

I. OPENING

CALL TO ORDER: The General Business & Developer meeting of Lower Saucon Township Council was called to order on Wednesday, May 3, 2006, 7:06 P.M., at 3700 Old Philadelphia Pike, Bethlehem, PA, with Mr. Glenn Kern, Council President, presiding.

ROLL CALL: Present – Glenn Kern, President; Priscilla deLeon, Vice President; Thomas Maxfield, Sandra Yerger and Ron Horiszny, Council Members; Jack Cahalan, Township Manager; Jim Birdsall, Township Engineer; Township Solicitor, Linc Treadwell, Assistant Township Manager, Leslie Huhn; and Jaclyn Rasich, Jr. Council person

PLEDGE OF ALLEGIANCE

ANNOUNCEMENT OF ANY EXECUTIVE SESSION (IF APPLICABLE)

Mr. Kern said there was no executive session prior to this meeting.

PUBLIC COMMENT/CITIZEN AGENDA ITEMS

Mr. Kern said for citizen agenda items – Council operates under Robert’s Rules. What that means is during agenda items, Council will talk amongst themselves and amongst staff and the interested parties. At the conclusion of that, we open it up to the public for public comment. There is an opportunity for non-agenda items at the end of the meeting to discuss whatever your business might be. We do have a microphone and there are microphones up at the table. There is a sign-in sheet in the back of the room. Please print your name and address and email address. It is very helpful in transcribing the minutes. For those who want to receive emailed agendas, please give your email address to Diane, Leslie, or Jack or call the Township office. Please state your name and address. If you can’t hear, please let us know. Mr. Kern asked if anything was taken off the agenda this evening? Mr. Cahalan said no.

II. PRESENTATIONS/HEARINGS

A. PUBLIC HEARING – ORDINANCE 2006-02 – AMENDING AND REVISING CHAPTER 170 – VEHICLES AND TRAFFIC TO PROVIDE FOR A STOP SIGN ON WHITEACRE DRIVE AT BINGEN ROAD

Mr. Kern said ordinance 2006-02 has been prepared and advertised to consider adoption of an amendment to the Vehicles and Traffic Code to provide for the addition of a stop sign as recommended by an engineering traffic study.

MOTION BY: Mr. Horiszny opened the hearing.
SECOND BY: Mrs. Yerger
ROLL CALL: 5-0

Mr. Cahalan said this issue came up at the March 1, 2006 Council meeting. It was a request from residents of Whiteacre Drive to erect a stop sign at the end of the road for safety reasons. It’s a private road owned by the HOA. There had been a sign put up previously, but had fallen down. For safety reasons, the Public Works Department and the Police Department recommended that a stop sign be put at that location. The cost is between \$75 and \$80, which the Township will pay

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for, and we prepared and advertised an ordinance to approve the erection of the sign. Mr. Kern said just because it's an ordinance doesn't mean that it's going to happen. We have public hearings so we can hear from the public.

Mr. Horiszny said under Section 2, Part A, Individual Township Roads, he doesn't think either of them are Township roads. Whiteacre Drive is a private road and Bingen is a state road. Attorney Treadwell said we need to classify it as a township road even though it's a private road in order to enact an ordinance to put a stop sign there. It's a private road, but under the code, it's called a township road.

Mrs. deLeon said in the past, since this is a private development, the other sign was erected by the HOA, are we setting a policy now that we are going to be paying for this as other areas in the township are also private? Are we going to be paying for all of these stop signs when they have a HOA? Mr. Cahalan said he's not sure if there is a precedent for that. Mr. Birdsall said there is Society Hill and the other situation like the shopping centers; they pay for all of their traffic control signs, signals, so he would imagine the policy that has been established so far would be that any improvements associated with traffic safety at a private road intersection would be the HOA. Mrs. deLeon said can we follow up if we pass this ordinance with a resolution for setting a policy that the policy be established that even though the ordinance was passed. The policy of the township would be to bill the HOA for reimbursement with a penalty if they don't pay. Attorney Treadwell said yes, you can do that. Mr. Maxfield said people who live on private roads, who want a private road sign, pay for it themselves. So can we include this with any sign pertaining to a private road? Mrs. Yerger said that's a good idea. Mrs. deLeon said we need to pass the ordinance first, then have the Manager come back to us with a resolution with the policy set.

Mr. Horiszny said do we need to do something with the road, do we just declare it's ours? Attorney Treadwell said it's not actually a township road, but under our vehicle code, it needs to be classified as a township road for us to erect a stop sign there. Mrs. deLeon said there are two types of roads in the State of PA? There are state and township roads. Attorney Treadwell said correct. Mrs. deLeon said the code doesn't recognize private roads? Attorney Treadwell said correct.

MOTION BY: Mr. Horiszny moved to close the hearing.
SECOND BY: Mr. Maxfield
ROLL CALL: 5-0

MOTION BY: Mrs. deLeon moved to approve ordinance 2006-02, amending and revising Chapter 170, Vehicles and Traffic to provide for a stop sign on Whiteacre Drive at Bingen Road conditional upon the resolution being passed establishing a policy.
SECOND BY: Mr. Maxfield
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.
ROLL CALL: 5-0

B. PUBLIC HEARING – ORDINANCE 2006-03 – ESTABLISHING HOURS OF OPERATION FOR CERTAIN CONSTRUCTION ACTIVITIES

Mr. Kern said ordinance 2006-03 has been prepared and advertised for a public hearing to consider the adoption of an ordinance that would establish hours of operation for certain construction activities.

MOTION BY: Mr. Horiszny moved to open the hearing.
SECOND BY: Mrs. Yerger
ROLL CALL: 5-0

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Mr. Cahalan said this came out of the staff at the township when they received complaints about construction activities occurring early in the morning or on weekends. The Zoning Officer looked into several of them and came back and felt that we needed to have an ordinance on the books that regulated the construction hours in order to use that as an enforcement measure. We discussed it on the staff level and asked the Solicitor to come up with a draft ordinance that is before Council. We have advertised it.

Mrs. deLeon said in addition to being a resident, she's married to a contractor. She's well aware of both sides of the issue. She supports a need to regulate and establish these hours for starting and ending times for construction noise, but she also enjoys living in the country while respecting the rights of her neighbors. Someone had to listen to her home while it was being built, but within reason. She feels for the residents living adjacent to active developments. Whatever we do, should be in balance here, but when she supports it with the staff looking into setting hours for start and stop times, she was not aware that the ordinance was going to include Saturday's, Sunday's and holiday's, until they voted and the vote was 4-1. She'd like to explain why she voted no to that. This is very unreasonable. It's a hardship to the homeowner. As a result of the input from the meeting on April 5, residents also stated about holidays. She has her own religion and she knows when her own holidays are, but out of respect for other people's religions, she really is not aware of all of them. She feels that because of this regulation for Saturday, Sunday and holidays, it would also be an increase to the cost of a job to homeowners having to hire someone or doing it themselves. They wouldn't be able to rent equipment on a weekend. We'd have no delivery trucks for topsoil, mulch, concrete, jackhammers, etc. There are also different situations that at 5:30 PM on a Friday night, you might run into a problem on a job site and where's the township. She doesn't think Jack wants to be called at home, or call an emergency council meeting, to get council's permission to start a job on a Saturday to continue. We really need to think about this. As a homeowner, she lives in this township. Her husband works, he does things on weekends. That is his day to do his work. She worked in the medical field for over 20 years, so her days off weren't always Saturday's and Sunday's. She had to listen to the noise. If this gets passed, what's the implementation? How would we contact the township and would it wait until a council meeting as we only meet twice a month?

Attorney Treadwell said the ordinance you have in front of you is just a draft. It's up to Council to decide if you want Saturday's, Sunday's or holiday's included. It's up to Council what the timeframe is. It's also up to Council if you want to give the Manager discretion to have somebody contact him to ask for an emergency waiver. Mrs. deLeon said that's an imposition to our residents. What is the definition of house line construction? Mr. Cahalan said anything involving the construction of the home, from the foundation all the way up. Mrs. deLeon said so this doesn't apply to repairs? Does it say this in the ordinance? Attorney Treadwell said it does not say that now. Mrs. deLeon said no, it doesn't, so therefore, it would be included. Attorney Treadwell said it's not included in the definition of house line construction. There is not a specific exemption in there for repairs, but we could certainly put it in.

Mrs. deLeon said at the prior meeting, Attorney Treadwell said there was difficulty in imposing regulations on developers and homeowners, what is the difference between that? Attorney Treadwell said we need to treat developer's and individual homeowners in the same manner if we are going to adopt an ordinance. Mrs. deLeon said what are the shortcomings in the nuisance ordinance? Why wouldn't these issues pertain to that? Mr. Cahalan said it doesn't set hours for one. Mrs. deLeon said she's looking at this as the burning ordinance where we had to amend our nuisance ordinance to allow for certain restrictions to expand on burning. Attorney Treadwell said that's an option. It's up to Council. Mrs. deLeon said she asked for hours of start and finish, not for the weekend thing. Mr. Kern said again, this is a draft ordinance and the purpose of the draft ordinance is to have this discussion.

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Mrs. Yerger said when we first were discussing this, it was her suggestion that we withdraw the restrictions on Saturday and the time would stay the same. As far as not allowing construction on a Saturday, she had suggested we withdraw that and only restrict construction on Sunday and nationally recognized holidays as that way you don't get into any religious issues. That would limit the amount of limitation. She would like to hear what the rest of Council would like to say. Mrs. deLeon said her opinion still remains the same, Saturday, Sunday's and holidays should be stricken, and she has a problem with the hours. Mrs. Yerger said she doesn't think it is burdensome to have one day a week in the township where residents can expect to have peace and quiet for the families. We're not talking lawn mowers, tractors, we're talking heavy construction. Monday through Saturday, give homeowners and construction people ample time to do what they need to do.

Mr. Maxfield said as far as holidays, we should also mention the ordinance says nationally recognized holidays, so it's got to be a holiday on the calendar. Later on tonight, we're talking about establishing summer hours for the road crew, and we have a conflict here because they are to start at 6:00 AM and these hours say 7:00 AM. He'd like to get those hours in agreement somehow. He doesn't have a problem with summer hours starting at 6:00 AM in the mornings as the road crew needs to get their things done.

Mr. Maxfield said he would support Saturday stricken, and Sunday being the only day of the week for no work to be done. Mrs. deLeon said she's still opposed to that. When she worked, she didn't have the luxury of having those days always off. Mr. Kern said the general leaning of Council, at this point, is to amend the draft to just state Sunday's. Mr. Kern opened it up to the floor.

Mr. Russ Sutton, lives on Saucon Avenue in Steel City. He really feels this is a hardship for the homeowners, as most people work during the week and the only days available are Saturdays, and Sundays and sometimes holidays. He doesn't know what heavy construction equipment means. It doesn't say what it is. Mrs. Yerger said the way it's listed here, bulldozers, front end loaders, backhoes, pile drivers, jackhammers, cranes, steam shovels, steam rollers, etc. Mr. Sutton said most people work during the week and the only time they can work on their home is on the weekends. Sunday is just important as Saturday to have that available. You can keep your hours. Mrs. Yerger said we're not talking chain saws, we're not talking lawn mowers, leaf blowers, whatever else you have out there. Mr. Maxfield said this is not about penalizing the homeowner who is trying to get something done in his home. This is about heavy construction going on seven days a week, primarily in developments. This is limited to heavy equipment.

Mr. John Hill, Hill Construction, said his new machine will run as quiet as your car. You put a hardship on all of us, the contractors in the township and now you're saying we can't work Saturday's or Sunday's. There is a lot of religion that practices on a Saturday. Mrs. Yerger said this is not based on religion. You keep passing these rules and regulations, and we have to break them. There's no other way. He's not going to call Jack in the middle of the night when he has an emergency call. He plows snow, is he going to call Jack and ask him if he can take his truck out and plow snow? This ordinance is unbelievable. Mrs. Yerger said it's not directed at the individual homeowner. Mr. Hill said it is directed at every contractor in the township. There's only a few complaints. Mrs. Yerger said most of this is large developments that go on for months and months. Mr. Hill said once it's done, it's done. Are we going to throw the ordinance away then? Mrs. Yerger said this was brought to us. Mr. Hill said you are bringing it to the public. We have a certain limit of time to get the job done before we fight the weather all year long, what do you want us to do? He doesn't like to work Sunday's unless it's an extreme emergency. If he got a job, and he's got a half an hour of work, you are going to tell him he has to stop and go home. He's going to finish that job.

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Mr. Barry Doster said when you are talking about this ordinance, he's wondering if he has to put a new roof on his house, would he just be restricted to Saturday? Mr. Kern said this is intended for heavy construction machinery. Mr. Doster said if the contractor wants to come out and hammer, that's all right then. Attorney Treadwell said that's fine. Mr. Doster said he can't afford to hire a contractor. If somebody's sewage is backing up on a Sunday, can the contractor come out and dig it up as that is an emergency, but also it is a health violation. Mrs. Yerger said we don't think of everything, so we need to hear what everyone has to say. Mr. Kern said some things are self evident, and in that case, that's self evident. That would not be considered a violation. Mrs. deLeon said that would be a violation if you were putting in a pool and you wanted to rent a backhoe and dig a trench to go to the pool, you wouldn't be able to do that on a Sunday. Mr. Doster said he's for a timeframe, but you should be able to do your job when you have the time to do it. He enjoys his peace and quiet too. He lived in this township for 43 years, and his grandfather along with Andy Hayes, they made the laws back then. They were good laws and were fair to everybody. It just seems things are changing now and are benefiting more the new people that are coming into this township than the ones that have been here all their lives. A contractor might have to work seven days a week to support his family. He's agreement with the time frame, but not with the days. His Sabbath is a Saturday and he still works because he has to. Mr. Kern said are you suggesting a time frame on Sunday? Mr. Doster said yes, like 10 AM or 11 AM to start and finish like 4:00 to 5:00 PM.

Sam Donato, resident, said how many complaints have been received? Is it 50 or is it 25? For example, the way it's drafted, a holiday, Memorial Day, he decides to put a brick paver patio in. It's going to take him four days to do it. He takes Friday off. He hires Hill Excavation to dig and put down material, then put the gravel down and compact it. Mr. Hill doesn't get done until Sunday, and then he has a little wacker there to put the brick paver down as he's going to work Memorial Day. He has four days to put equity into his property. The current draft is not allowing him to do that. Even the comments he heard tonight, does not allow him to do it. A lot of folks have to realize that small businesses don't work 8 to 5 or 9 to 5. Small businesses work six days a week and might work Sunday if you have another project. Small businesses consist of five to fifteen employees. Please consider this. He's District Manager for IESI. They work six days a week and start at 6 AM and run every type of equipment that you have described. They work on holidays. They are open on holidays. The way the ordinance is drafted today, it doesn't work for his business at all. Currently, they are 6 to 6, six days a week and also holidays. Don't over regulate us and become the Federal Government.

Answers to Mr. Donato's questions, Mrs. Yerger said if it's an 8:00 PM cutoff, it wouldn't hurt you as far as the landfill. By 8:00 PM, it's getting dark. How often do you run in the dark? Mr. Hill said sometimes we put our lights on. Not too often, but once in awhile when we have to do it. We're pushing to get a job done. There is a separate agreement with the Landfill on the start time. Mrs. Yerger said even for our own road crew, that's something we have to discuss. Mr. Donato said holidays play into this as a property owner. We all do it. A three day weekend is a great time to get something done. Mrs. Yerger said when this came to us, what people were having problems with was not the independent contractor, it's the two year housing development that is going on and on and on and they start at 5 AM and go to 10 PM for two years solid. Attorney Treadwell said that's where the complaints came from. Mrs. Yerger said could we put time restraints on the approved plans so this is limited to major construction operations, not one house or one driveway. Attorney Treadwell said for new projects that come in, we can put restrictions in the development agreements as far as times. Mrs. deLeon said she agrees with that, but it doesn't count for the ones that are already on the books which is what we're getting the complaints from. It was explained to residents, developers and contractors and our solicitor said the regs have to apply to all, you can't discriminate. Mrs. Yerger said if we start that, we still have to work through the rest of it.

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Mr. Kern said if that would be the desire of Council, we could just scrap this whole draft entirely. Mrs. deLeon said that's a great idea. Mr. Kern said we could just use the development agreement. Mrs. deLeon said why can't we then go into the nuisance ordinance and strengthen a paragraph in there which would be a site specific nuisance, but then you don't want to get the neighbors into hating the other neighbor. Mrs. Yerger said unfortunately, there are instances where people don't utilize common sense and courtesy. That may be where we need to go with the nuisance ordinance. Mr. Maxfield said the nuisance ordinance is not going to work for this as the noise part of the ordinance is too subjective. You're asking the officer who has to do it to make decisions on the spot. Mrs. deLeon said the decibel language in the nuisance ordinance applies to blasts, etc. Wouldn't you be able to come up with creative language to address the issue with describing certain types of equipment? Attorney Treadwell said he could certainly change the nuisance ordinance if that's where you want to go. The other issue he's hearing from the public and maybe Council is, maybe you want to consider just a start and end time and take out Saturday's, Sunday's and holiday's. Mrs. deLeon said what are you regulating then? Attorney Treadwell said heavy construction activities. Mrs. deLeon said she likes Glenn's idea better by scrapping the whole thing.

Mr. Maxfield said there should be some sort of mechanism where a resident who lives next to a development can get up on Easter morning and guarantee they are not going to hear blasting. Mrs. deLeon said Easter is not a national holiday and not observed by all residents. Mr. Maxfield said it's on the calendar and is recognized as a national holiday. Mrs. Yerger said she can sympathize if they are blasting at 6 AM in the morning. Mr. Maxfield said there are people who are penalized by the irresponsibility of others. There are guys out here that go out and work on weekends unpermitted. Why is that occurring? Mr. Hill just said if you make a law, we're going to have to go and do it illegally. Let's be responsible and we don't have to do this kind of stuff. We're all talking about the small businessmen? Has anyone talked about the poor guy who has to listen to it for seven years in a row? He lives in a radius of a development that's been going on for seven years. Every day, he's hearing pounding and noise. He's not going to buy a new house because of it.

Keri Maxfield, resident, asked Mrs. deLeon that if we take your suggestion and strengthen the nuisance ordinance to include particular equipment, aren't we then just giving the residents permission to put the same restrictions on as what is on the board right now with particular equipment? Mrs. deLeon said it's just an idea and she thought if there was a way that somebody wasn't making a nuisance because of something going on, that our Solicitor could come up with something and she would look at what he came up with. She didn't know what the answer was, she just merely threw it out on the table like everyone else.

Frank Casillio, 2111 Leithsville Road, was born and raised in the township for 47 years. An issue they have as contractors, none of us want to work Sunday's or late, but we if we are lucky, we've got six or seven months. We basically have May through October. The weather dictates when we can and when we can't work and scheduling is a nightmare. One of the biggest things is weather, and we can't predict the weather and there are some days when we end up working a Saturday or a Sunday. We get calls all the time for a Sunday, but we're not open on a Sunday, so it's an easy answer. There are emergency jobs and our concrete trucks and John's dump trucks are no louder than a garbage truck that pick up all night long. The reason they do that is for traffic. Sometimes they start earlier to beat the traffic. With concrete, it's a perishable product and we have to start early and play in the dark so we can finish. He agrees with limiting the hours, it's a good idea and tightening the ordinance law might be the way. We shouldn't be blasting on a Sunday. Blasting is kind of out of the norm. Where do you draw the line? Mrs. Yerger said it's also going to be an enforcement issue, and we knew this was going to require discussion. Mr. Casillio said he lives across from Saddle Ridge, and he's been listening to that for awhile, but now

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it's winding down. You have a great idea to limit it, but with moderation so it doesn't penalize some people.

Mr. Maxfield said in Section 2, it does make allowance for emergency work by the Authority and the Township and we should include some sort of emergency work for others and some notifying process as it makes more sense than notifying Council.

Ms. Stephanie Brown, Meadow's Road, said she has been in the township for 32 years. Her father has lived there for 50 years. It isn't out of towners who are trying to push this; she's one of the people trying to push this. She lives right next to Toll Bros. Saucon Valley Meadows development. Her father is a small business owner in Upper Saucon. That's how he made his living so we could live in this township, so she understands all the contractors concerns. We're talking about a huge developer who doesn't care. She has been fighting with him for over a year. Thursday, they did landscaping until after 9:00 PM. When she called the police, the police gave her a hassle about it because they told her it wasn't really a problem. There were lights shining into her house again from the equipment being used. Friday, concrete work, they worked on it till 11:00 PM. Again, lights shining into her house. This township has changed. She sees it in Council's decisions, and in the residents sitting here. We are the destination and suburbs of New York and New Jersey. She would like to see this adopted. She has problems with starting at 6:00 AM and then you'd have to change the nuisance ordinance which the police don't want to enforce and they don't feel it's that bad of a noise. She'd like to see it change to 8 AM, but that's not going to happen. Recently, she saw on TV, there is a township near Erie, where a casino is going in. Whoever is building the casino, has to go by their ordinances. One of the things their Zoning Officer talked about at the hearing was appreciable noise, and she's wondering if we have addressed that and maybe take a look at what they are doing. She would like to see this passed. We have a useless nuisance ordinance in this township. All last summer, she put up with her neighbor building a deck from 6 PM to 10 PM every night. When does she get some peace and quiet? This is the right step.

Ken Schoch, has a new construction firm and he understands the lady's problem, but most of the people who work in new construction, are small outfits, two to three small people and they have to work till 7 or 8 at night so they can feed their families. If it rains three days a week and these people don't work on a Saturday and a Sunday, they can't feed their kids or pay their bills. A lot of us are small taxpayers, and we pay our taxes to the Township with very little complaining. Let us do our jobs so we can feed our families. If you are going to get into the noise, he lives in Wassergass. On Sunday when he's sitting on his front porch and the kids are playing baseball and yelling and screaming, is he supposed to come in and here and say, it's Sunday, he doesn't want those kids yelling and screaming anymore. At what point will this end. He has 11 acres, and he's not supposed to work on his yard on the weekend. It's kind of foolish. He can understand a start and stop time, but there also needs to be some lead way. Construction is something that we work very hard at. It's a very tough job to take and very stressful. They would like to continue to make their living and they find very few people complain, but they get all these ordinances. There are 10,000 people in the township, but if 50 complain, we want to draw up an ordinance. What about the other 9,950 that don't have any problem with what's going on. Mrs. Yerger said that's why we have a hearing, we want to hear from you. Mr. Schoch said we have too many laws made for the few people that are complaining. We need to work together and resolve a way to make it work for all of us. Sometimes the contractor just can't pack up at 7:00 PM and leave. Toll Bros. is a big company, but each one of those guys out there putting the roof shingles, they are working very hard just to make a living. He hires subcontractors and knows what he is paying them and wonders how they can make a living at what they are getting paid. There's more here than noise, there's people's lives and families and children. All that needs to be taken into consideration. Mr. Kern said this was brought to our attention, not because of the small contractor, but because of the large scale production. When you draft an ordinance, it involves the small guy also.

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Mr. Howard Ziegler, resident, said he's a small contractor in this community. If you pass this ordinance, Saturday, Sunday and holidays, he needs those days to be able to pay his taxes. Mrs. Yerger said she understands you can't cut right off at 8:00 PM. She's looking at something that you guys think is doable and workable that we can be courteous to other people. Mr. Ziegler said he doesn't mind the timeframe, 6 to 8. If he's banging and framing the house, just because a guy can't run a bulldozer, he can't work either because he's making more noise than the bulldozer guy. Mr. Kern said if the ordinance says 8 and you're going to 8:30, by the time your neighbor calls the police and the police get there, you'll be out of there. Mr. Ziegler said you're talking Saturday, Sunday, and holidays. That would be 110 – 115 days, four months. Mrs. Yerger said what we are looking at is 6 to 8, maybe Monday through Saturday would be the timeframe. What about Sunday? Mr. Ziegler said if he gets three days of rain, he needs that Sunday. Mrs. Yerger said she's talking about the hours? Mr. Ziegler said he feels the same hours as during the week. Mrs. deLeon said we have two scenarios up here, either we get rid of the whole ordinance or do a reduced one. Mr. Maxfield said or we address it through developer's agreements. Mrs. deLeon said we can do that. We're talking about all the things prior to that. Developer's agreements aren't going to help Meadow's Road. Mrs. Yerger has no problem putting it on developer's agreements also. She's still struggling a little bit to give to those people who are living not to the small contractor, but the ones living next to the big contractors. Mrs. deLeon said when you talk about the definite start and stop hours, how do you explain to the resident that says, oh well, he was working till 8:45 PM, your ordinance says 8:00. The rules are the rules. You go to a magistrate and the magistrate is going to say, excuse me, but the law says this. The guy is in violation. It's not fair to the guy whose concrete is not setting up or is running into these problems.

David Gill, a landowner, said in his business, industrial process, there's one way to check his equipment, and that's a decibel reading. They use them on a regular basis. It's inexpensive. All the subjectiveness of what equipment, what machinery? It's really not relevant. How much noise? This is relevant. It might make a little sense to consider a form of this ordinance or scrapping this one and doing a little more work on the existing ordinance so that we can define what abusive sound production is. Wrap a time frame around that and make it quite restricted. You've got something that you can actually craft some language around that says if you're going to make this much noise, then you really have to do it on these days and in this window of time. Mrs. deLeon said she agrees with what you're saying to a point, but when you say this noise that these homeowners are doing, it's like a short term time frame. She's not talking about the larger developers with 50 homes going in. That's like a domino thing. Your next door neighbor is building a house. Mr. Gill said isn't that exactly what is the subject of this discussion? It's the big project. It's the one that isn't roofing one house. It's the one that is framing three and roofing four. If that's the focus, consider this suggestion as possibly a way to realistically deal with that circumstance, yet not put any of these other good people that are working smaller projects out of work or restricting them to the point where they can't do a job. With something like that on the books, people will be compelled to be a little more considerate. Mr. Kern said he thinks that is an excellent suggestion and it troubles him to hear residents say the nuisance ordinance is useless and there's only one reason it's useless and that's because it's not being enforced. A directive from Council to the LS Police that it's needed to be enforced, and as Mr. Gill suggested, a decibel reader is not brain surgery. You do just point it and read it. If we just made it clear to the police force that it's time to start enforcing, that may resolve the issues. Mrs. deLeon said if there's some kind of certification to use the decibel reader, they should be trained to use it.

Ms. Stephanie Brown, resident, said when the Officer came out to her house the other night, he said the only time they use the decibel meter is after 10:00 PM. Mrs. deLeon said in all fairness, that's probably because the nuisance ordinance says that. That's why she suggested the Solicitor look into the nuisance ordinance. Attorney Treadwell said it's any time during the day that exceeds a certain decibel level. Mr. Birdsall said police officers realize they don't get much of a reading during the day anyhow that ever exceeds that threshold. Mr. Maxfield said what Glenn was saying

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is very important. In the past, what we've experienced is unevenness in treating the cases that have come to the township and almost a reluctance to address the issues. If we're going to address the nuisance ordinance, let's make sure the police officers get a certification. Let's do it right. This, and coupling it with new developer's agreements. Those can be tailored to each developer.

A resident asked how many complaints were received? Mr. Cahalan said five to ten. He said there are 10,000 people here and you only got five complaints. Mr. Maxfield said the township can't ignore those people.

Mr. George Rasich asked if this was advertised in the newspaper? Mr. Kern said the Easton Express.

Jim Severn, a small business owner in LST said the problem with this decibel reading is who is going to dictate how far away you are going to be from our machines. Let's say you are standing right along side of our machine versus standing across the street from our machine. If their house is across the street and it's bothering her and an officer comes up right aside of our machine to put this decibel reader there, of course it's going to go off. Mrs. Yerger said it's on the property line. You have to be at her property line. They can't come right up to your property or the property you are working on and put it right at your machine. It has to be back where that complaint is coming from. Mr. Severn said he hears a lot of complaints about the time frame. The longer they work on it, the quicker the job gets done and the quicker the machines go home. Mr. Maxfield said that works for small contractors, but it does not work for larger contractors. Mr. Severn said even the big developers. If they are in there, they come in and do their thing, and get their work and go home, the development is done and it's moved on. If you are restricting them to five days a week, eight hours a day, the development is going to take longer. Mr. Maxfield said it's all market driven and the houses that are sold. Mr. Severn said as far as blasting, anybody that blasts, you are only going to hear a small rumble. That wouldn't even pick up on a decibel meter. It's not like a big explosion like the World Trade center came down. It's a small rumble and that's it. It's not eight hours a day. You have more noise coming down 78 with trucks hitting bumps and potholes out there. Mr. Maxfield said that's a general statement as he's heard blasting near his house that is louder than that.

Mr. Kern said he's getting a sense from Council that the consensus may be towards scrapping the draft ordinance.

MOTION BY: Mr. Horiszny moved to close the hearing.

SECOND BY: Mr. Maxfield

ROLL CALL: 5-0

MOTION BY: Mr. Maxfield moved to scrap the ordinance and to also, with the condition, we address the nuisance ordinance and explore the developer's agreement.

SECOND BY: Mrs. deLeon

Mr. Kern asked if anyone in the audience had any questions or comments? Mr. Schoch said you have some smart businessmen in this township. When you get into a situation, why don't you contact some people and sit down and discuss it and find out what the feeling is amongst them. Mrs. Yerger said this is the exact purpose of what we're doing here tonight. This wasn't an ordinance. This was a draft ordinance. The people we are supposed to talk to are here tonight. Mr. Kern said this is America in action. It's happening right now. Ms. Brown said shouldn't this be listed in the Bethlehem papers? Mr. Cahalan said it's listed in the Express Times. Mrs. deLeon said in the future, we're redoing our website, and if you have internet access, proposed ordinances would be on there. Ms. Brown said we talk about a democracy being in action, but she doesn't see a representative of the rest of the township. She sees a bunch of small business owners and contractors here who don't want this. What about the rest

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of the people? Mr. Horiszny said you are the rest of the people. Frank Casillio said a lot of us are here for that reason as we're concerned and if the other side is just as concerned, they should get off the couch and voice their opinion. Mr. Kern said thank you all.

ROLL CALL: 5-0

III. DEVELOPER ITEMS

A. TOMASZ AND ANNA NIEWIAROWSKI – 1767 WYNDHAM TERRACE – REQUEST VARIANCE TO ERECT STRUCTURE AND REQUIRED FRONT YARD SETBACK

Jim Holzinger, Attorney, represents the applicants. This project has been one that has been evolving for a two month period. The reason they wanted to come back was they have granted a continuance to the May 15 hearing. He understands there is a question whether the ZHB will meet on the 22nd or the 15th and they are prepared for either. He wants to have an opportunity to talk to Council directly. Initially there was a proposal to put a fence around the property. That has not fallen by the wayside and they are interested in an entrance gate and some pillars in front of the property to extend into the front yard setback approximately 32 ½ feet to 17 ½ feet. Previously, the Council has determined it would take a position in opposition to that. What's happening here is that they are showing the road coming in, the terrace and the cul-de-sac. The Niewiarowski property is off to the right. Whenever you have an ordinance and it talks about setbacks, all of those rules have a reason to have uniformity and so on and so forth. Sometimes what happens is when those rules are applied to a certain property, we need to vary them a little bit. One of the dynamics from a legal point of view is this cul-de-sac as it comes in, we approach the property and then as we come up where all the other properties are, this one drops off to the right. What happens is when you drop off to the right, maybe three to five feet, you go back to the house. If you're back 50 feet with this entrance gate, it doesn't serve its purpose. The purpose is two fold. One is aesthetics, one privacy. What we're trying to do is bring it up without getting intrusive in the immediate neighborhood. As Council knows, in the past, some of the neighbors have been concerned, and since the last time, they have discussed with the neighbors what they are proposing to do, and with the entrance gate, they tried to balance it out on either side. The reason there's a little more to the right is that back in here, there are trash receptacles. With respect to the neighbors, we have Mr. Gill here who owns the lot across the street and we have another neighbor here, Bill Haller. They are now comfortable with what we are proposing and the reasons why we are proposing it provided we don't come back and try to expand it. One of the things we're going to propose to the ZHB when we appear is we wouldn't come back and propose any extensions or additions on either side, but instead we would shrub it in. When we get to the ZHB, we will provide a more definitive plan. We're trying to be a good neighbor. Mrs. deLeon said when you go to the ZHB, are you going to ask them to impose that condition about the expansion? Mr. Holzinger said yes, we would stipulate the conditions.

Mr. Gill said yes, he objected to the original plan which was a rather large barrier around the entire property. He's already reviewed that and put his initials on it, had his attorney deliver it here, with a written statement that he doesn't have any objection to this. He came here tonight to support this. He bought that land because of the restrictions that are contained on that land, but he's hoping we can continue to be good neighbors and that's the reason he came here tonight. He doesn't object any longer.

Mr. Bill Haller, neighbor, said he does not have objections to this either. His original objection was the fencing in of the entire yard.

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MOTION BY: Mrs. deLeon moved to withdraw our previous objection and send a letter to the ZHB stating we now support this with the stipulation as stated this evening.

SECOND BY: Mr. Kern asked if anyone in the audience had any questions or comments? Mr. Holzinger said he was going to see if the township would withdraw its objection to this, but perhaps if you would desire to send someone to confirm that we would place that stipulation on the record that we would not expand this entry gate and we would appropriately landscape it. Attorney Treadwell said Attorney Holzinger and himself can work this out ahead of time. Mr. Maxfield asked if he discussed with the client the issue brought up about the deed restriction and no matter what we do, it will supersede. Mr. Holzinger said his interpretation of the deed restriction that it does prevent certain things as fences and so forth, but it doesn't fall within the parameters of that language that other owners in the development can do similar things. From his perspective, whatever the ZHB does, would not supersede private restrictions. Mrs. Yerger said she would rather take no position. Mrs. deLeon said she would only support this if the stipulation was there. If we want the ZHB to impose a condition, then we send someone. Mrs. Yerger said she is still having a hardship issue here. Mr. Maxfield said he agrees with Sandy. He'd like to take no position on it either.

ROLL CALL:

MOTION BY: Mrs. deLeon amended her previous motion to say we take no position, but if they choose to grant them the variance, that the condition be imposed to support the residents.

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

ROLL CALL: 5-0

B. ESTATES AT SAUCON WOODS – KINGS MILL ROAD – REQUEST EXTENSION OF TIME TO COMPLETE IMPROVEMENTS

Mr. Kern said the developer is requesting a one-year extension to complete the improvements in this subdivision.

Mr. Birdsall said last year at about this time, we're in a situation where the road is paved, the homes are going in at a little bit slower pace than most subdivisions, but that's okay too, as long as the developer is maintaining responsibility for the roads and keeping everything safe, so they have no objection as long as there is proper security in place and we have asked that one additional and deadline be imposed. There is an emergency access from the cul-de-sac that goes over a little bridge and we want to make sure that gets looked at before September 1 and it's totally finished before September 1 of 2006. That's item no. 3 on the list already. Mr. Maxfield said he has asked Chris about that. He informed him that the residence that is going up has an Easton Road address and they will be using that emergency drive to access Easton Road. He thought that we were supposed to restrict access to Easton Road and also that the emergency access drive was to stay a gravel road and they are thinking about at least paving a portion of that. He has concerns about paving a road down in the riparian and flood plain. This is not one of the actual properties within the cul-de-sac area. It's one where they split the house from the barn. This is the same property with the barn except it's shoved way back across the creek. We talked about no access to Easton Road from any properties on the far side of the creek. Mrs. Yerger said that's a dangerous intersection. They are going to be poking out of there and it's right on the curve. Mrs. deLeon asked if we had time to put this back on the next agenda and look this up. Mr. Cahalan said aren't we talking about accessing it from the cul-de-sac, not from Easton Road? Mr. Birdsall said the access from the cul-de-sac actually goes out to Easton Road, so it's a connecting drive way from the cul-de-sac out to Easton Road. He'd have to go back and look at the plan restrictions and see if

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we can actually restrict the private property owner driveway that way. He will look into it. They are unrelated issues. The one is the property owner and the other is the developer. Mr. Maxfield said we should grant the extension. Attorney Treadwell said he can look into the other issue.

MOTION BY: Mr. Horiszny moved to request extension of time to complete improvements for Estates at Saucon Woods, Kings Mill Road.

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

ROLL CALL: 5-0

C. COBBLE CREEK – SKIBO ROAD – REQUEST EXTENSION OF TIME TO COMPLETE IMPROVEMENTS

Mr. Kern said the developer is requesting a six month extension to complete the improvements in this development.

Mr. Birdsall said the improvements are pretty much at a status quo, but they are keeping up with the homes that are being built. This is mostly Skibo Road frontage improvements, so we are recommending allowing the extension of time.

MOTION BY: Mr. Horiszny moved to approve extension of time to complete improvements – Cobble Creek – Skibo Road.

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

ROLL CALL: 5-0

D. COTTAGES AT SAUCON VALLEY – MOUNTAIN VIEW DRIVE AT PLEASANT VIEW DRIVE – REQUEST EXTENSION TO MEET CONDITIONS OF APPROVAL

Mr. Kern said the developer is requesting a 30 day extension in order to complete the conditions of approval granted on March 7, 2005.

Steven Boell, representing the applicant, was present. They need a 30 day extension to record the plan and they are working with the Solicitor’s office to finalize some of these developer’s agreements. Attorney Treadwell said they’ll probably be done this weekend.

MOTION BY: Mr. Maxfield moved to grant the extension for Cottages at SV – Mountain View Drive at Pleasant View Drive.

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

ROLL CALL: 5-0

IV. TOWNSHIP BUSINESS ITEMS

A. UPDATE ON RIVERSIDE DRIVE CLOSURE

Mr. Kern said the Manager will provide Council with an update on the status of repairs to Riverside Drive/The Narrows.

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Mr. Cahalan said since the last meeting, he updated you on the fact that there was a hold up with the construction after the debris was cleared. After it was cleared with the efforts of Walters Excavating, the job was shut down because they were waiting for a flagging agreement with Norfolk Southern. PennDOT was in order to proceed with the other work. That was held up as they didn't get it from Norfolk Southern. They did enlist the help of area legislators and through their intercession, the flagging agreement was obtained and the work resumed about a week ago. Mr. Cahalan can't say enough about this excavating company. They've been pushing to get this done for the township. There were discussions they had with PennDOT whether the road would be paved for the entire section, 6,000 feet, or whether it would be some patching paving done. Walter's passed to him an offer that they wanted to give to PennDOT. The offer was they would agree to provide the paver from their company and the operator to pave the entire section of the road. He passed that offer on to the engineer at PennDOT. It was considered by their management and just today, he heard from the District Executive, and PennDOT indicated they would have to turn the offer down. It has to do with the safety of the road if it was paved all the way through.

Mr. Birdsall said PennDOT said they expressed concern that if the road were paved, they were very concerned that speeds would increase. The second issue is the elevation would be somewhat higher near a railing system that is basically not meeting any of the PennDOT standards at this time. We face this every time we go to make road improvements. What the department is faced with is it could be a very, very expensive improvement to bring more safety to the table with regard to the guardrail system versus trying to discourage through traffic and trying to bring it back to pre-Ivan condition. Mrs. deLeon said the FEMA money is supposed to bring the road back to pre-Ivan conditions, but that still doesn't relieve them of their continual responsibility for maintenance on that road. That's their road and we can't let them forget that. There are two phase here. There's the FEMA money for the pre-Ivan condition so the road is opened. We need to reiterate this to PennDOT that it's a two prong thing. Let's hear what their plans are for 2006 for maintenance. Don't we have a right to ask them that? Mr. Birdsall said certainly. It would be good to respond in a letter reminding them of their continued responsibility. Mrs. Yerger said aren't there some kind of state regulations as far as the guardrails? She sees it on 611 also where it drops off and there's no guardrail there. Mr. Birdsall said all of our governments are constrained by a budget and then priority. Riverside has a low priority because of low road access. Mrs. deLeon said we need a timeframe also, they said Spring, and it's almost Summer. Mrs. Yerger said she heard Easton Road was going to be repaved, can't they do the Narrow's first and then do Easton Road? Mr. Birdsall said he doesn't know if they can move the Easton Road budget into 2007. Mr. Horiszny said wasn't there a comment that the Narrows did not need to come up to state regs, but just be reopened by someone. Mr. Cahalan said pre-Ivan conditions. Mr. Birdsall said it may be good to wait and see what the response to the letter is and if they can't make a commitment, maybe then we could have a meeting with PennDOT. Mrs. deLeon said she's still unhappy that the road is not opened. We need to get a commitment from PennDOT and schedule a meeting. Mr. Cahalan will write a letter. Mr. Maxfield said if they are planning on putting posts and wires back again, can we talk to them about a phase kind of thing where we may be okay with post and wire for awhile, then we would like to see within the next two years, real guardrails in there. It's like we can call it an updating issue. If we were asking for phasing, it would seem we were willing to work with them as far as funding goes.

B. CASINO IMPACT UPDATE

Mr. Kern said the Manager will provide Council with an update regarding the casinos. Representative of Lower Saucon spoke at the April 28th hearing held in Allentown.

Mrs. deLeon said it was a hearing where there was no dialogue back and forth. It was very formal. The three entities from the other areas all did their show. The room was packed. There was a lot of union people there. They had to sit in assigned chairs. You sign in and they ask you when you

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testify to present a copy of your testimony. Three minutes is hard to wrap up what you want to say. Concerning a new revenue source for a state wide property reduction, she asked for residents living in adjacent municipalities are given a reduction in state property taxes only to higher local taxes because of these unreimbursed negative impacts. Where is the savings to our residents? She had to talk about Gross Terminal Revenue and the municipal grants and she said she wants LST given a winning hand if this site is chosen. There impact statements were grossly inadequate and they should be resubmitted and we should have a chance to readdress them.

Mr. Birdsall said he said there was an impact with traffic and the fact that the studies do not analyze what kind of impacts are outside of the community even though it's less than a mile from the casino. It was good to hear some of the other testimony that was coming from other community groups. Limerick expressed the same thing. He did have an estimate for improvements that LST would have to find money for. This is improvement within LST. What happens when we run the numbers are that the traffic starts to spill over Mountain Drive, comes down through over Hayes Street, comes down Seidersville, Bingen, and comes out wherever traffic most would want to which is Black River Road or Saucon Valley Road. If they find 412 too congested, they will come across country. To upgrade the intersections in LST at Black River and at the top of the hill, widen some of the roads, improve the shoulders in our roads, and drainage, it's a very expensive operation. There's going to be a threshold if that traffic comes. There's still no spin off benefits for LST.

Mrs. deLeon said listening to the other people, and you come up with your ideas, then you sit here and hear from all these other municipalities with the EMS people, and they have the same exact concerns. Mrs. Yerger asked what was the impression you got about the Allentown site. Mrs. deLeon said their legislators and Mayor and Council, no one was in opposition. Mr. Birdsall said Allentown got on the records saying these votes are unanimous sort of implying that the Bethlehem and Northampton County votes were not unanimous. Since this was split into three days, there might be other people. Both cities are desperate for money. Mr. Horiszny said after they talked, and then you talked, did people disagree or agree with you? Mrs. deLeon said no one commented on anything. Mr. Birdsall said small groups could go for 10 minutes. There weren't that many. There was another gentleman who spoke who was negative for Bethlehem. He was a small business person and worked in the area. He said it was very poor practice to have a casino so close to a college and it will be a major problem for the kids who go to the college. Cunningham got 30 minutes to speak.

Mrs. Yerger said she requested a copy of the LST formal statement be sent to Springfield Township and Durham. Mr. Cahalan said it was sent in. Mr. Maxfield said they did address the casino statement made at their last meeting.

Mrs. deLeon said do we need to send another informal statement in by June 2 from the township? This would have to be on the next agenda. Mr. Cahalan said everyone reviewed the impact statements. Mr. Horiszny said did we come up with a number it was going to cost us? Mr. Cahalan said about \$7 million. Mr. Birdsall is working on his numbers now and they are gathering info from the police and fire companies. Mrs. deLeon said that's what we should submit to the gaming board. This is what we are putting together for our municipal grant that we have to apply for every year and see if County Council agrees we are impacted and this is what it's going to cost. Mr. Horiszny said he was thinking of indicating rather than depending on a grant from Northampton County, we would like to have the state legislators decree that we are going to get X percent of the gross terminal revenue because we anticipate these costs and we need to cover these costs. Mrs. deLeon said her statement on the municipal grant was to take the politics out of this process. The laws should include language mandating an annual municipal grant paid to the adjacent municipalities. Mr. Birdsall said on that point, he thinks the commission is the wrong group to be plugging. Your impact there has got to be to the legislators so you have a bigger

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lobbying effort. You see there is legislation being prepared by Lisa Boscola for sharing revenue between the two counties.

Mr. Horiszny asked if the Limerick casino people, they already knew the supervisors voted them out, but did they go on with their presentations? Mr. Birdsall said they prepared for this for weeks and weeks. Mrs. deLeon said we have two options. We write to the legislators and tell them we need them to amend the law for this municipal grant thing or we come up with an agreement with the county. Even if the proposal that Lisa has on the table doesn't pass, that doesn't stop the city of Allentown and City of Bethlehem from developing an inter-municipal contract. We should say that Northampton County, if you get this money, we want assurances. It would be easier if it would be in the law. Mrs. deLeon asked what is the status of our coalition efforts? Mr. Cahalan said the Manager and Council President were working on setting up that meeting. Mrs. deLeon asked him to find out. We really need to get moving on this. The purpose of the coalition is to enact legislation that was just described.

C. DRAFT ORDINANCE – REFERENDUM TO BE PLACED ON BALLOT REGARDING EIT INCREASE FOR OPEN SPACE – AUTHORIZE ADVERTISEMENT

Mr. Kern said a draft ordinance has been prepared to place a referendum question on the November ballot to ask the voters of LS if they would be in favor of a .25% (one quarter of one percent) increase to the Earned Income Tax in order to provide for funds to purchase open space.

Mr. Cahalan said this request came from the EAC to draft an ordinance that Council could consider adopting in order to place a question on the ballot this coming November for the voters in the Township to decide if they would want a tax enacted that would be collected for open space purposes Council has until August 9 to consider adopting this ordinance. The format we used includes a revision to sunset the tax for a certain number of years. That's optional if you want to leave it in. You could designate it for five years or whatever, or you could remove that completely and just have it run. The majority of municipalities, there is a sunset in there for three to five years. Mr. Maxfield said five is what the EAC recommended. Mrs. deLeon said we did discuss this during budget discussions and goal settings and it is on the yellow sheet. It says open space referendum, that the staff was researching, and they wanted EAC's input. Council had talked about this for a year, so it didn't start at the EAC. Most of us mentioned it for the goals and objectives in the beginning of the year. The LVPC recommendation no. 3 says open space finances is recommending that LST should enter into an EIT. Mr. Cahalan said you would authorize the advertisement to this ordinance and if you adopt it, you've approved us placing the question on the ballot this November. It would go to the voters. We need to authorize it now. Mr. Maxfield said the EAC will do a lot of advertising and education on this. Mrs. deLeon said this could be done at Community Day also. Mr. Horiszny said our April 5 minutes refer to it as .125%.

MOTION BY: Mr. Horiszny moved for authorization of advertisement – Draft Ordinance – Referendum to be placed on ballot regarding EIT increase for open space for five years.

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

ROLL CALL: 5-0

D. PROPOSED LEGISLATION TO ELIMINATE LOCAL CABLE FRANCHISES

Mr. Kern said Council would like to discuss the two legislative bills being proposed to eliminate local cable franchises.

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Mrs. deLeon said this has been an issue of hers for many years. She attended the PSAT's conference regarding this issue. She was not happy to learn about this. Apparently, Verizon has spent \$50 million lobbying the federal and state government's trying to take away local government rights for these cable issues. If this passes, we are proposed to lose 25% of this and we will not get reimbursed. The letter is pretty self explanatory.

Mrs. Yerger said one of her concerns is the bit about the build out and the limitation of the right-of-way. Mrs. deLeon said she keeps asking about the old solicitor files. She had issues back then. At one point, half was RCN and the other half was Service Electric. This 96 law said that you could intertwine them. She said how are you going to do that? She lives in Steel City and all she has is Service Electric and no other choice. This whole thing was supposed to expand the lines everywhere so people had choices. Her problem is that we do these agreements and she doesn't want to see our resident's pay 5%. That's coming out of our pockets and 3% is fine, but there are other services that we can ask from these cable companies such as better selection, etc. If you read the six page letter, maybe now is the time these people would want to talk to us. Attorney Treadwell said we don't have Verizon cable here, not yet. They do want to put it here though. Mrs. deLeon said the conclusion paragraph is there is a resolution here that they are asking us to consider at a meeting and send it to our federal and state reps and are asking us to oppose this because we are going to lose a lot of money and they are taking our rights away from us. Mrs. Yerger said she's more concerned about the regulations that are going to go to the state and federal level. Mrs. deLeon said it's not clear. Mrs. Yerger said we are not going to absolutely have any idea what we are dealing with on a local level to mandate this. Mr. Maxfield said it seems to hint out that there could be "have" and "have not's" and then the have not's get charged even more money. Mrs. Yerger said there are sections that won't just have cable, period, if that's what they so choose. Mrs. deLeon said it was well done by Attorney Daniel Cohen and he's the expert in cable. Mrs. Yerger said it's already in the U.S. House. We don't have any timeline on how long this is going to take.

MOTION BY: Mr. Maxfield moved to send the letter tonight, sign it and support it and next meeting have a resolution prepared.

SECOND BY: Mrs. deLeon
Mr. Kern asked if anyone in the audience had any questions or comments? Mr. Kern asked if the effect of having a local cable franchise, does that limit the amount of cable companies that can come into the township? Attorney Treadwell said no. Mrs. deLeon said Mr. Cohen seems to be the cable guy. Mr. Maxfield asked what exactly is going on with the loss of right of way rights, how much do we lose, what exactly do we lose? Attorney Treadwell said the township still owns all of your right of way. You can control who can and cannot go into your right of way. What the cable companies are doing is trying to take that away from you to go wherever they want. They could open up easement areas across private properties, but not through your township roads. Mrs. deLeon said the Gross Terminal Revenue is just as shocking as the casino one. They want to take it all away. She asked them what a typical length of agreement was and they start off with five years and may go to ten years. Attorney Treadwell said the last conversation he had was seven years. Mrs. deLeon said do we need to light the burner back up again on these cable people? Mr. Maxfield asked if there was an anticipated date of action on this? Mrs. Yerger said they didn't give a date. It's sitting in the House right now. Mrs. deLeon said we need to concentrate on the federal level as it hasn't reached the state level yet.

ROLL CALL: 5-0

E. AUTHORIZE SUMMER WORK SCHEDULE

Mr. Kern said the summer work hours for LST staff begin June 5th and ends September 1. The hours are as follows: Road Department – Monday through Thursday 6:00 a.m. to 4:00 p.m. and off

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on Friday. The Admin. Staff and Police Admin. Staff will be Monday through Thursday 8:00 a.m. to 4:30 p.m. and Friday 8:30 a.m. to 2:30 p.m.

Mr. Cahalan said there is one exception with this. He spoke with Roger today and one of the things that happened that was a plus this year was a favorable winter. He was able to get a lot of big projects done with the Silver Creek Road and they got caught up on the Hurricane Ivan repairs, so we really had done a lot. This pushed back his string of road maintenance schedule and he's asked if he could start on May 22 instead of June 5, and it would give him a head start. The reason he's recommending approval of that is that he will have staff here concentrating on mowing grass and doing other maintenance things on a Tuesday through Friday schedule so they'll be Monday through Friday coverage and no loss of services.

MOTION BY: Mr. Kern moved for authorization of summer work hours.

SECOND BY: Mr. Horiszny

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

ROLL CALL: 5-0

F. RESOLUTION 34-2006 – DESIGNATION OF THE NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS)

Mr. Kern said Bill Csaszar, Emergency Management Coordinator is requesting council implement a resolution designating the National Incident Management System as the basis for all incident management.

LOWER SAUCON TOWNSHIP

RESOLUTION #34-2006

DESIGNATION OF THE NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS) AS THE BASIS FOR ALL INCIDENT MANAGEMENT

WHEREAS, there is no Ordinance enacted in Lower Saucon Township, (hereinafter the "Township" proscribing any system for incident management; and

WHEREAS, the President of the United States, in Homeland Security Directive (I-ISPD-5), directed the Secretary of the Department of Homeland Security to develop and administer a National Incident Management System (hereinafter "NIMS"), which provides a consistent nationwide approach for Federal, State, local and tribal governments to work together more effectively and efficiently to prevent, prepare for, respond to and recover from domestic incidents, regardless of cause, size or complexity; and

WHEREAS, the collective input and guidance from all Federal, State, local and tribal homeland security partners has been, and will continue to be, vital to the development, effective implementation and utilization of a comprehensive NIMS; and

WHEREAS, it is necessary and desirable that all Federal, State, local and tribal emergency agencies and personnel coordinate their efforts to effectively and efficiently provide the highest levels of incident management; and

WHEREAS, to facilitate the most efficient and effective incident management it is critical that Federal, State, local, and tribal organizations undertake improvements, including but not limited to

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the following: standardize terminology, organizational structures, and interoperable communications; consolidate action plans, unify command structures, and implement personnel qualification standards, standards for planning, training, and exercising; provide for comprehensive resource management and designate incident facilities during emergencies or disasters, among other things; and

WHEREAS, the NIMS standardized procedures for managing personnel, communications, facilities and resources will improve the Township’s ability to obtain federal funding to enhance local and state agency readiness, maintain first responder safety, and streamline incident management processes; and

WHEREAS, the Incident Command system components of NIMS are already an integral part of various incident management activities throughout the Township, including but not limited to current emergency management training programs; and

WHEREAS, the National Commission on Terrorist Attacks (911 Commission) recommended adoption of a standardized Incident Command System; and

WHEREAS, Council is responsible for providing for the health, safety, and welfare of the people of the Township and protecting them from the dangers and threats, and determines that adoption of the NIMS program serves the public health, safety and welfare of the residents; and

NOW, THEREFORE, BE IT RESOLVED, that the Council of Lower Saucon Township, Glenn Kern, President; Priscilla deLeon, Vice President; Ron Horiszny, Tom Maxfield, and Sandra Yerger, hereby resolves as follows:

1. The foregoing WHEREAS clauses are incorporated herein by this reference the same as if set forth more fully again.
2. The National Incident Management System (NIMS) is designated as the standard for incident management in the Township.
3. No ordinances or parts of any Ordinances are repealed by this Resolution.
4. Appropriate Township Staff are authorized to take all actions that are deemed reasonably necessary to carry out the intent of this Resolution, all as necessary to respond to threats to the health, safety and welfare.

ADOPTED and ENACTED, this 3rd day of May, 2006.

Mr. Cahalan said our EMS Coordinator, Bill Cszasz came to them and said they have to adopt this resolution to finalize the NIMS. Mr. Cszasz said it’s the formal step to put it in for federal grants.

Mr. Horiszny said he found some typos, second paragraph on the first page, “effectively an deficiently” should be effectively and efficiently. On the second page, “WHEREAS Council is desirous of providing” we should put “WHEREAS Council is responsible of providing”. On page 2, No. 4, “Appropriate Township Staff our”, should be “Appropriate Township Staff are”.

MOTION BY: Mr. Horiszny for approval of Resolution 34-2006.

SECOND BY: Mr. Kern

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

ROLL CALL: 5-0

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V. MISCELLANEOUS BUSINESS ITEMS

A. APPROVAL OF APRIL 19, 2006 MINUTES

Mr. Kern said the minutes of April 19, 2006 Council meeting have been prepared and are ready for Council's review and approval.

MOTION BY: Mr. Horiszny moved for approval of the April 19, 2006 minutes.

SECOND BY: Mrs. Yerger

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

ROLL CALL: 5-0

VI. PUBLIC COMMENT/CITIZEN NON-AGENDA ITEMS

- Ms. Stephanie Brown said she got the township newsletter the other day and would like to address Mr. Kern's article about clear communication.
 - She noticed some things in the township that are not clear communications. There is supposed to be some sort of native plant sale every year and every year she gets the newsletter, she gets it after the dates to send that in. She never sees it on the website. She asked why the township does not advertise in the Morning Call? Mrs. Huhn said it's more expensive. Ms. Brown said she never reads the Express Times. You are alienating a bunch of township residents by doing that. Mr. Cahalan said the difference is considerably more, but he will report back on that. Mrs. deLeon said, in addition, you could find out the cost of the Saucon News and the Valley Voice.
 - Ms. Brown said does it cost money to update the website? Mr. Cahalan said we are actually spending money right now to update it and make it more adoptable to do the types of things she is suggesting. Ms. Brown said when you go to the home page, it doesn't cost any money, does it? Mr. Cahalan said no, we're trying to get a website that is a little more flexible so we can put things on there quickly like the burn ban, and so forth.
 - Ms. Brown said when the recycling was, the township said one thing and the website said something else, and she had to make a phone call.
 - She'd like to address the issues of Meadow's Road and the traffic study that was done. She worries about, if you are going to close a bridge, you are creating another private lane for a quarter of the residents who live on that road and it's not fair. If you close off that bridge, it's not like it's next to land that could be made a park area and if that was the case, she would definitely support it, but it's not possible. If you close off Meadow's Road, you will have kids hanging out and eventually you will have vandalism to that bridge. Mr. Kern said it's not actually closed off, it's a one way in and the purpose is to avoid the dangerous intersection of people turning left there. Council thought that was the best decision at the time. Ms. Brown said you are going to burden the intersection and also Friedensville Road and Meadow's Road. If you are coming out of Hellertown, it's 30 MPH and you come into the Township and its 45 MPH, and then it turns to 40 before Meadow's Road. One of the things pulling out there is you have people coming up that little incline 45 and then they are supposed to slow down to 40. That's a reason you get a backup on Meadow's Road as you can't pull out of that intersection safely. Why can't we make that Friedensville Road 40 MPH instead of 45 MPH or what can be done about that? Mr. Birdsall said they can look into it. Mr. Maxfield said the state sets the speed limit.
 - Ms. Brown said the bridge is posted on Meadow's Road towards Skibo, but why is the bridge not posted on 412? Mr. Birdsall said it should be posted. When you have a weight limit along the road, you must announce it at each end. He didn't realize it wasn't announced at 412. Ms. Brown said it is once you turn on to Meadows Road, but is it something that should be posted on 412? Mr. Birdsall said no, it's generally within a short entrance of the road. Ms. Brown

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- said she's already seen big moving trucks have to turn around before they go over the bridge. Mr. Kern said another good point.
- Ms. Brown said Northampton County has their own burn ban out, how does that affect LST? Mr. Cahalan said they are running concurrently. Ms. Brown said it needs to be addressed. It's confusing. She's curious and has done as you ask to contact Staff with certain issues and heard nothing.
 - She's upset she heard nothing from the Police Department regarding the problems on Meadows Road and she'd like to know why that is? She sent an email three weeks ago. Mr. Cahalan said he'll have to follow up.
- Ms. Kareen Bleam, resident said she knows on Bingen Road and Hickory Hill Road when you come to the stop sign, is Bingen Road is a state road or township road? Mr. Birdsall said it's a state road. Ms. Bleam said is there any possible chance someone can get a hold of the state? If you want to take a right to go on to Friedensville Road, and if she's stopped there at a light, you cannot see because the light is red. She has to pull up far enough because of the house there, and people are passing her on the right hand side and she has her right turn signal on. Two times already she almost got plowed. There's just the white line and no line that says no, you cannot take a right hand turn. Mrs. deLeon said she almost hit somebody there also. As she went to turn, a car was coming along side of the road. Mr. Birdsall said you are supposed to stay in the lane and not drive on the shoulder. The police chief should look into it and work with the state to do it.

VII. COUNCIL AND STAFF REPORTS

A. COUNCIL/JR. COUNCIL

Mrs. Yerger

- Congratulations to Jack for getting the \$5,000 grant for the trail in Southeastern Park.
- It was brought to our attention that there is a new potential pollutant for landfills and the EAC wanted that to be addressed or brought to your attention. It's tritium. There was some concern and it comes from lighting fixtures and is highly toxic and are finding it in groundwater. She'd like the landfill committee to get back to us. Mr. Maxfield said it comes from glow in the dark type signs. Mr. Cahalan said wasn't there some where the monitors would pick that up? Mr. Horiszny said if the sign wasn't broken, it may pick it up. Mr. Maxfield said it should be picked up on a monitor. Mrs. deLeon said a monitor may pick it up, but if it's not on the list, it doesn't matter. There should be some kind of reading. Mr. Cahalan will email Laressa and get it on the next agenda.
- From LVPC, in the recommendation from the joint Upper Lower Saucon rec plan, they talked in section 2 about the natural resources conservation service offers the wildlife habitat incentive program (WHIP), and it provided landowners reimbursement for plant materials and management activities for riparian corridor enhancements. Can we look into that and pass it on to the EAC? If it's a valid project, maybe we can undertake with some local land owners.

Mr. Maxfield

- Received a letter from Robert Wynn who is the engineer for Springfield about a development that was previously approved partly in LST and party in Springfield called Summit Farms. It appears they have not fulfilled the conditions to meet the recording of the plan. They make reference to a sketch plan and a preliminary plan that have been submitted to Springfield. Springfield is saying the previous plan has not been officially withdrawn, and he doesn't think it has been in LST. He does think we should have been copied sketch and preliminary plan, and if we could contact Springfield Township or Mr. Mandorino or whoever is in charge of that, we really need to be updated on what is going on there. He got a communication from someone who lives in the area, but it seems there

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is a stream running through LS section and they've been trimming and cutting the property down right next to the creek, so riparian cutting that shouldn't be done.

- Have we had any update at all on the burning ban? Mr. Hero said it will go for 30 days as proposed by the County.

Mr. Horiszny

- At the PSAT's convention, he attended a GIS training workshop and have provided the things to Jack and Leslie to see if there are any need for it within the township. He also attended a pervious paving session which was pretty interesting and we need to investigate it further. He has literature for Jack on it and maybe they could go over it. Mr. Birdsall said the Council had recommended and they had implemented pervious paving in the park. So far, his observation is it is working very well. We do have a local example and it seems to be holding up, even though there is no traffic on it yet. He also attended the police roundup session with very little information on that. He obtained a PA recycling handbook which we can maintain at the Township and utilize and maybe share with Hough Associates. He looked for the "minute session" and never found it and he doesn't believe it was even given. He'll see if they do have minutes training and maybe we can attend it so we can find out if we're overdoing our minutes. He plans to attend the Lehigh Valley Convention and Visitors Bureau Legislative breakfast on Friday, May 12.

Mr. Kern

- Nothing to report.

Mrs. deLeon

- Fire Lane report, sound issues, is there any update? Mr. Cahalan said Chris was working on that response and he didn't get that together yet.
- Sandy touched on the LVPC letter, and the letter was good regarding the Saucon Region open space plan. Are these going to be addressed at the next meeting? Mr. Cahalan said the next one is the Joint Planning Commission presentation by Harry Roth on May 18. Mrs. deLeon said when will these be addressed? Mr. Cahalan said Harry Roth will present this to the two township planning commissions. Mrs. deLeon asked if Harry Roth could address these questions in writing. Mr. Cahalan said sure, we can do that.
- Thank you for the Coldwater Grant. What's the status on the grant on the Cooks and Saucon Creek? Can we look into this? That's something she was asking for years ago. Mr. Maxfield said the second study hasn't even been started. Mrs. Yerger said after Jack gets back to us, we can certainly consider sending a letter of our disappointment to the Coldwater Heritage Partnership, as these are not being completed in a timely fashion. We can voice our displeasure if we don't get a timely response.

Ms. Rasich

- Nothing to report.

B. TOWNSHIP MANAGER

- The \$5,000 grant that was applied for the trail system in the Meadow and Southeastern Park -they received a notice it was approved and will be working with everyone for recommendations for implementing that.
- He received an offer from a representative of the SV Lions Club who said they would be willing to donate two trees to be planted at Southeastern Park. They want to honor deceased members, Bob Gilman and Leonard Repash. They already have the trees and will put plaques at the base of the tree. Council gave their approval.
- Request from the fire companies, they are getting ready to do the Homeland Security Grants and Leithsville has asked for a letter of support for the township. He needs Council approval to send a letter of support.

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MOTION BY: Mr. Maxfield moved for approval of support to send a letter.

SECOND BY: Mr. Horiszny

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

ROLL CALL: 5-0

C. SOLICITOR

➤ Noting to report.

D. ENGINEER

➤ Nothing to report.

VIII. ADJOURNMENT

MOTION BY: Mr. Maxfield moved to adjourn. The time was 10:22 PM.

SECOND BY: Mr. Horiszny

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

ROLL CALL: 5-0

Submitted by:

Jack Cahalan
Township Manager

Glenn Kern
President of Council