the burn ban is in effect. We are also considering looking into some signage that could be a project for an Eagle Scout that would be at the

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fire houses to tell people as they drive by there is a burn ban. Mr. Kern said he did notice people were burning as they had no way of knowing there was a burn ban. Mr. Cahalan said they will work on when they put a burn ban in effect again.

- Mr. Cahalan said the other item is on the Dravecz subdivision, part of the open space property, HEA is preparing the subdivision plans for submission to the LVPC. They indicated they may have to do on lot testing for a replacement system on the parcel that will be retained by Mr. Dravecz. The question is, does Council want to waive this requirement for the testing or, if you want to proceed, the cost will be approximately \$800 to \$1,000 to do the on-lot testing. Mrs. deLeon said we asked our residents to do that and we need to set an example, so she would like to do it and follow our regs. Mrs. Yerger said this is for the existing lot. Mr. Cahalan said the one he is retaining. Mr. Kocher said it's alright to not test the one for the Township. Mrs. Yerger said she doesn't think we should not waive it either, but who should pay for it. Mr. Kocher said we do not have to test on the piece the Township is buying. It's for the piece that has an existing house on it. Mrs. Yerger said we're forcing it through the subdivision, so we should probably pay for it. Attorney Treadwell said it's the existing house now, and because we will be taking away some land from him, one of the regulations is that the property be tested for an alternate system to make sure if the one fails there is room for a second. Mr. Kocher said there was never an alternate site. Mrs. deLeon said how large is the lot we are talking about? Mr. Kocher said about six acres.

**MOTION BY:** Mrs. Yerger moved for approval to have the site tested for a second alternate system with the expense to the Township.

**SECOND BY:** Mr. Maxfield

**ROLL CALL:** 5-0

- Mr. Cahalan said there is a woman asking for us to support her team for a Team Hope Walk for the Huntington's Disease Society for those touched by this devastating disease. She's asking for a contribution. This is not part of our contribution policy. This is just something that was received at the Township. It is a Saucon Valley resident, but this isn't for one of the organizations that Council has approved under the contribution plan. Mr. Maxfield said what form would our support take? Mr. Cahalan said normally you have a contribution policy for SV organizations that are non-profit. Most of them are youth sports organizations that you contribute to on an annual basis. Mrs. Yerger said like the David Lang one we just contributed to earlier. Mr. Cahalan said she's asking for a contribution towards her teams efforts. They are going to do a walk and looking to raise money. Mr. Kern said we will have to respectfully pass on that one.

**B. COUNCIL/JR. COUNCIL**

**Kimberly Kelly** – Absent

**Mr. Maxfield**

- He said he met with Roger out at Clover View and there was a spring that was dug out of the ground when the original subdivision was going to go in and there was some question as to whether we should pipe it through the wetland. It turns out it was ten feet down underground and would have totally messed up any grading that was to occur afterwards, so he agreed what Roger's proposal was to pipe it, and also staff agreed to it. It will be occurring per Roger's recommendation. It was a smart recommendation.
- He said he was going to ask that we take care of business we haven't talked about for awhile. There's the house that sits on the Norcar property and has been there for quite a while. While it sits, it's losing value. He would like for us to make a decision as to what to do with that home and resell if possible or whatever we need to do with it. Mr. Cahalan said they can bring that back. HEA had prepared three options for subdividing the

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property and they will bring those back. Mrs. deLeon said those options are going to meet our zoning requirements. Mr. Kocher said one of the options does not. Mrs. deLeon said that won't be one of her favorite ones.

**Mrs. Yerger**

- She said tomorrow is Earth Day so do something green for the planet. She will be working with 8<sup>th</sup> graders and building bird boxes and toad houses.
- She said Saturday, April 24<sup>th</sup> is the electronics recycling at the Township from 9 AM to noon. The items will be disposed of in an environmentally friendly way.

**Mr. Horiszny**

- He said there are cleanups at Sand Island and Freemansburg, and on the Delaware and Lehigh Trail.
- He said he attended the Lower Saucon Authority meeting last night. The restoration project along the Black River from heavy duty flood damage is just about completed and beginning boring of the Leithsville project is eminent.

**Mr. Kern**

- He said while they were at PSATs, he, Jack and Leslie were walking around the vendors and came across this interesting booth they were selling fiberglass park bridges. They didn't think it was a bad idea, so decided to look into it to see how much they cost and the durability. They are claiming they are much less than aluminum bridges and as many colors as you could possibly think of. Mr. Cahalan said he asked Cathy Gorman to see if she could get any information on them. At first glance, the information that is available on the internet is the cost looks like it could be cheaper than aluminum or steel. The delivery and setup seems to be a lot easier as it can be assembled on site and doesn't come in one or two pieces. The one concern is maintenance as there was a lot of information about annual maintenance that might be needed on a fiberglass bridge. He has information and will give it to Brien Kocher. They can evaluate it and if it looks like an option, he can come back to Council with a recommendation. Mr. Kern said what kind of maintenance issues did you come across? Mr. Cahalan said it's fiberglass so they are talking it's exposed so discoloration, scratches, that type of thing. Mr. Kocher said what's the maximum span? Mr. Cahalan said that's something we have to find out. Mr. Kocher said he could see a little arch over a little brook. Mr. Maxfield said when fiberglass starts to break down, it's notorious for flaking off pieces of glass and it may be a real safety issue if we have kids coming across it.

**Mrs. deLeon**

- She also attended the PSATs conference. In the first conference she went to, it was on Google earth. Rick Trailes was there from NLT. It was a nice conference, but not heavily attended as other times.
- She said Saturday, April 24<sup>th</sup> is the annual History Day. Activities will be at the three historic sites – the Heller Homestead, Lutz-Franklin Schoolhouse and Hellertown Grist Mill. Activities start at 10:00 AM and end at 4:00 PM. The public is invited to come.
- She said Saturday, May 1<sup>st</sup>, the Saucon Valley Conservancy at the Heller Homestead is holding their annual plant and yard sale. Tables are available for rent.
- She said they are going to have their Third Annual Young Artist reception on Saturday, May 1<sup>st</sup> featuring the artwork of SV High School students. The activities start at 9AM and are over at noon and the public is invited to attend.
- She said since Colin was appointed to the EAC, that leaves an opening on the associate part of the EAC. You will advertise that position as according to the codes and positions we are supposed to accept a resignation, so we should have accepted his resignation from an associate member so he could be moved up to the voting part, and then that would create the opening on the associate. Mrs. Yerger said he may not want to resign until he's

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confirmed as a voting member. Mrs. deLeon said she understands, but now he is confirmed. Then according to our procedures, is there is an opening on the associate part? Mr. Maxfield said he didn't resign yet. Mrs. deLeon said she's asking what the procedure is going to be? He will be getting a letter of appointment. Mrs. Yerger said he has to hear that and confirm that he will accept before he resigns. Mrs. deLeon said when he gets his letter of appointment, the person should submit a letter of resignation. She would want this process to work. He has to be informed that's part of our process. When we receive his resignation letter, that will open a position for an associate member. Mr. Maxfield said what bothers him with government getting involved with everything. It's taken a real simple process for something and is just making it more complicated. We already addressed and talked to Colin. They think he is in agreement that he would like to take the position. Everybody knows he was an associate and now there is an associate position open. He doesn't want to play around with making him resign from one and going to another. Let's just do it a smart way. Mrs. deLeon said she's just following Roberts Rules of Order. Mr. Maxfield said if we do it your way, he's holding two positions at one time. Mrs. deLeon said when does the position tonight? Mr. Maxfield said yes, it's open tonight. Mrs. deLeon said Mrs. Yerger said he didn't resign yet. Mrs. Yerger said you asked me if he did, and she said no he didn't. Mr. Maxfield said he thought this whole thing we were talking about was we were appointing people to the EAC, so why should he resign to the EAC to be reappointed of the EAC. He's still part of the EAC and its taken care of and let it go and let the process be the process instead of making the process more difficult and harder to understand and forcing another rewrite of the by-laws which we don't need. Mrs. deLeon said when is the position going to be advertised? Mr. Cahalan said actually there is an advertisement out for the EAC but he will change it and indicate it's for an associate position. Mrs. deLeon said if we have rules and regulations, they should be followed.

**D. SOLICITOR** – No report

**E. ENGINEER** – No report

**F. PLANNER** – No report

**IX. ADJOURNMENT**

**MOTION BY:** Mr. Horiszny moved for adjournment. The time was 9:50 PM.

**SECOND BY:** Mr. Maxfield

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

**ROLL CALL:** 5-0

Submitted by:

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Jack Cahalan  
Township Manager

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Glenn Kern  
President of Council