

I. OPENING

CALL TO ORDER: The General Business & Developer meeting of Lower Saucon Township Council was called to order on Wednesday, May 7, 2008 at 7:05 P.M., at 3700 Old Philadelphia Pike, Bethlehem, PA, with Mr. Glenn Kern, Council President, presiding.

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

PLEDGE OF ALLEGIANCE

ANNOUNCEMENT OF ANY EXECUTIVE SESSION (IF APPLICABLE)

Mr. Kern said Council met in Executive Session to discuss personnel issues and potential litigation with Jay Pichel.

II. PUBLIC COMMENT/CITIZEN AGENDA ITEMS

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

III. PRESENTATIONS/HEARINGS

A. PUBLIC HEARING & CONSIDERATION OF ADOPTION – ORDINANCE 2008-04 – AMENDING CHAPTER 180 REVISING FENCES, WALLS AND HEDGES REQUIREMENTS

Mr. Kern said Ordinance 2008-04 has been advertised for a public hearing regarding fences, walls and hedges.

MOTION BY: Mr. Maxfield opened the hearing.

SECOND BY: Mr. Horiszny

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

ROLL CALL: 4-0 (Mrs. deLeon – absent)

Ms. Stern Goldstein said the ordinance in front of you is an amendment to the current zoning ordinance of Lower Saucon Township to clarify and define the regulations regarding the placement of fences, walls and hedges. They are permitted in yards for this ordinance. Maximum heights of fences and walls is 6 feet for residential and side rear yards and for non residential is 8 feet. They may not be in a clear site triangles defined by the ordinance to create an unsafe condition and they

**General Business Meeting
May 7, 2008**

are not permitted in public right-of-ways. The major change is the placement and that fences, hedges and walls are permitted in front yards now with certain restrictions.

MOTION BY: Mrs. Yerger moved to close the hearing
SECOND BY: Mr. Horiszny
Mr. Kern asked if anyone had any questions? No one raised their hand.
ROLL CALL: 4-0 (Mrs. deLeon – absent)

MOTION BY: Mr. Maxfield moved for adoption of Ordinance 2008-04 – amending chapter 180 revising fences, walls and hedges requirements
SECOND BY: Mrs. Yerger
Mr. Kern asked if anyone had any questions? No one raised their hand.
ROLL CALL: 4-0 (Mrs. deLeon – absent)

B. PUBLIC HEARING & CONSIDERATION OF ADOPTION – ORDINANCE 2008-06 – AMENDING CHAPTER 118 PROVIDING FOR RULES AND REGULATIONS FOR CANINES IN TOWNSHIP PARKS

Mr. Kern said ordinance 2008-06 has been advertised for a public hearing to set the rules and regulations for dogs in Township parks.

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: 4-0 (Mrs. deLeon – absent)

Mr. Cahalan said this is before you to amend the ordinance that governs the activities of canines in township park facilities. What we were primarily trying to achieve was to include the new regulations for the dog park that will be opened up in the near future at Polk Valley Park and wanted to put these regulations in place. They also looked at the ordinance that prohibits dogs in township parks, and it was amended to read dogs are allowed in township parks as long as they are leashed by the owner at all times and we also added that it is the responsibility of the canine owner to properly dispose of the canine’s feces. There are mutt mitts at the park to properly dispose of the feces.

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: 4-0 (Mrs. deLeon – absent)

MOTION BY: Mrs. Yerger moved for approval of Ordinance 2008-06, amending Chapter 118 providing for rules and regulations for canines in township parks.
SECOND BY: Mr. Maxfield
Mr. Kern asked if anyone had any questions? No one raised their hand.
ROLL CALL: 4-0 (Mrs. deLeon – absent)

IV. DEVELOPER ITEMS

A. ZONING HEARING BOARD VARIANCE – RUSSELL LEBKUECHER – 2243 KOEHLER DRIVE – REQUEST VARIANCE FROM FRONT YARD SETBACK FOR DECK

Mr. Kern said the applicant has installed a deck with a total area of approximately 500 s.f. which extends into the required front yard. The applicant is requesting a variance of approximately 16 feet.

No one was present. No action was taken by Council.

B. VNA HOSPICE – BLACK RIVER ROAD – RECOMMENDATION TO ENTER INTO MAINTENANCE AGREEMENT

Mr. Kern said Boucher & James has conducted an inspection of the remaining landscape work that was to be completed and they have reported that all landscaping has been installed and is of an acceptable sizes, species and condition. They are recommending that the necessary security for the maintenance period be posted. Ms. Stern Goldstein said everything has been planted and it looks nice, they did a good job.

Mr. Brien Kocher said it is acceptable for them to enter into the maintenance period and their letter says \$60,560 is the maintenance security. Mr. Kocher said approve the start of the maintenance period subject to the posting of the security and entering into the maintenance agreement.

- MOTION BY:** Mr. Kern moved for approval of recommendation to enter into maintenance agreement for VNA Hospice on Black River Road, as stated above by the Engineer, Brien Kocher.
- SECOND BY:** Mr. Maxfield
Mr. Kern asked if anyone had any questions? No one raised their hand.
- ROLL CALL:** 4-0 (Mrs. deLeon – absent)

V. TOWNSHIP BUSINESS ITEMS

A. DISCUSSION REGARDING SKATE PARKS

Mr. Kern said Mrs. Jane Finger would like to address Council regarding the subject of providing a skate park for skateboarders to use instead of streets and sidewalks.

Bob and Jane Finger and Shelly Goldberg were present. Mrs. Finger said she and her husband have been residents of Lower Saucon Township for the last ten years. She is here tonight to speak up for the skateboarders. She voiced her concern for their safety about a year ago when she came upon a group of them on Water Street. There was a police officer there with them and she joined in. She was impressed with the kids as they were very courteous to the officer. He suggested they should go to the Borough Council meeting. They did that over the summer and they made their presentation. There was some fair amount of support and people that happened to be in the audience offered to help, but as time went on, things went to the wayside. Here it is another spring and more traffic and danger out there. With the opening of the Polk Valley Park, if there's any space there, would you consider addressing this situation and giving them some area to skate in? Some of them were supposed to accompany her tonight, and they take responsibility for helping her and doing fundraising. You could count on them. Could they meet with the Parks & Rec's committee and set up something, a basic plan for them and let them worry about what goes with it. In the process over the months, she had hoped to get the SV Partnership interested in this project. Down the line another school district has provided an extra curricular activity for the skateboarders at school. Her main concern is the danger. She sees them younger and younger and she's like a nervous Grandmother. You all face such large issues and that's why LST is such a great place to live.

Ms. Goldberg said she lives in Lower Saucon Township. She had a store in Hellertown for six years and the kids would come up her accessible side ramp at the store and down the stairs. She feels a skateboard park would serve this community well. They are here to represent these kids. Being involved in the SV Farmers Market, they found lack of participation in the teenage group. She found them text messaging on their phones, talking on their cell phones, listening to Ipods, and then wanting to go home to check their email on their computer. She asks that the lines of

**General Business Meeting
May 7, 2008**

communication be kept open between the skateboarders and Jane so her dream can become a reality. She met Jane and Bob two years ago. Jane shared with her, that she is 81 years old, which is 18 backwards, and it made her wonder what knowledge Jane has acquired in those 63 years to make her so passionate about the youth today. What is it that Jane is trying to teach everyone?

Mr. Bob Finger said he was surprised at the number of commercials about skateboards in the whole United States. They said it's a sport. He wants to thank Council for the opportunity to speak to them.

Mr. Kern said it might be appropriate for them to address this at the Saucon Valley Partnership (SVP) as the purpose of the SVP is to join forces and put that on the next agenda and the kids would be welcome to come to the SVP meeting. Call Jack and find out when the meetings are. Mrs. Yerger said there is no room in the new skateboarder park there. You have fields, parking lots, detention basins. Mr. Kern said it would be a lengthy discussion at the SVP meeting. He's talked to other townships and one said because of the location of this particular park, it's off the beaten path and doesn't get a lot of traffic.

The skateboarders arrived at the meeting. Mr. Kern said this option should be brought up to the SV Partnership and it's an opportunity for all three aspects of Government to talk about different items. Mrs. Yerger said it would have to be in a location that can be used by Hellertown and Lower Saucon skaters. Mr. Kern said the meetings rotate between here, the school district and Borough Hall. Ms. Huhn printed out a schedule of the meetings for the Finger's. Mr. Horiszny asked if any of them skated at local parks. Joey Cruz said they go over to Allentown and they like the park. They would be satisfied with anything right now. The one in Allentown is just two tennis courts. Council asked the skateboarders to get a sketch together with what they would want, the size and facilities they would need so everyone knows what they are talking about. Also, the hours, how you get in, how you get out, some of the aspects you like or don't like and put that together to show the SVP or even try to get a picture of it.

Mrs. Finger said you wouldn't have to worry about the liability as the State said for skateboarders, the municipalities would not be responsible for a skateboarder being hurt, it would be the parents responsibility.

Ms. Stern Goldstein said it comes into the programming of it. Sometimes municipalities in an effort to treat skateboarding like any other sport, create a special facility, fence it in, have them wear the proper safety gear, and sometimes those rules kill the park as those rules aren't obeyed. When you come to the SVP meeting, let them know if there would be an adult present monitoring the activities, what are the times. You are sort of cutting the ground for the future generations, so bring everything to the table now. Make sure it will work for you and work for everyone.

Council told them to get together and decide what SVP meeting they would want to attend and bring a sketch and how they would like to see the skate park run. Let that be the seed and then go from there.

B. REQUEST TO AUTHORIZE ADVERTISEMENT FOR SEALED BIDS FOR SALE OF USED TRUCK

Mr. Kern said Public Works has taken delivery of new truck no. 7 which was ordered in 2007. The old truck no. 7, which is a 1994 Ford F-350 dump truck with plow and spreader, is now surplus and can be sold. The Director of Public Works estimates the value of this truck to be approximately \$5,000.00 and is requesting, in lieu of selling it at municipal auction, Council approval to advertise for sealed bids on the vehicle and its sale to the highest bidder.

**General Business Meeting
May 7, 2008**

Mr. Cahalan said when we do buy a new truck, we have a trade in, but this was purchased and a trade in wasn't offered. Roger would like to try to get the highest return for this, and they'd like to go out and advertise for bids.

Mr. Horiszny said could you advertise on the Internet? Mr. Cahalan said that as long as they meet the same township codes, it could be done.

MOTION BY: Mr. Kern moved for authorization to advertise for sealed bids for sale of the used truck.
SECOND BY: Mr. Horiszny
Mr. Kern asked if anyone had any questions? No one raised their hand.
ROLL CALL: 4-0 (Mrs. deLeon – absent)

Mr. Cahalan said we have the barn wood that was saved from the barn on Polk Valley Road. They are going to be using some of that wood for the Lutz Franklin schoolhouse. They are also preserving the doors, ladder, some of the other items, and they'll be preserved as historic artifacts. The other wood, they'd like to see if they could advertise it and see if someone could bid on that.

MOTION BY: Mr. Horiszny moved for approval of the sale of the barn wood.
SECOND BY: Mrs. Yerger
Mr. Kern asked if anyone had any questions? No one raised their hand.
ROLL CALL: 4-0 (Mrs. deLeon – absent)

C. SE-WY-CO FIRE CO. – REQUEST LETTER OF SUPPORT FOR FEMA GRANT

Mr. Kern said Se-Wy-Co Company is requesting a letter of support from the Township to accompany their 2008 FEMA Grant application. They have applied for grant money for a high speed washer/extractor machine for cleaning their personal protection equipment, a personal protection equipment drying cabinet, wall mounted turnout gear racks and a thermal imaging camera.

Mr. Cahalan said Se-Wy-Co is one of the active companies that submits grant applications and are asking for our support. He heard from Southeastern Fire Company that they sent an email to Council President and he was requesting a support letter from the township for assistance to firefighters grant application that they want to submit for funding to update their brush truck. He asked for approval to send support letters for both Se-Wy-Co and Southeastern.

MOTION BY: Mr. Horiszny moved for approval for the township to send support letters for both grant applications for Se-Wy-Co Fire Company and Southeastern, as stated above.
SECOND BY: Mr. Maxfield
Mr. Kern asked if anyone had any questions? Dan Andrews, from the Morning Call, asked for the dollar figure that goes along with this? Mr. Cahalan said the costs quoted by Se-Wy-Co are: washer extractor machine is \$11,065.00; the drying cabinet, \$9,650.00; the wall mount and turn out gear racks for \$7,250.00; and a thermal imaging camera for \$8,550.00. Southeastern does not have an amount of their grant.
ROLL CALL: 5-0

Mr. Horiszny said Se-Wy-Co does have an open house this weekend.

D. DRAFT FACILITY USE POLICY

Mr. Kern said with the opening of Polk Valley Park and the increased demand for use of park facilities, staff has drafted a Facility Use Policy governing the rental and use of all park facilities (playing fields, pavilions, open space and parking).

**General Business Meeting
May 7, 2008**

Mr. Cahalan said they have pavilions in several of the parks, and residents come in the first Monday in February and sign up. They are getting additional requests and different use requests for the different facilities. What they discussed at a previous meeting is that Council wanted to focus the use of the park facilities for non profit or not for profit groups and organizations in Saucon Valley, so they put together a draft of some of these rules which incorporates the existing code for the park use for the pavilions, trash, picnic areas, clean up and so on. It would establish that it is the policy of Lower Saucon Township to restrict the use of park facilities to non profit and not for profit groups in the SV. It would establish categories for scheduling of the facilities and they would be categories of the township organizations such as Parks & Rec's and EAC. Secondly, local recreation providers, which are the ones that are using the athletic facilities now and are defined as non profit or not for profit group. Third would be business, educational groups in the Saucon Valley school district and they also added Lehigh University and DeSales, and fourth, would be other contracted organizations, non profit and not for profit organizations. It explains how you reserve the facilities. It has a fee schedule and it's very simple and would indicate the park and what field and what the cost would be. There are some open space areas in these parks where they may get approached by a group where someone would want to just use the open space for one day. There is an area for sale of concessions and Judy said it's good to keep people at the park for safety reasons. That was left to be determined if you wanted to charge for that. It covers a lot of ground and has insurance requirements, and puts it in one place.

Mr. Maxfield said the open space and rental of it, how would you deal with use of that particular group, how far of an area would it be, would there be specific boundaries? Mr. Cahalan said they are getting requests for use of the Heller Homestead Park for Boy Scouts to camp out. Those are the kinds of groups that would approach them to have an encampment over the weekend, and they need rules for governing that. Mr. Maxfield said he went up to Polk Valley Park late one night and there was a guy trying to parasail off of a bank. It didn't work, but he was very persistent.

Mr. Horiszny asked if it would cover geocaching? Mr. Cahalan said he was approached about that, and he had no clue what it was. He looked it up on the internet. A resident was going to come and talk to the Park & Recreation Board about it, but he didn't come as of yet. This is a sport where you hide something and locate it with a GPS unit. We would be concerned about damage to the park property. There are a couple of concerns. People have a lot of interest, and the Park and Rec board is looking into this.

Mr. Horiszny said is there a place where the Police can test their dogs? Mr. Cahalan said K-9 Officer Bredbenner used the park facility for his dog and they worked it out so he could take the Police Dog up there.

Mrs. Yerger said on page 5, section 8F it says dogs are prohibited in the parks. Mr. Cahalan said yes that is the current ordinance and it will be changed to allow animals with leashes in a park.

Mr. Kern said on C, it allows alcoholic beverages up to 12% in the park. Is it okay to consume beer? Mr. Cahalan said he'd have to check that out and get it clarified. Mrs. Yerger said we should go to no alcohol. Mr. Maxfield said it's a litter disaster. Mrs. Yerger said if you have any doubts, go over to Lehigh after a function and there is trash everywhere. Mr. Maxfield said our officers give out DUI's, why would we want to promote this. Mr. Cahalan said that's been in there for several years. It does cover the pavilion areas when they have picnics. They can try to divide off the facilities. Mrs. Yerger said you could have a sign no alcohol beyond pavilion.

Mrs. Stern Goldstein said most prohibit alcohol in public parks and those who do allow it, limit it to permit only and in the pavilions only. It could be a fundraising event where you have a big white tent and are raising money for the park. Mr. Cahalan said the Chamber of Commerce would like to hold events there also. Mrs. Stern Goldstein said you should have some control within the

township, to whom you are issuing the permit to and to make sure they are a responsible adult of legal age is prudent. It's best to say none and have a certain policy for it.

Mr. Maxfield said we should tie it to permit use with the pavilion only. Mr. Horiszny said when we say non profit or not for profit, a business who's not making money could be non profit. Mr. Cahalan said that doesn't meet the definition. They will work on this and get back to Council. The Council is saying in the park, no alcohol, but in the picnic and pavilion area okay, with a special permit.

E. SAUCON VALLEY COMMUNITY CENTER (SVCC) – APPROVAL OF SENIOR PROGRAM FOR 2008

Mr. Kern said the agreement between the Saucon Valley Community Center and the township has been prepared for the senior program. The program will run year round with limited summer hours and the township will pay a total of \$16,219.00 in two installments of \$8,159.50 to the SVCC to provide this program to our senior citizens.

Mr. Cahalan said it's been in force for a couple of years and is a successful program and is run out of Seidersville Hall. This amount of money has been approved in the 2008 budget. The contract has been reviewed and they require approval from Council and it will be signed by the SVCC.

- MOTION BY:** Mr. Kern moved for approval of the Senior Program for 2008 by the SVCC.
SECOND BY: Mr. Horiszny
Mr. Kern asked if anyone had any questions? No one raised their hand.
ROLL CALL: 4-0 (Mrs. deLeon – absent)

F. SAUCON VALLEY COMMUNITY CENTER – APPROVAL OF SUMMER YOUTH & CHILDREN'S PROGRAM FOR 2008

Mr. Kern said the agreement between the Saucon Valley Community Center (SVCC) and the township has been prepared for the Summer Youth and Children's Program. The programs will run from June to August 2008 and the township will pay a total of \$27,860.00 to SVCC to provide these programs to township youth.

Mr. Cahalan said this is a renewal for the annual contract. It has been very successful. People are on a waiting list. There are over 100 children involved at the parks. This year Council asked that the program be extended to the Heller Homestead Park. They will be accepting up to 20 children at the Heller Homestead. This is a well supervised program and the money to fund this of \$27,860.00 has been approved in the 2008 budget.

- MOTION BY:** Mr. Horiszny moved for approval of the summer youth and children's program for 2008 to SVCC.
SECOND BY: Mr. Maxfield
Mr. Kern asked if anyone had any questions? No one raised their hand.
ROLL CALL: 4-0 (Mrs. deLeon – absent)

G. AUTHORIZE SUMMER WORK SCHEDULE

Mr. Kern said the summer work hours for the Lower Saucon Township staff begin June 2 and end August 29. The hours are as follows: Road Department – Monday through Thursday, 6:00 AM to 4:00 PM and off on Friday. The Administrative staff and police administration staff will be Monday through Thursday, 8:00 AM to 4:30 PM, and Friday, 8:30 AM to 2:30 PM.

- MOTION BY:** Mrs. Yerger moved for approval of the summer work schedule.

**General Business Meeting
May 7, 2008**

SECOND BY: Mr. Horiszny
Mr. Kern asked if anyone had any questions? No one raised their hand.

ROLL CALL: 4-0 (Mrs. deLeon – absent)

VI. MISCELLANEOUS BUSINESS ITEMS

A. APPROVAL OF APRIL 16, 2008 COUNCIL MINUTES

Mr. Kern said the April 16, 2008 Council minutes reports have been prepared and are ready for Council's review and approval.

Mr. Horiszny said page 1, line 35, he had a question about Mr. Kern mentioning the item had been removed from the agenda. He didn't think Glenn said anything about it. Mr. Cahalan said they read the announcement on the agenda.

Mr. Horiszny said on page 16, line 20, it should read "Mr. Horiszny moved to authorize advertisement of Ordinance 2008-06."

MOTION BY: Mrs. Yerger for approval of April 16, 2008 Council minutes, with corrections.

SECOND BY: Mr. Maxfield
Mr. Kern asked if anyone had any questions? No one raised their hand.

ROLL CALL: 3-1 (Mr. Horiszny – no; Mrs. deLeon – absent)

VII. PUBLIC COMMENT / CITIZEN NON-AGENDA ITEMS

- Mr. Barry Kovacs, resident, said he wanted to know the status of the ATV ordinance? Mr. Kern said it's going to be on the next agenda. Mr. Cahalan said they are trying to obtain information about current uses from the Bushkill Motorcycle group. Mr. Kern said they have the Hill Climb and they want to make sure the language is grandfathered in and appropriate. Mr. Kovacs said he is concerned as there are ATV riders that ride 40 feet from his house, there's not only noise, but also a lot of dust and dirt. Mr. Kern said there are a lot of people concerned with the activity close to the property line. The latest discussion is a 100 foot setback from the property line. Mr. Kovacs said that would be great. It's pretty stressful. Mrs. Yerger said in the ordinance that is being discussed, they would not allow it after dark. Mr. Horiszny said that he should come to the next meeting when they have the public hearing. Mr. Maxfield said we've been putting this off, and regardless of whether we get the information from the motorcycle club, he'd like this to be on the May 21 agenda. Summer is coming up, and these people need a break. We need to do something about it. Mr. Cahalan said we have until Tuesday to hear back from the Solicitor about the motorcycle club. Then we'll advertise it for the May 21 meeting. Mrs. Yerger said we are going to do this, she wants to make sure we do it and we don't have to come back two weeks later or six months later. She doesn't want to have to reopen this again. She'd rather defer to Linc Treadwell and see if he's comfortable with it. Mrs. Stern Goldstein said she'd caution doing anything with aerials as the GIS system isn't an actual boundary survey. We need to make totally certain we know what area is used by the Hill Climb. Mr. Maxfield told Mr. Kovacs to come back on May 21 and give his support.
- Ms. Stephanie Brown, resident, said she's upset with two council members sitting up there and they made their minds up already. Mr. Kern said no one made their mind up yet. She's disappointed the way the township is going with this. Mr. Kern said everyone knows what's on the table, a 100 foot setback. Ms. Brown said she's being punished by some people who do wrong as she's done nothing wrong. Mrs. Yerger said you can ride to do things on your property. We're talking about recreation purposes only. Ms. Brown said she does ride for recreation, so she'll have to get a cart on the back of her ATV. She said people can come in here and want to geocache. You are punishing a whole bunch of people. Mr. Kern said you've heard the discussion many times. Ms. Brown said is your job to make it a place you want it to be or is it to find balance for all residents?

Mr. Kern said people elected each one of us and they think we'll be representing them. His views are going to be some of your views, some of his views, and some of his views. What he decides isn't going to please everyone all the time. Ms. Brown said everybody has to have a fair share and you are taking away from those who have done nothing wrong. It's what you want. She heard many residents up here complaining about the 100 feet. Then she hears the motorcycle club come in and they get what they want. Mr. Kern said that's life, that's the way it goes, and that's how the process goes. Ms. Brown said Council has made up their mind and there wasn't even a public meeting. She will be here to talk that night on May 21. It's about balance and this ordinance could be a lot fairer if you listened to what people are saying. She got a phone call that said over 100 residents who opposed this ordinance will be coming to the meeting because they will not be able to ride. Mrs. Yerger said what's your interpretation of what is the balance? Ms. Brown said right now you have four people on Council who do not like ATV's. Mrs. Yerger said what is a fair and balanced number? Ms. Brown said ten feet. That's all she can accommodate on her property. You guys came up with this number. Who is this person who came up with the 100 feet? Mr. Maxfield said do you want his name? He will give you the name after the meeting. Mrs. Yerger said his name will be in the minutes. They are public knowledge. Ms. Brown said she doesn't want to cause problems with her neighbor. Mr. Maxfield said what about hunting? Ms. Brown said she'd like to shoot bow and arrow on her property. It's unfair she's going to lose her right to ride. Mr. Kern said they haven't made up their minds yet. Ms. Brown said she's asking the township to be fair and to be balanced. You know what bothers her more – construction noise. She has to listen to it all day. She said you told her everybody has to give a little bit when that ordinance came up and it was voted down by this township that you weren't going to restrict construction noise. You have this ATV noise on one end and the construction noise on another end. Where's the fairness in this township? Mrs. Yerger said she doesn't have an ATV or construction problem in her area, so she has no influence on any kind of personal experience. We have to do what we think is best for the township. No matter how we look at it, with lots of .5 acres in size, there are inappropriate uses on those lots.

- Ms. Stephanie Brown said construction noise, she made two complaints about that. There is noise going on all the time since 2005. Why can nothing be done about it? Mr. Cahalan said he doesn't have any response and he doesn't have any response from the Police Department. She said Toll Brothers should know what time their workers can be working only to a certain time. It's been going on for four years now. No punishment ever goes.
- Ms. Brown said she's disappointed that we are getting no where with the 150th celebration of the bridge.

VIII. COUNCIL & STAFF REPORTS

A. TOWNSHIP MANAGER

- Mr. Cahalan said there is a draft letter to SEPTA. The Borough and Township and Upper Saucon met with their chief engineer and director of real estate on April 18. After about 2-1/2 years, we are moving forward with them towards some sort of agreement on the SEPTA line that runs through LST. It is an 8 mile stretch of rail bed that runs through Upper Saucon and Coopersburg Borough, Lower Saucon and Hellertown. What we would like to move forward with are discussions with SEPTA to conVert it into Rails to Trails. The letter read" As a follow up to the meeting that was held with you and Jeffrey Knueppel, SEPTA Chief Engineer, on April 18, 2008, in Upper Saucon Township, as you requested, LST, in conjunction with the municipalities of Upper Saucon Township and the Borough of Hellertown is herewith notifying you of its interest in initiating formal discussions with SEPTA with the goal of reaching a lease agreement with SEPTA covering the eight (8) mile section of the SEPTA Rail Right-of-Way that runs through each of these municipalities in Lehigh and Northampton Counties for the purpose of converting the right of way into a Rails-to-Trail project for use as a bicycle and pedestrian pathway. We understand that you will be forwarding us with copies of sample lease agreements that you reached with other municipalities in the state, following which the Solicitor for Lower

General Business Meeting
May 7, 2008

Saucon Township will prepare a draft lease agreement for review by all parties. In addition, we are also requesting that SEPTA issue Right-of-Way permits to the three municipalities so that our staff and consultants can begin inspecting the rail line to prepare recommendations for the Rails-to-Trails conversions. Thank you for your continued assistance with this project.” Mr. Cahalan said one of the things we did learn from them, which is positive, is they will retain in the lease agreement, the right to reversion if they want to come back in twenty years and say there is going to be a train here now. If that happens, the municipality does not have to pay to put the new rail bed in. That’s a real positive step forward. They would like to hold some meetings with the municipalities and with Representatives Beyer and Freeman to move the process forward and enlist their support for state funding. Mr. Kern said this is fantastic and something he’s dreamed of since living there. It would become a beautiful bike and walking trail. Mr. Cahalan said it does have the potential to be eight miles long and go into the City of Bethlehem.

MOTION BY: Mr. Kern moved for approval in sending this letter to SEPTA.

SECOND BY: Mr. Maxfield

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

ROLL CALL: 4-0 (Mrs. deLeon – Absent)

- Mr. Cahalan said the Quarry Lane parcel, we acquired that property for the purpose of razing the structure. They recently filed a tax exemption with the County and they were not able to get the tax exemption. Would you like to turn it into a park with the focus on the historic marker. If you’d like it sold, they offered it to the neighbor before, and they were not interested in it. Mr. Kern said he can’t see it being a park. Ms. Stern Goldstein said as a park it would be passive and they were looking into a no mow lawn mix as it would be problematic to even maintain it. It would be really low to no maintenance with a no- mow seed mix. They would have to eradicate what’s there now which would need to be maintained. With a historic marker there and the no mow mix, you could designate it as a historic parcel within the township and that would give you the tax exemption. Mrs. Yerger said in the long run it would be cost effective to do this. Ms. Stern Goldstein sent information on the no mow mix. Mr. Cahalan will send it to Council. They will get some recommendations.
- Mr. Cahalan said Se-Wy-Co Fire Company asked the township to do paving there. He asked Roger to go out and look at it. He indicated in addition to the paving there is other work that would have to be done, excavation of the current blacktop there and do a crushed stone base and it would cost the township some additional money for equipment and labor. He wants to know if the Council is comfortable doing this additional work? The fire company will pay for the paving material. He has to see if Roger can fit this in. Council said they are okay with this.
- Mr. Cahalan said we did get back two appraisals for the Dravec parcel for the DCNR grant application. We got appraisals from Indian Valley for \$3,300.00 and from Rosen. We do have a bill from Indian Valley for \$3,300.00.

MOTION BY: Mrs. Yerger moved for approval to pay Indian Valley \$3,300.00 for the appraisal.

SECOND BY: Mr. Horiszny

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

ROLL CALL: 4-0 (Mrs. deLeon – Absent)

- Mr. Cahalan said metal detectors in historic sites. There’s some concern with individuals locating potential historic artifacts and removing them. He provided Council with information. One was an article from the State of Texas and where they established some rules on the use of detectors. They say the states that allow metal detecting ask that the

collectors return anything of value to the state. Some restrict it to the summer months. Some don't allow it in sensitive areas. Jack gave Council a sample of some language you could consider adopting for a park ordinance prohibiting the removal of historic artifacts. It says "No person should damage, disturb or remove historic artifacts, historic features or other manmade objects from a park, without the express written permission of LST. For the purpose of these regulations, historic artifacts or any material remains, habitation, use or activity, include but are not limited to fence lines, walls, cellars, fire pits, trenches, tent platform's quarry or other manmade arrangement of materials or the trace thereof". Mr. Maxfield said can we work out a permit for doing this? Mr. Cahalan said we can do that. Mrs. Yerger said she's also seen that they put back the sod when they dig something up and replace it appropriately. Council said they would like Lutz Franklin and the Heller Homestead off limits to this.

- Mr. Cahalan said we still have two Iron Pigs tickets left. He wanted to know what to do with them. Council said donate the tickets to the fire companies, throw them in a lottery and let the fire company use them as a fundraiser so they will throw the names of the fire companies into a hat and pick a name out, but they have to use them as a fundraiser.

B. TOWNSHIP COUNCIL/JR. COUNCIL MEMBER

Mrs. Yerger

- She said the EAC reviewed the Girl Scout project for the interpretative signage at the Heller Homestead Nature Loop and the EAC made a recommendation to proceed with that. There was one request. She put her name on the front of the pamphlet and it was just the way she did it, it looks like she designed the nature loop. If you could put her name at a different place, and reword it somehow, that would be great. She did an excellent job on it.
- She said there's a RC&D Form – at the EAC last night, it was suggested that the township staff be the most appropriate to give the location of all the bridges, etc. Mr. Cahalan said they will take care of that.

Mr. Maxfield

- He said he received a phone call from an acquaintance wanting to know basically if we knew anybody here at the township who was interested in a barn that would be for sale that is being torn down. If anybody is interested, please let him know and he'll contact that person. Mrs. Yerger said there is a barn preservation organization in Upper Saucon. They might be interested. Mr. Maxfield said the barn may be coming from the Nazareth area.

Mr. Kern

- Nothing to report

Mrs. deLeon

- Absent

Mr. Horiszny:

- The Se-Wy-Co Open House is this Saturday from 9 AM to 1 PM.

C. SOLICITOR

- Absent

D. ENGINEER

- Nothing to report

E. PLANNER

- Ms. Stern Goldstein has an update on Polk Valley Park. Last week on Thursday, Rick Tralies went to the nursery where LandTech Enterprises had tagged all the plant material.

**General Business Meeting
May 7, 2008**

They accepted all but two species. They are looking for some other plants and it is looking real good. Mr. Cahalan asked Mr. Kocher to explain the issues with the pervious pavement at the park. Mr. Kocher said the grading in the pathways are not necessarily conducive to pervious pavement. They would have done a little more soil testing and put more leveling in the pathways just to make the pervious work better. When the water goes down through the pervious, it goes down to the stone. You want to encourage it in flat areas. The north-south pathways we are going to try to have underground storage areas and fill them with larger stones so that when water goes down, it will drop down into the large chambers and that's how they will try to make the pervious pavements work. They are trying to fit the pervious pavements into the park. He's afraid at the bottom of the hill, they might have water coming out of the pavement. They've done the best with working with Roger to make sure that doesn't happen.

IX. ADJOURNMENT

MOTION BY: Mr. Horiszny moved to adjourn. The time was 9:07 PM.

SECOND BY: Mr. Maxfield

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

ROLL CALL: 4-0 (Mrs. deLeon – Absent)

Submitted by:

Mr. Jack Cahalan
Township Manager

Glenn Kern
President of Council