

I. OPENING

CALL TO ORDER: The General Business & Developer meeting of Lower Saucon Township Council was called to order on Wednesday, May 16, 2007 at 7:15 P.M., at 3700 Old Philadelphia Pike, Bethlehem, PA, with Mr. Glenn Kern, Council President, presiding.

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

PLEDGE OF ALLEGIANCE

ANNOUNCEMENT OF ANY EXECUTIVE SESSION (IF APPLICABLE)

Mr. Kern said Council met in Executive Session to discuss potential land acquisition and the Jennifer Wyatt litigation.

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. PRESENTATION BY CHRIS KOTCH FROM BARRY ISETT & ASSOCIATES REGARDING THE SAUCON VALLEY COMPOST CENTER

Mr. Kern said Chris Kotch from Barry Isett & Associates has been working on preparing the base plan, a site restrictions study, and the permit application to DEP for the opening of the Joint Compost Center at 2011 Springtown Hill Road. He is here tonight to provide Council with a brief overview of the compost center which is due to open this month.

Mr. Chris Kotch was present. Mr. Kotch said the purpose of the compost center is to provide residents of LST and Hellertown, a suitable place to bring their yard waste, to a facility in their area. The other purpose is to keep that material recycled and out of the landfills which has been causing problems the last few years. The team is a joint venture between LST and Hellertown and involves everybody including the Council and Public Works. The site is a large site. For the time being, they will eliminate operations to about two acres, but through their DEP permit, they’ve listed it as five acres so they can expand without having to get another permit. The site before, was cut up a little bit. There was only a one lane access road, not really the best place to have residents with vehicles come up. Since work has been done, a two lane road has been installed into the

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facility. There's gates, signage, fences, and the access road consists of a material called crushed crude, which is recycled concrete. It has been rolled and compacted. It provides a safe way for two lanes to come in and out of the facility. There's a trailer when you come in where residents will check in. They'll be checked to make sure they are a resident of LST or Hellertown and their load will be inspected to make sure it's free of any debris that isn't suitable for composting. They'll be directed to go into the drop off area. Once they are unloaded, they will leave the facility. Days and hours when residents are not there, the material will be ground, turned and put into an area where it will cure, and then it will become compost. Right now, they'll just start out with a front end loader. Then later, they'll be looking into renting a grinder. After a year, they will look for a grant with DEP that will help them get additional equipment which would be a large scale grinder, sorter machine to turning rows more effectively than a front end loader, and other equipment that might be needed. The land is permitted to be up to five acres which will help in the future for growth. Over the last few months, they've worked from ground zero to get this up and running. Monday they received word from DEP that the facility has been approved. When he spoke yesterday with DEP, LST and Hellertown, they were actually talking about a soft opening this weekend if they can get the manpower. They are up and running and ready to go.

Mr. Kern said he thinks it's a great use for that particular parcel. Mr. Kotch said in order to design the facility the way they thought it would operate the most effectively, they visited many sites including Bethlehem and Upper Saucon. Bethlehem has offered their assistance in the future whether it be grants or any questions we may have. This is a living plan, both the site plan and the operations plan. The proposed hours of operation are 9:00 AM to 1:00 PM on Friday and Saturday from April to November. It'll be closed from Sunday through Thursday during the season, December 1 through March 31. They will open it up in January to accept Christmas trees on Saturday's from 9 AM to 1 PM. It will require a chipper. Grass and stumps will not be accepted. Under DEP, they could accept grass, but it's more difficult, so they'll hold off on that.

Mrs. Yerger asked if they are going to do any publicity so people know the rules and regulations. Mr. Kotch said they are going to do some public education. They will work to get things in the newspaper.

Mr. Maxfield said you mentioned DEP grants in the future for future equipment purchases. Who would be the entity that would be applying for those grants? Mr. Kotch said the entity would be jointly LST and Hellertown with assistance of Joe Hoffman of Barry Isett Assoc., who does grants. Tom Marshall from Bethlehem has volunteered to help us review or assist with the grant preparation. Bethlehem has received over \$1 million at their site already. Mr. Cahalan said Solicitor Treadwell and Solicitor Corriere from Hellertown will be working with them also and with any types of funding. That will be coming to Council shortly.

Mrs. deLeon said this hasn't come to Council for a site plan approval? We're developing a piece of land and this is a great concept, but we are changing the site and allowing the use to happen on this site and it hasn't gone through the channels. Mr. Kocher said all because there is no building construction, it's not a land development plan. As far as Council would see a land development plan, it doesn't have to be approved as land development. It doesn't fall under the grading ordinance because a public entity did the road construction, so it gets exempt from the grading ordinance. Mrs. deLeon said if her neighbor put up a building and a fence, she'd wonder why he wasn't getting a permit or a site plan approval. Mr. Kocher said he's not suggesting that joint entity doesn't need a permit, but he doesn't know if it's a permit that Council issues. Mrs. deLeon said she might have said the wrong words. To her, it's a site plan approval. Mr. Kern said the engineer just said it's not a site plan approval because there are no building structures. Mr. Kocher said it's not a land development plan. Attorney Treadwell said it doesn't meet the definition of land development under the MPC and it doesn't need to go through the township for the grading ordinance because a municipal entity actually built the road. If Council wants to see a plan, he's sure we can pay somebody to come up with a plan. Mrs. deLeon said she doesn't want to incur any

additional expenses, she just wants to make sure everybody is treated the same. Mr. Kern said, "and they are". Mr. Kocher said all the approvals that were needed, the Zoning Officer had the ability to grant that.

Mr. Kotch said next year at this time, there should be compost. With the amount of residents we have in LST and Hellertown, we should be able to utilize all of the compost. The Morning Call reporter, Charlie Sands, asked about the traffic with Meadows Road. Mr. Cahalan said they will have to take a look at that. Mr. Kotch said in future years, he doesn't know if Hellertown will pick up for their residents anymore.

Steve Keifer asked about the chipper that the township owns? Mr. Kotch said it was just terminology on his part that he used the word chipper, but actually they are going to be renting something like a vertical tub grinder, a much larger scale.

B. RESOLUTION 42-2007 – PROCLAMATION SUPPORTING THE AMERICAN CANCER SOCIETY RELAY FOR LIFE

Mr. Kern said Resolution 42-2007 has been prepared supporting the American Cancer Society's Relay for Life to be held June 1, 2007.

**RESOLUTION #42-2007
PROCLAMATION SUPPORTING THE AMERICAN CANCER SOCIETY'S RELAY FOR LIFE**

WHEREAS, the American Cancer Society is holding their annual Relay for Life and 2007 marks the 14th year of this successful event and the 6th year at the Saucon Valley High School; and

WHEREAS, the Relay for Life is a 24 hour walk/run event involving teams of 10 – 12 members who will keep at least one team member on the track for a scheduled period of time; and

WHEREAS, the Relay for Life will be held at the Saucon Valley High School Stadium beginning June 1st at 4:00 p.m. until June 2nd at 4:00 p.m.; and

WHEREAS, The American Cancer Society is a voluntary community based health organization in Pennsylvania dedicated to eliminating cancer as a major health problem; and

WHEREAS, The Relay for Life is a community affair held throughout the state of Pennsylvania which presents an opportunity to dust off our camping gear, slip on our walking shoes and network with business associates, family and friends; and

WHEREAS, the Council of Lower Saucon Township does hereby proclaim the weekend of June 1st as Relay for Life weekend and asks the community to support and encourages participation in the American Cancer Society's Relay for Life.

NOW, THEREFORE, the Council of Lower Saucon Township, Glenn Kern, President; Tom Maxfield, Vice President; Priscilla deLeon; Ron Horiszny; and Sandra Yerger do hereby encourage and support this worthwhile event.

Cathy Leibensperger, Event Co-Chair and Stephanie Schmoyer, Event Chair were present. Mr. Kern read the resolution:

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Ms. Schmoyer said they would like to invite everyone here to the Relay for Life. Opening ceremonies will be at 6:00 PM on June 1. They worked long and hard for this. Cathy and herself have been in this for ten years. It's an amazing event and an amazing organization, and it helps a lot of people.

MOTION BY: Mr. Maxfield moved for approval of Resolution 42-2007.

SECOND BY: Mrs. deLeon

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

ROLL CALL: 5-0

IV. DEVELOPER ITEMS

A. ZONING HEARING BOARD VARIANCES

1. ROBERT & DEBBIE BERGER – 1872 VIOLA LANE – REQUEST VARIANCE FROM IMPERVIOUS COVERAGE AND SETBACKS TO INSTALL POOL

Mr. Kern said the applicant is requesting a variance of setbacks and impervious coverage to install a pool. They were previously before Council and at that time were going to try to revise their design so that they would not need any variances. They did try to revise their application, however, it appears they will still need variances and they would like to discuss their options with Council.

Robert and Debbie Berger were present. Ms. Berger said they took Council's suggestion and brought it back to Chris and Chris said they needed to revise it, so that's what she did. She gave Chris two options tonight. Mrs. Yerger said it definitely looks like they've gotten out of the easement area. Mr. Berger said it's either one size pool or the other size pool. Mr. Maxfield said as Council we're obligated to pick the option with the least impact. Mr. Maxfield said he'd like to make a recommendation to the ZHB that we prefer Option 2. Attorney Treadwell said the question for the applicant is if Council agrees to Option 2, would that be their proposal to the ZHB? Ms. Berger said that's fine.

Council took no position if they go in with Option 2.

2. GARY & LISA LEDICH – 2158 WASSERGASS ROAD – REQUEST VARIANCE FROM SIDE YARD SETBACK AND IMPERVIOUS COVERAGE TO CONSTRUCT A POLE BUILDING AND ADDITION TO HOUSE

Mr. Kern said the applicant is requesting a variance to encroach 25' into the side yard to construct a 20x28' pole building. They are also requesting to encroach approximately 9' into the side yard to construct an addition to the home and they are requesting relief of 1.1% of impervious coverage.

Gary Leidich was present. Mr. Leidich said he's looking at a three phase or three different reliefs. He needs a relief on the east side of the property. He currently has an existing 15x19 building that's approximately five feet off the side yard. He wants to tear that down and replace it with a 20x28 building. On the west side, they have a side porch that's approximately 21 feet from the side yard setback and they want to extend that about a foot or so and enclose a portion of it and the third piece is the impervious coverage. They are looking for relief from that to extend the NW side of the front porch which would also take that end of the structure approximately 20 feet from the west side as well as in the back of the house between the kitchen addition and the deck, there's a 12 x 20 section of grass where he would like to extend the garage underneath the ground, so he's asking for relief for the impervious as well.

Mr. Horiszny asked why they couldn't move the new pole building farther off the line? Mr. Leidich said going in farther off the line, his well is there and his septic drain field is there. It would also, from an aesthetic point of view, be between the house and the swimming pool.

Mr. Maxfield asked what the general position was for making a non-conformity more non-conforming. Mr. Kocher said he's not sure, at least from the sketch on there, it looks like they are expanding along the area that is non-conforming. They are not proposing to get any closer to the property. Mr. Maxfield said the fact that it's larger doesn't make a difference? Ms. Stern Goldstein said if the non-conformity is relating to a setback, as long as you don't encroach farther into that setback than the original non-conformity, you're not expanding it. But to make it larger along the existing line, it's not considered an expansion. If it were a use we're talking about, that would be a different thing. For a setback, as long as you don't go farther into the setback from the existing line, you are fine.

Council took no position.

B. HIDDEN MEADOWS – LOWER SAUCON ROAD – PRELIMINARY PLAN APPROVAL

Mr. Kern said the developer is proposing to subdivide the site into five new lots consisting of single family detached cluster dwellings on Lower Saucon Road.

Present: Robert Kostival, owner; Michael Waldron, Ott Consulting; and Paul Dreyer, owner.

Mr. Waldron said this is the old Mease farm. The last time they were here, they were talking about the minor subdivision that separated the existing farm house along the existing road which enabled the Chernaskey's to move into that property and utilize the existing farmhouse. They are here with the rest of the development which is the development of five lots and a cul-de-sac off of Lower Saucon Road. They've gone back to the PC and they've had staff and consultant reviews since the PC meeting to clean up any technical items.

Mr. Kern said going over the HEA letter of May 8, 2007, it looks pretty clean. Mrs. deLeon asked what are the comments from the Fire Chief. Mr. Kocher said our Chief wanted to see a water holding tank and the ordinance doesn't require that they put the water holding tank in. The applicant did consider it, but felt for five lots, it's in a rural area. Mr. Waldron said when they reviewed the plans earlier, they had recommended water tanks just for developments for different kinds. He understands the idea behind it, but there are no public water facilities out there at all. It isn't a commercial facility that would own and maintain such a system, so he does have concerns about ownership, maintenance, liability if it has contaminated water, etc. It's been proposed for other residential projects of a similar size and he doesn't see how a project this size could support even maintaining a fire system as was proposed by the Fire Chief at the time. Mrs. deLeon said she's very supportive of the Fire companies recommendations, so she's a little concerned. How do we handle this in other subdivisions? Mr. Kocher said the only other one he's aware of is Long Ridge and that has an association that can actually maintain it. We don't want to have a water tank, depending on good service, get there and it's not in good service. Mr. Kern said how would the fire company normally handle it without a holding tank? Attorney Treadwell said they'd take a tanker truck.

Scott Keifer, from Southeastern Fire Company said it would make more sense to have the tank. It's just obvious that the tanker they have at their station has 3,000 gallons of water. If you put a tank in that has 20,000 gallons of water, do the math. By the time our tanker gets there and dumps the water, they need to go and refill again somewhere else. By the time they go and get other companies to come in with their tankers, it's just all time. Mr. Maxfield asked if that was what was suggested...a 20,000 gallon tank? Mr. Keifer said that was just a number he pulled out of the air.

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He doesn't know what they put up on the new development on Bergstresser. He doesn't know what size tanks those are. They had talked about putting the tanks in up there. Mr. Cahalan said they are 10,000 gallons. Mr. Keifer said his recommendation would be to do the same thing. Five homes are five homes and there are families in those homes.

Ms. Yerger said do you see any issues with the maintenance of it as far as having it there? Mr. Keifer said with the new one in they put up there, they went up and looked at it, so they would go and check it, but they wouldn't keep up with the maintenance, but would make sure that no one has vandalized anything and they can still get access to it. Mr. Waldron said he hasn't seen a subdivision who has used such a system. For five houses, he can't see how it's warranted. Mrs. deLeon said are you willing to put on the plan notes that you are refusing to put the water tank in that the fire company requested?

Mr. Maxfield said if he's not mistaken, on the far side of that property, isn't there a large pond? Mr. Waldron said there are wetland areas all around it on the next property, further south of Pond Lane. It butts up to Keffalion Estates. Would water sources like that be useable? Mr. Keifer said they would be useable, but again, you'd be back to having that tanker from that site to go refill and come back again and that's more time. Mr. Waldron said on the aerial plan which is drawing 2.2, there is a pond, which is two properties away and right next to the road. As far as rural developments, that's typically how fire protection has been. Mrs. deLeon asked when the time limit expires? Attorney Treadwell said July 5, 2007. Mrs. deLeon said you still have time. Can you go back and think about this and come back to us with a proposal so you can keep the fire companies happy? Mr. Waldron said he is they are asking for a tank underground. He doesn't see how they can support that putting it on the plan. Mrs. deLeon is uncomfortable with that as the fire company had a legitimate request ~~plan~~. Mrs. Yerger said her questions is how does it differ from a single unit when you are fighting fire and you are pumping the water and you run out, then what happens? Mr. Keifer said there is a difference because the single unit you are talking about is probably one of the houses that has been in that township for a while and hasn't had the option such as to put this tank in to better protect the facilities that are in that area. Mrs. Yerger said we don't require single units. Where's the cutoff? Mrs. deLeon said at the Fire committee meetings, they have been trying to implement something like this. It would be more sellable as there are no fire hydrants out there, no public water. The people moving from the city to the rural, they want to make sure their houses are protected. Here we have a letter in the file from the Fire Company saying they recommend underground tanks. Mr. Waldron said they had a similar letter with other projects that they represented that were very close to this location, down the road, and it's basically the same thing. Mr. Maxfield said could we possibly, since this is an issue that hasn't been fully explored yet, table this, have the applicant meet with Staff and work out the details and figure out what we have to do, so we can move onto the other issues. Mrs. deLeon said that's why she asked about the time limit on this. Mr. Maxfield said he would like if they came back to staff and talked about possibilities to solve this problem. Mr. Keifer said he'd get Mikey involved. Mrs. deLeon said she would like to support the fire companies. Mrs. Yerger said it's not a matter of supporting the fire companies, it's a matter of setting policy now as we move forward. We need to have something in place. Mr. Kern said he'd like to hear from the Fire Chief more specifically on this issue. Mr. Maxfield said they need to come in and sit with Staff.

Mr. Kocher said No. 4, they are asking for showing existing features within 500 feet of the site. They have shown the ones the PC thought were required. No. 9, they need DEP approval of a module. No. 13, erosion control approval. No. 14, they are asking for a waiver of road frontage improvements other than the storm water improvements, and landscaping along Lower Saucon Road which they agreed to put that they've gone over with Staff and the Planning Commission. No. 22, they would like a waiver from the proposed intersection of Hidden Court with Lower Saucon, which is within 400 feet of the intersection of Pond Road. Mrs. Yerger said you are okay with that? Mr. Kocher said yes, Pond isn't even a public road. No. 26 is the rec fee. No. 27 they would like a waiver to go down from 28 feet to 22 feet on the road with to decrease impervious

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cover. No. 28 is a waiver to allow plastic storm sewer pipe. No. 29 they want a waiver from showing existing trees on the condition that the plans show the trees proposed to be removed.

Mrs. deLeon said No. 4, it says the PC has recommended a waiver about the 500 feet. We talked about those ponds, are they outside or within the 500 feet? Mr. Kocher said it's actually shown on one of the plans. Mr. Waldron said they showed it on the aerial photograph plan. It had to do with contouring. Mrs. deLeon said would the waiver include or exclude the ponds? Mr. Kocher said the ponds are shown on the plans. Mr. Maxfield said the PC is recommending acceptance of the aerial rather than a full blown drawn out 500 foot off the edges of the site.

Mr. Kern said moving on to the Boucher & James letter. Ms. Stern Goldstein said their letter basically includes things that are decisions that Council needs to make. The first one was listed also in the waiver issue, reduction of the roadway width from 28 feet to a lesser width. Item B has three under items all dealing with the disposition of the open space in accordance with the Zoning Board. As part of the minor subdivision, it's already been approved and the open space is going to be deed restricted with a conservation easement. On their plans, other than showing that the land is being offered for dedication, they are showing it's going to be deed restricted and owned by the individual homeowners on this lot. It's a formality that Council needs to accept that again. It just can't be as it is in the plan because it's an issue. Those three are all tied up in Item B...the location of the open space, the ownership and maintenance of it, and they have to have a note on the plan how it's going to be owned and maintained. The last item C deals with the fee in lieu of recreation, which is also at your discretion. You have to make decisions on these. Mrs. deLeon said the first two bullets in the letter, she has issues with. No. A, you talk about the road way, is that a cul-de-sac? Ms. Stern Goldstein said yes, it is. Mrs. deLeon said the fire company again, we have a road that is 22 feet, is that going to be a problem getting fire trucks up to the cul-de-sac which is about 500 feet. You have a small road, and we have fire trucks with pumpers that need to go back and forth. Mr. Waldron said the main road has been narrowed to 22 feet, but the radius of the cul-de-sac itself is 45 feet. Mrs. deLeon said if you've ever been on a fire scene, it's a little hectic and there are trucks everywhere. You need to take the truck down the road and bring them back up. Mr. Waldron said the pavement width was reduced to the 22 feet at the recommendation of the PC. Mrs. deLeon said she understands that, but right now when we were talking fire issues, that's why we have these public meetings so we can all think about it. Ms. Stern Goldstein said since they need to come back anyway to deal with the fire issues, would it be appropriate to have them come back to show us how the trucks would maneuver around through and back and forth in the cul-de-sac. Mr. Keifer said that would be fine, but if there's a tank down there which could help tremendously, than to try and get all those trucks down there to get them the water and try to turn around and get them back out again, it would be more sufficient and the people who own the house to have those tanks. He asked Mrs. deLeon to speak with Mikey and he'll also speak with Mikey about the road width.

Mr. Maxfield said the road width was the recommendation of both the EAC and the PC for a reason...to reduce impervious coverage and to reduce tree removal. The applicant only responded to our recommendations. This is why he's been saying for a year now that you need to address the fire companies and talk about equipment that will fit on roads that we have been proposing for the last year. There's going to be more and more 22 foot roads, 18 foot roads. If that's a problem, then we need to adjust. We should not compromise impervious surface. Mrs. Yerger said it's an issue they are already dealing with. We have all these long private lanes. That has to be taken into consideration already, so you guys are dealing with it and doing a great job with it. We have to balance this out. Mr. Maxfield said we do not need in a rural area, giant roads. We need thinner roads to reduce impervious coverage and to maintain the neighborhood specifics and let's have equipment that works on those roads. Mrs. deLeon said she just wanted to make sure the existing equipment the fire companies have will be adequate for them to fight a fire in this community. Mr. Maxfield said we've been saying 22 foot roads for a year now, and we haven't had objections from the fire companies until now. Even in Long Ridge, it was proposed that these swales and any

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construction on the sides of the roads to be moved out further so, if need be, the trucks can go over the sides of the road and drive up the impacted soil. Let's get our mission straight here. Let's not work in cross directions. Mrs. deLeon said this is a public meeting, and there happens to be firemen here tonight and she was just simply asking a question.

Mrs. deLeon asked what are we going to do about the open space? Mr. Kern said what is Council's desire regarding the open space and the money in lieu of? Mrs. deLeon said she doesn't have a problem with a fee in lieu of. Ms. Stern Goldstein said ownership is the first question and maintenance and every thing else follows through after the ownership decision. It's 13.3 acres of open space. On the farm house side, it is preserved in the conservation easement. There's a small corner that is in an existing PPL easement and can't be counted as part of the open space. To accommodate that, they propose the deed restricted open space. If we were after consistency, we would have them deed restricted as a proposal in the plans if you're after deed restricting. Attorney Treadwell said he doesn't think you want to own it outright. You just want an easement. Mrs. Yerger said that's fine. We don't need a conservation easement, a deed restriction is fine. Ms. Stern Goldstein said they agreed to that as part of the minor subdivision. Mrs. Yerger said okay. Attorney Treadwell said the only other issue is the rec fee in lieu of. Mrs. Yerger said the rec fee is fine. Attorney Treadwell said Brien went through all the waivers, and they were pretty clean.

Mr. Kern said the next step is regarding the fire holding tanks and the cart way width, which as Tom said, it's been longer than a year that the PC has been trying to promote the narrow cart way width. Mr. Maxfield said it's nothing new.

- MOTION BY:** Mr. Maxfield moved to table this with direction to the applicant that they meet with the staff about the fire issues.
- 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

Mrs. deLeon would like to know the date of the meeting as she'd like to attend. Mr. Maxfield said he just made a motion to meet with staff. He didn't make a motion to meet with Council. Mrs. deLeon said she'd like to make a motion.

- MOTION BY:** Mrs. deLeon moved to make a motion to attend that meeting.

Mr. Maxfield said we are going to have staff, fire people recommendations, how does the rest of Council feel about that. Mrs. deLeon said there's a motion on the floor, please entertain that motion. Mr. Kern said is there a second? Mr. Waldron said as an advocate, they would not object to having any staff members at the meeting. Mr. Maxfield said we're just trying to streamline the process for you. Mrs. deLeon said since Council does not support this, they do not support another Council person to attend this? Mr. Kern said if the motion was for any Council member could attend. Mrs. deLeon said she'll change her motion to any Council member. She'd like to be there. There have been other Council people that have attended other development meetings and she's never been asked and never had a problem and now there's a problem in her attending. Attorney Treadwell said he can't have more than two Council members. Tell them to come back at the next public meeting and bring the Fire Chief and we'll do it all in public. Mrs. deLeon said then we are setting a precedent. Attorney Treadwell said no, we're not. Mrs. deLeon said okay, we set a precedent tonight. Attorney Treadwell said no, we didn't because there's not a motion that's been passed yet. Mrs. deLeon said the public knows. Mrs. Yerger said she has no idea of what anyone is talking about. Mr. Waldron said it seems the tanks would be a requirement for any development that would be installed in the township then. Mr. Kern said that was a concern to him. That would be setting a precedent that he wouldn't agree with. Attorney Treadwell said first of all, we don't have an ordinance that requires it. We can't force you to do it. The question Mrs. deLeon had, will

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you sit down with the staff and discuss is there's some way to do it? Mr. Kostival said there's a way to do it, it's a cost to the project and they've been on the project a long time and have really done a lot of requirements with the conservation easement and a lot of other technical requirements on this project for a five lot subdivision that have been a financial hardship to us. Now we're talking about another requirement and he doesn't know if it's happening elsewhere, but if one development has to do it, then they all have to do it. Mrs. Yerger said exactly. Mr. Kostival said it needs to be looked at globally and there has to be legitimate requirements for what makes sense. There's a lot of homes in the township that don't have these tanks and are worse off than this development would be. Mr. Maxfield said that's why his direction to them was to sit down and talk to staff. It wasn't to sit down and accept the tank. You make your arguments with Staff. They have the professional input they need to discuss and come up with some sort of decision. Mrs. deLeon said it's not unusual for Council to ask a developer to do something beyond the regulations. It happens all the time. If we have to keep asking from this point forward, then she will do that. She has always supported what the fire company has asked. Mrs. Yerger said this is the first time it's been requested. She's trying to figure out when the policy shifted. Mr. Maxfield said it was requested once with Long Ridge and they agreed. We have no policy in place. Mr. Waldron said it was also required with a development down the road called Penn's View Estate. Mrs. Yerger said we need to establish a policy.

SECOND BY: Motion failed. No second.

Mrs. deLeon said she was glad we had a room full of people attending to hear this discussion because she feels that if she told anyone, no one would believe a Council member would not be able to attend a staff meeting regarding an issue Council was voting on.. She was disappointed council did not support her motion.

ROLL CALL:

C. SAUCON VALLEY SCHOOL DISTRICT – REQUEST EXTENSION TO COMPLETE IMPROVEMENTS

Mr. Kern said the developer has requested an extension to complete the improvements associated with their land development.

No one was present representing the school district. Mr. Cahalan said they need an extension and are requesting Council to take action based on the statement that is forthcoming. Mr. Kocher said the only outstanding item is the curb and sidewalk along Polk Valley Road. Mr. Cahalan said they are working with them on that and the alternate plan of the footbridge.

MOTION BY: Mr. Horiszny moved to approve request extension to complete improvements for a year.

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

V. TOWNSHIP BUSINESS ITEMS

A. GERALDINE DESANTIS – REQUEST VACATION OF A PORTION OF LEWIS AVENUE IN STEEL CITY

Mr. Kern said the applicant has received a parcel of land through her family's estate and would like to request that Council consider vacating a portion of Lewis Avenue for the purpose of meeting setback requirements to install a septic system.

Attorney Treadwell said this is his mother-in-law, so he's not going to participate in this discussion at all. She is not here though.

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Mr. Kocher said they have no objections. Mr. Davidson said because Steel City has not had a public sewer system designed as of yet, they have typically requested that these easements be preserved so that if they decide they are going to go down one of these streets, as it were for the public good, that's preserved going forward; so they are looking for a 20 foot utility easement or a 30 foot construction easement. They pretty much consistently do this in Steel City as they've never took the full engineering design of it. Mr. Maxfield said would there be enough space there to construct a septic system they need? Mr. Davidson said he has not looked at this specific request in regard to that. Mr. Maxfield said is there enough space left there to consider an easement and take care of the septic problems? Mr. Kocher said they've done their testing for the septic systems and everything passed. They can look at that to see if the Authority retains an easement, if they still have the setback. It hasn't been designed yet. Mr. Maxfield said it's simply to address the setback problem, the septic system is contained on the site. Mr. Kocher said yes, to make it a useable lot. Mr. Maxfield said they don't need any of Lewis Avenue to make the septic system work other than for setbacks. Mr. Kocher said that's correct. Mr. Davidson said if they had an urgent septic system that needed to be resolved, our issue is much further in the future, they would certainly work with the township on it. They would like to preserve that easement if at all possible.

Mr. Cahalan said they'll bring it back and get an escrow and work on it. Mrs. Yerger said there's no applicant here, so she doesn't know if we can accomplish that. Mr. Kern said it would be a conditional ordinance. Mr. Maxfield said are the other property owners okay with acquiring additional property? Mr. Kocher said they are asking for half. When you vacate the road it doesn't necessarily automatically go to the property owner. There's another step they need to do to claim that. You'd just be doing the ordinance to vacate.

- MOTION BY:** Mr. Maxfield moved to authorize Staff to go through the process and prepare the ordinance and advertise it.
- SECOND BY:** Mr. Kern
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.
- ROLL CALL:** 4-0-1 (Mrs. deLeon – Abstained)

B. REVIEW OF AGREEMENT TO LEASE OFFICE SPACE IN SEIDERSVILLE HALL

Mr. Kern said several outside organizations are utilizing or have requested the use of office space in Seidersville Hall. In order to be consistent with the rental of this space, we have prepared a lease agreement that would address any costs associated with renting space.

Mr. Cahalan said this was brought to Council some time back. It was a suggested document that they were saying they would ask outside agencies to fill the lease out. What it takes into consideration are there are some minimal costs that the township is incurring for the space such as telephone service and internet access. They suggested they charge them \$25 per month to recoup those costs. They gave this information to the Historical Society and they discussed it and Lorraine Torella said they are okay with the monthly charge of \$25.

Mrs. deLeon said the draft we looked at a few months ago, were there any changes? Mr. Cahalan said the only thing is on Article V where they had the services, utilities and furnishings, they added the sentence "landlord shall provide telephone service and internet access for the premises at a monthly charge of \$25 billed to tenant on a quarterly basis". Mrs. deLeon said what about Article IV where it says rent should be _____ per year. Mr. Cahalan said they didn't recommend that there be a rental payment to Council. That can be struck from there or filled in. Mr. Cahalan said there are general expenses for the building, but the large part of that building is used by the SV Community Center for the Sr. activities which they subsidize. We're talking about a smaller portion of office space used by the Historical Society. We tried to come up with a cost that we could actually say is attributed to each of the areas which was the telephone and the internet access.

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Mrs. deLeon said if we had negotiated with our cable company this would have been a free charge. She doesn't have an issue with the Historical Society as they are part of the township, but she isn't sure how this would apply to non-township related groups. What would be the amount for that? Mr. Cahalan said it would be the same amount. It would be up to Council if a group approached the township and said they wanted to utilize space. Attorney Treadwell said Council would still have to approve it on a case-by-case basis. Mrs. deLeon said if she votes to approve this, it will be \$25 regardless of the group. Mr. Cahalan said he's not saying that. What we did here was we did it for the Historical Society and they are comfortable with the \$25. Mrs. deLeon said this is only for the Historical Society? Mr. Cahalan said we can make it for that. Attorney Treadwell said or you could just take the \$25 out and leave it blank like we have in the rental space. Mr. Cahalan said we can fix the document that it's an agreement between the township and the Historical Society.

Mr. Maxfield said he thought we were voting for was an overall agreement for usage of the building. Mr. Cahalan said that's what he was approaching and why he mentioned the \$25. Mrs. deLeon said we should leave the rent in there and just leave it blank as she doesn't charge the Historical Society rent, but it should be negotiated depending on who the user is. Attorney Treadwell said anybody would have to come back. Mrs. Yerger said we can approve this with the blank space as the basic lease form with the \$25, and then we can approve one for the Historical Society with a \$0.

MOTION BY: Mr. Kern moved to approve this document as the office lease document.

SECOND BY: Mr. Horiszny

Mr. Kern asked if anyone in the audience had any questions or comments? Mrs. deLeon said under Article X or XI, the insurance, the tenant would have to purchase another insurance policy. Mr. Cahalan said the township already has insurance. The Historical Society has that policy already for their personal property, not for the building. Mr. Maxfield asked why are we charging the Historical Society nothing? Mr. Kern said this is just to approve this as the lease document.

ROLL CALL: 5-0

Mr. Maxfield said the next is the approve this document as the use of the space by the Historical Society for \$25 per month for internet and phone access. Mr. Maxfield said he'll propose we charge \$25 for whoever is in there. Why do we have to differentiate between groups. They are all private groups. Attorney Treadwell said its \$25 now for everybody for the internet access. The question is do you want to charge rent to anybody? The issue is the Historical Society. Mr. Maxfield said doesn't the Conservancy pay rent? Mrs. deLeon said yes, \$10 a year and all the other utilities we have to pay for. Mr. Maxfield said we want to treat the Historical Society the same. Mrs. deLeon said we're not. The Historical Society has to pay all the utilities at the schoolhouse and the Conservancy has to pay all the utilities at the homestead. Anybody meeting at Seidersville Hall gets a good deal. The township's paying for all of that except for the internet. So let's be fair. Mr. Kern said he thinks the \$25 for the internet is fine and \$0 for rent.

MOTION BY: Mrs. Yerger moved to approve this lease agreement for the LS Historical Society in Seidersville Hall for \$25/month for Internet access and phone and \$0 for rent.

SECOND BY: Mrs. deLeon

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

ROLL CALL: 5-0

C. DRAFT AMENDMENT TO NUISANCE ORDINANCE REGARDING ATV ORDINANCE

Mr. Kern said Council has requested an amendment to our nuisance ordinance to limit the distance an ATV can be driven with regard to property lines. A draft amendment has been prepared for Council's review and authorization to advertise for a public hearing if they wish to proceed.

Mr. Kern said whenever Council does a draft ordinance, it is a draft ordinance and the purpose is to advertise it so we can get public input. Attorney Treadwell said it does say 150 yards right now, but that's the draft and it's up to Council to pick and choose what the distance should or should not be. No action will be taken on this tonight. The only question is should it be advertised like this so we can have a public hearing.

Mrs. deLeon said the current nuisance ordinance, under enumeration of nuisances, it says, "the following activities should be deemed to be a nuisance when based upon actual conditions in the township. They constitute a nuisance, in fact, and it should be unlawful and a violation of this chapter for any person to create such a nuisance in the township. It is understood that the listing of the following activities is in no way to be construed as a limitation on those activities which may be prohibited as nuisances and violations of this chapter pursuant to 112-4. C. The willful making or causing to be made any loud, boisterous or unseemly noise or disturbance as to disturb or annoy the peaceful public near to, upon any street, lane, alley, parks, where common or in any public building, public place, or business place or private building or private place within the township". So, why isn't that suitable for this? She's always trusted the nuisance ordinance to work, and if it doesn't work, then we have issues with the people enforcing it. We should have a right to enjoy your property. Why do we have to change it and it doesn't apply? In the past, people have complained if their neighbor is bothering them. Attorney Treadwell said it's an enforcement issue. We had this issue with Mr. Saruga with the firearms where the District Magistrate said our ordinance was not specified enough, so that's the purpose to make it specific as to ATV's, if Council wants to do it. Mrs. deLeon asked how many complaints we have had in the past regarding this?

Chief Lesser said they do receive numerous complaints involving the operation of ATV's for recreational purposes throughout the year. They receive them in numerous locations throughout the township, and for a variety of reasons. Some of those reasons, such as operating an ATV on private property of another without his permission or the operation on a public roadway, are addressed by regulations in the PA Vehicle Code and Crimes Code and officers are able to handle those types of complaints. Other complaints, such as a neighbor operating an ATV in close proximity of a residence or the annoying sound of an ATV to a particular individual are more challenging to address. Our ordinance is not specific, relative to that. That noise that can be extremely annoying to one individual is music to another. It's a challenge for our officers to enforce. They have responded to all these complaints and will respond to all these complaints. At times, officers have talked to neighbors and they've compromised with them. Attorney Treadwell said with this ordinance, whether it's 1,000 yards or a foot from the property line, would that make it easier for your officers to enforce? Chief Lesser said this ordinance would clearly make it easier. That's a considerable distance which covers a tremendous amount of area, so it would be very specific that the operation is a violation and it clearly would make it easier. Attorney Treadwell said whatever Council decides should be the distance, does it make sense for your officer's to actually have a distance they can measure from a property line to say okay you are inside or you are outside? Chief Lesser said on one hand, absolutely, that's specific and the area is defined. Relative to some of the complaints we received that involved the ongoing noise, to be more specific, an individual may hop on a dirt bike and ride that for one to four hours, and unless you're on that bike, it probably becomes extremely annoying. He contacted an owner of a motorcycle shop to talk about the muffling and what can be done to restrict the noise. The owner said you're talking about that annoying noise. A minute later he told Chief Lesser his wife had bought a Harley, so this is an

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individual who is into bikes and he described that it was an annoying noise. That's what the officers are dealing with, and it's a challenge to draft an ordinance to address that.

Mr. Kern said that the intent behind the ordinance is, very well put, that annoying noise. If there was a way to ride an ATV without that annoying noise, we would not even be talking about this tonight. Chief Lesser said all complaints received deal with the noise. It's an ongoing noise.

Mr. Maxfield said have you had complaints associated with hours of operation? Chief Lesser said no, they are primarily in the afternoon, early evening. Mr. Kern said the noise aspect of this, there are decibel reading meters to determine noise levels, is that something the police officers could use for noise enforcement? Chief Lesser said they purchased a decibel reader sometime ago. There is a section in the zoning ordinance that involves decibel. It's not an area than the PD would enforce, but they could certainly work with zoning to assist in this. Mr. Kern said it would become an enforcement issue because if the Zoning Officer went out and determined that the decibel level was above the appropriate level, who is then going to enforce it. Attorney Treadwell said it would be a zoning violation, but keep in mind, a lot of this occurs on the weekends and unless we're going to have Chris work weekends. Chief Lesser said that's what he referred to in working with Chris. Our officers are on 24-7 and they could obtain information and present it as evidence and work with Chris to enforce that.

Ms. Stern Goldstein said in no way is she an expert on ATV's, but she's had the rare opportunity of sitting through many, many discussions in other townships and from what she understands, it's not necessarily the decibel level of the noise itself because quite often the decibel level of the noise emitted from the ATV's on a regular basis does not exceed requirements. For instance, a chain saw, construction equipment, somebody doing weekend maintenance on their roof, often exceeds that of the ATV's. It's the continuousness of that sound and is just annoying. So please don't get caught up in the decibel levels because you could be there for years.

Mrs. deLeon said where did this 150 yards come from? Attorney Treadwell said it was just a number that was put in there. It's for your consideration. You can change it to one yard, you can change it to 1,000 yards. It's up to Council. Mrs. deLeon said if you had a snow mobile or motorcycle parked on a trailer in your driveway, and your house was on $\frac{1}{4}$ acre, it would be illegal for you to take your snow mobile off the trailer and put it in your garage to even work on it. You'd be violating the law. It's absurd. Mr. Maxfield said it does say there are exemptions for usage with agricultural or plowing snow or home, lawn garden maintenance for agricultural purposes. Mrs. deLeon said she doesn't see recreational purposes in there. Attorney Treadwell said no, it's not. Mrs. deLeon said it's unrealistic. Mr. Maxfield said he wouldn't really consider it recreation if you are pulling it off your trailer into your garage. That would be more of a maintenance issue and it wouldn't go on for two hours unless your garage was really far away.

Mr. Charlie Sands, residents, said when he mows his lawn, it takes him approximately two hours. His lawn mower is twice as loud as his ATV. What's the difference between riding his ATV and mowing his lawn? Mr. Maxfield said it's more of a droning type kind of noise, up and down noise. Mrs. Yerger said one or two complaints she received is not for your custom or standard ATV, it's the guys that start monkeying around with them and pull off mufflers as they like the loudness. That's part of the issue. Mr. Sands said his nine year old daughter rides them. They took her to safety courses and she's totally upset about this. He'd be breaking the law if the ordinance passed. Many youths, that's their thing and it's something we can do with them. Mr. Maxfield said the nuisance ordinance is complaint driven. If you have $\frac{3}{4}$ acre and your neighbors have never complained, you don't have a problem.

Mr. Steve Keifer, resident, said with the loud pipes, what if in two hours someone rides around his yard or motorcycles go by your house? Our township is big on sports and we love to support our kids that do our sports. A lot of kids, they like to race four wheelers, but that's the sport. How

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many complaints do you get from the guy who burns leaves just to get us mad at the football games. That's noise. Mr. Kern said if 100 motorcycles go by my house, he knows they are going by his house and not coming back. An ATV is continuous and the quality of the noise. Mr. Keifer said how many complaints do you get at night, we don't run them at night. You have to be courteous to your neighbor. They grew up with this way of life. If the people who moved in here are complaining, don't complain about our way of life.

Diane Keifer, resident, said the officer will have to come and cite her quite a bit as she uses the ATV for gardening, weeding, she's right next to the road. Write me up. They use it for hunting and when you come out of the woods, it's now dark to drive back. There are different types of ATV's. You are talking about ones with racing mufflers unlike what a Polaris 400. It is the same sound as a lawn mower, it's not any louder. You have the hill climb twice a year and they fly down Wassergass Road. Two days a year she has to deal with that. They have the courtesy when it's dark, the bike gets put away. She couldn't sit on a four wheeler and drive three or four hours, that's impossible. If it's a few choice people you have a problem with, then maybe those people need to be looked at. Chief Lesser said they'd be citing you. The ordinance is just a draft and nearly everything you indicated you do is listed in the exceptions in the current ordinance except for hunting. Relative to these types of violations, yes, the officers address it and give a warning. Repeated offenders, they issue citations. Most times they receive cooperation. Mrs. deLeon asked if the Hill Climb was grandfathered. That's a motorcycle club. Chief Lesser said what's occurred recently is that there is a younger group that enjoys dirt biking and they don't respect the neighbors and they ride for hours on a Saturday and hours on a Sunday and this is a new problem with the Hill Climb. Mrs. deLeon said it's a motorcycle club. Mr. Maxfield said what is the PD's response when they find a bike that's been altered? Chief Lesser said the vehicles are not inspected and not registered and not road worthy. Many aren't required to be inspected. The officer would issue a citation under the Nuisance ordinance. In many cases, from the officers experience, they are not altered.

Bill Kehs, resident, said it's okay for farm use. Our barn is far from their house, kids get on it and they are down to the barn. It looks like they are racing, but they are going down to feed the goats, feed the pigs. It seems difficult to him how you can separate all those different things. If you are a horticulturist and love flowers, but your neighbor is so allergic to them, that's sort of his problem. Those people with problems about the ATV need to move themselves into a deed restricted area. Mrs. Yerger said your kids go back and forth, maybe twenty minutes, is what she's hearing, it's the longevity in one spot. That doesn't sound like it's your scenario. Mr. Kehs said he has six kids, five are boys and they have a couple of dirt bikes. The past fourteen years he hasn't had any problems with any neighbors. Their ATV's are not loud. They have 24 acres and the 150 foot setback would eliminate him from riding anywhere on his property because they are not 900 feet across. His neighbor is a nurse and he has respect and doesn't ride his ATV's while she is sleeping. It has to be worked out between the two of you. If you don't exercise courtesy to the neighbors, spend \$100 and get a quieter pipe. You can't blanket the entire township.

Shanna Hill, twelve year old, said she grew up on four wheelers. What everybody is referring to is ATV's are different than racing wheelers. Racing wheelers are ten times louder than ATV's. They ride but are not out at twelve at night. When they are riding, they have courtesy for their neighbors. If they would come over and ask them to be quiet, they would have courtesy to that. There's no one in their neighborhood that has a racing ATV. They usually go to the Pocono's to do that. Most people use it for gardening, or if you're lazy and don't want to take out the trash. A racing wheeler, you can make it louder. The regular ATV's are just quiet. They don't bother anybody. They have neighbors who hate them and will call the cops to just get them in trouble. Mrs. Yerger said there are motorized dirt bikes too, are we having an issue with them as much as the ATV's? Are they louder? Chief Lesser said he's not an expert in this area, but did a little research. His understanding is that from the manufacturer they are well in excess of 90 to 100 decibels. It's the issue of length of time and alternating levels. When our officers go on a call, they will complete a

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report, but don't list specifics about the vehicle. They may receive more complaints from a dirt bike than with a four wheeler. Chief Lesser said they are not opposed to recreational vehicles. No one in authority is in opposition or attempting to ban recreational vehicles. There is somewhat of a problem. When people resolve issues, that's exciting. That's not the way it is throughout the township. It is an oscillating sound and can be irritating. It's a legitimate issue with people. Mrs. deLeon said have you cited people for this nuisance type thing? Chief Lesser said they were successful with citing one particular individual who lived fairly close to residents and it went on for a long period of time. They had issued repeated citations and eventually were able to resolve the issue. There are other circumstances that are much more challenging. The nuisance residence, Item C, it talks about noise, disturbance, the language doesn't clearly address someone who's otherwise legally operating an unaltered recreation vehicle. Mrs. deLeon said you had one instance where you had to issue a citation? She doesn't understand the need for this then. Chief Lesser said he reviews 4,000 incidents a year and he can't tell you every incident, there are many resolved through cooperation from neighbors, and several are still out there and not resolved.

Mr. Keith Hill, resident, said don't you think this all should come down to a nuisance thing? That's what the police are out there to do instead of taking everybody's fun away. Mr. Kern said how would the nuisance ordinance be enforced? Mr. Hill said it would depend on the police and they'd have to decide. If you are cutting pipes off, he'd understand. But you can't pick on everybody. If they are being a nuisance because it's extra loud, then something should be done. You're looking at taking everybody's fun away. Mr. Kern said when someone is riding a bike, are they thinking am I disturbing my neighbor or not? Are they thinking I am disturbing my neighbor and I don't care, or I am disturbing my neighbor and I do care, but I am just going to keep riding. Mr. Hill said he has six kids that ride on the weekends. His biggest issue is about them crashing, so he's hearing this thing for how many hours a day. To him, it's not bothering, but more bothering to him is them getting in an accident and getting hurt. If there's someone out there, out of line, they should be taken care of.

Mr. Kern said what would you do if someone came over and asked you to stop riding as the noise bothered them? Diane Keifer said it's all going to go back to the situation and what's at hand. For what she's using the ATV for and riding on her property, she's not going for two or three hours. If a neighbor comes over and you already have issues with that neighbor, you are not going to solve anything anyway. If you do get along with that neighbor and they come over and say they don't feel good, she'd think you would compromise and say we'll do this another day or do it later, or whatever. If somebody has an issue with an neighbor and that's the case, you are always going to have an issue. Mr. Kern said he's talking about the issue with the noise. Ms. Keifer said she would get off the ATV's and put them away if the neighbor came over, and it all depends on that household.

Mr. Horiszny asked how many people here have been visited by the police? One person rose his hand. Mrs. deLeon said she's not convinced the existing nuisance ordinance isn't good enough to do this. She hasn't heard the ordinance has been tested 17 or 18 times that it's been thrown out and it doesn't work. She's not hearing that so she's not convinced. Why isn't the existing ordinance working? If you're a nuisance to your neighbor and your creating noise which is what this says, then you should be warned and then cited, but that's not happening. Mrs. Yerger said it looks like someone out there has been visited by the police. That resident said he had the police at his house many times for riding his four wheeler. It was a racing four wheeler. They asked him to stop and he just stopped. He never pushed the issue too far as that's how he was brought up. He thinks it is just noise. They were at his house a bunch of times.

Mike Schneider, resident, said what's next, those little gas powered remote control cars, go carts, it's everything. Are you going to put a restriction on them also?

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Chris Weiss, resident, said he actually races motorcycles. The motorcycle he races is very loud, but he doesn't ride it in his yard. If it's an ATV ordinance, does that mean he can ride his race bike right next to the property line. He'd have to ride around a little circle in his back yard with the 150 yards. He doesn't ride after dark. It's being courteous to your neighbors. At the race track, you can't even start a motorcycle before 12:00. You can't go above 90 decibels. It's common courtesy.

Stephanie Brown, resident, said we have a lot of issues. It's not a public safety issue. She doesn't think it's fair she has to listen to construction every day of her life. This ordinance is being pushed by the environmental extremists who are running this township who are saying it's an environmental thing and then it's a noise thing. It took her seven times with complaints to the township about trash on her property, to get taken care of under the nuisance ordinance. We have some big problems here. The nuisance ordinance was constructed in 1979 and it's outdated and it needs to go. The noise, there's two strokes and there's four strokes. That encompasses a lot of things besides ATV's. We're talking about chain saws, construction equipment, there's a long list. If you are going to regulate ATV's, you need to be fair and regulate all two stroke and four stroke engines in this township. Because of environmental issues and the emissions of two strokes, they have more emissions and they are being phased out in the use of ATV's and dirt bikes which has been mandated by the Federal Government. To her, her neighbor cutting grass is annoying. There are people who want this township to stay rural, but if you want to keep it that way, you have to allow those activities that people do out in the country, like riding four wheelers, letting people shoot guns. She's disappointed in this township in trying to enforce this. She grew up with people worked out their own problems. There's got to be a better way. It's very unfair. There are DCNR regulations in the state that regulate ATV's and we should go with those. She asked if it was true Chris Garges helped someone build a track in this township for riding? Mr. Garges said no, he hasn't. She said she read something in the paper. Attorney Treadwell said you can't always believe what you read in the paper. She'd like to see trails regulated. This should be considered. Mrs. deLeon has the ATV revision law and it does say that ATV's may be operated on private property with the consent of the owner or lesser. How can we go against state law? Attorney Treadwell said the township has the ability to regulate more than what the state does.

Mr. Steve Keifer, Sr., said pretty much this accomplished here was, there is a problem with the two strokes and that is pretty much where you are going with this ordinance. You're going towards a lot of four wheelers and the dirt bikes mostly. Therefore, you're not getting the complaints on the ATV's, why is that not covered in Section C in the nuisance ordinance. The dirt bike can do it on the edge of the property and get no citation. Why can't the nuisance ordinance just be used. Mr. Kern said it's very difficult to enforce decibel levels and we could spend the next ten years discussing that decibel level and how to enforce that. Mrs. deLeon said is their way you can tell Council how many people were actually cited and taken and denied at the magistrates level. She doesn't know, but she's not convinced that the existing nuisance ordinance isn't working. She doesn't think it's been used. Mr. Kern said can you cite what part of the nuisance would apply to the ATV? Mrs. deLeon said Section 112-4 enumeration of nuisances, Section C which she read earlier in the meeting. It has nothing to do with decibels. If you are annoying to your neighbor, you have the right to call the police and complain. The police officer comes, evaluations the situation, looks at the nuisance ordinance...this is simple. Mr. Maxfield said it's too simple. The Chief said it and Linc said it. When we went to court with the gun issue, it's too vague. Mrs. deLeon said where are the rejections when the citation is dismissed? How many numbers are we talking about?

Mr. Schneider said what about that chipper at the compost. That's a high noise level, but we're not going to tell you not to run it. Mrs. Yerger said this is part of her problem. There's so much that falls under that. She's almost concerned the other way with it. This has been on the books forever and forever. She doesn't want to see this reduced to whatever noise, whether it's your chain saw, your ATV, your duck quacking. If we start enforcing this and we don't narrow it down, they are

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going to be able to call all the time, every time, for every little noise. If we authorize the police to really start pursuing this, starting with the ATV, she doesn't know where it's going to go. Mrs. deLeon said first of all, Council is not supposed to be telling the police to enforce it. It's on the books, the police are supposed to be enforcing it. Mrs. Yerger said her concern is if this starts to be enforced on a regular basis, it could expand to something that may become unmanageable. Mrs. deLeon said all the years she's sitting up here, an ordinance should be as vague as possible so it's as broad as possible. The more you put into it the more limited you are. That's why the nuisance ordinance is as broad. Attorney Treadwell said he's never said it's as vague as possible. Mrs. Yerger said we have to look at the other side of it, and play devil's advocate. Mr. Maxfield said don't have it on the books if it's not going to be effective. It's got to be effective somehow. Mrs. deLeon said no one is showing her numbers that it's not effective. She's waiting to see. We had 18 citations that went for the other incident that were thrown out so there was obviously a problem. She's not seeing a problem here as nobody has been cited. Chief Lesser said they had issued citations for noise over the years. The concern goes beyond that...unseemingly noise that causes a disturbance. If our officer's chose to enforce that letter of the law, then there's a number of people here tonight that sound pretty reasonable and sound like they worked to do what they could do. They would have issued a number of citations if they simply followed the ordinance as it's written. It's not that simple due to there is a large number of people that think it's annoying. Every time we get a call, we issue a citation, that's not the direction we want to go in. Mrs. deLeon is not suggesting you cite them right away. You work with them. Chief Lesser said a couple of instances, the ATV operators are attempting to be somewhat reasonable. Several of their neighbors don't feel that way and they've complained. Perhaps we should issue citations and put in the district justice's lap.

The resident said when you came out to his house it was never more than one time a day and he was told if they came back out, a citation would be issued, so he just stopped.

Kathy Ray said she lives on Fire Lane and they really appreciate the way the police officers handled the complaints that were against them. They stopped riding as soon as they asked. They came to mediation at the township building with their neighbors. They asked them to please give them parameters for riding. They have never followed through. They have done everything asked of them. They have stopped riding as asked. It's the neighbor complaining who has never followed through and told them when they could ride and help solve this problem.

Mr. Horiszny said there's no one here that has spoken for this ordinance. Diane Keifer said on Sunday's, SV High school gets their grass cut. See the new piece of equipment cutting the grass, it's an ATV that's cutting the grass.

Mr. Kern said thank you for your input. It's clear that the 150 yards is not a good idea. We need to revisit this and we will table this and rethink this whole issue. Thank you again for coming out tonight.

Mr. Horiszny asked about the animal trapping. Do we need it without the ATV ordinance? Attorney Treadwell said you can do it one at a time, it would be easier. Mrs. Yerger said she had a neighbor who had an issue with an animal trap right on his property line and he was concerned. She asked Linc to look into this. Mr. Horiszny said with his yard, he could trap on his yard if he wanted to get rid of the ground hogs. Mrs. Yerger said this animal trapping, it was brought up at a public meeting and it was directed that the Solicitor look into it. It was something Linc said he would check some other ordinances and come back. Mr. Horiszny said we had ATV listed in here and only Kathy Ray was here regarding bikes, which is probably the bigger nuisance than ATV's. We need to emphasize this. Attorney Treadwell said it's all an enforcement issue. They need to have some guidelines to follow.

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Stephanie Brown had the issue with the nuisance ordinance into being fairly enforced and it was up to the officer who came up to the property and he basically told her it wasn't bothering him, so it shouldn't bother her. Attorney Treadwell said that's the whole purpose for having a guideline for everybody to follow so it's not subjective. Mr. Kern said the last woman who spoke asked for guidelines from her neighbor, and he would have loved to hear what those guidelines would have been. That's what we were asking for tonight. Mr. Maxfield said he didn't know there was a difference between racing quads. The ones he's hearing have to be racing quads. They are very, very loud. Maybe we should think about that too. Ms. Stern Goldstein said it's a matter of individual rights and their belief in their rights. Mrs. Yerger asked if we want to advertise it. Attorney Treadwell said he'll look at it again and give an option with numbers.

MOTION BY: Mr. Horiszny moved to table until further review.
SECOND BY: Mr. Maxfield
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.
ROLL CALL: 4-1 (Mrs. deLeon – No)

D. RESOLUTION 43-2007 – APPOINT ALTERNATE SOLICITOR SERVICES

Mr. Kern said we received a request from David Shafkowitz, who was previously the Planning Commission's Solicitor to provide alternate Solicitor services in the event that our current Solicitor would not be available.

**RESOLUTION #43-2007
ALTERNATE SOLICITOR SERVICES**

WHEREAS, the Township Solicitor, who also acts as the Solicitor to the Planning Commission will from time to time need an alternate to fill-in in his absence; and

WHEREAS, David M. Shafkowitz, an attorney admitted to practice in the State of Pennsylvania, had previously served as the appointed Planning Commission Solicitor from June 2001 to March 2006; and

WHEREAS, the Council of Lower Saucon Township hereby appoints David M. Shafkowitz to serve on an as needed basis as the alternate Solicitor at an hourly rate of \$100.00 per hour.

NOW, THEREFORE, BE IT RESOLVED, by the Council of Lower Saucon Township, that David M. Shafkowitz be appointed alternate Solicitor.

Mr. Cahalan said Mr. Shafkowitz fee is \$100/hour. Ms. deLeon said did he request this or did we request this? Mr. Cahalan said it was both. We were thinking about having an alternate in the event that Linc could not make a meeting, and it happened that Dave had sent in an email to us a couple of weeks earlier saying he was available and was interested in helping us out. Linc thought it was a good idea.

MOTION BY: Mr. Kern moved for approval of Resolution 43-2007.
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

E. RESOLUTION # 44-2007 – COMPETITIVE ELECTRONIC AUCTION BIDDING

Mr. Kern said staff is recommending this resolution be approved in the event that the township wishes to consider the use of competitive electronic auction bidding on a case-by-case basis for contracts involving purchases of supplies and services, excluding those for construction and design professional services.

**RESOLUTION #44-2007
Competitive Electronic Auction Bidding**

WHEREAS, the Council of Lower Saucon Township periodically purchase supplies and services in support of Lower Saucon Township’s operations; and

WHEREAS, the Local Government Unit Electronic Bidding Act, PA Act 88 of 2006 authorizes local government units to use “competitive electronic auction bidding” to enter into contracts for supplies or services, but not for construction or design professional services, when Lower Saucon Township Council determines that it is in its best interest; and

WHEREAS, the Council of Lower Saucon Township believes that the use of competitive electronic auction bidding can be a highly effective means to control purchasing costs and save significant taxpayer dollars.

NOW, THEREFORE, BE IT RESOLVED, that the Council of Lower Saucon Township may use of competitive electronic auction bidding on a case-by-case basis for contracts involving purchases of supplies and services, excluding those for construction and design professional services.

Mr. Cahalan said this just became available for the township to use. There was legislation passed in 2006 that permitted us to utilize these services. It’s a lot quicker and cheaper. We would like the ability to use this in the future. Mr. Horiszny said in the “Now Therefore” area it says wishes to consider, don’t we want to say yes, we are going to do it if we need to rather than just consider it at the time it comes up. Mr. Cahalan said we want to have it available in the event we want to use it. Attorney Treadwell said you can say “may use”.

MOTION BY: Mr. Horiszny moved for approval of Resolution 44-2007.

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

ROLL CALL: 5-0

VI. MISCELLANEOUS BUSINESS ITEMS

A. APPROVAL OF MAY 2, 2007 MINUTES

Mr. Kern said the minutes of May 2, 2007 Council meeting have been prepared and are ready for Council’s review and approval.

Mrs. deLeon said page 9, under Mr. Kern’s report, she was saying when she attended the conference at PSATs. The following will be inserted into the minutes under Mr. Kerns’ paragraph:

“Mr. Kern

➤ The time is here and now for the Township to embark on the beginnings of a fire services analysis. It’s clear that trucks are no longer \$50,000, but a million dollars for apparatus. Bake sales no longer work. The fire companies should not be handling the funding of the purchases at all. They should focus on fighting fires and the funding should be on the

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townships. Because of the extreme expense involved, it's a whole new ballgame. Some type of analysis needs to be done as to the current situation with the four fire companies. Mrs. deLeon said she attended the fire company meeting, and Jack was there for part of it, but after you left, Dean Fernsler was there, and he is just knowledgeable and experienced. He gave the talk. Towards the end, he said the number one priority in townships should be supporting their fire companies. There's a toss up on whether fire protection or police protection is first, and they feel the township should be paying out of their general fund. She would like that the Township looks at funding out of general fund. We should be using general fund money to supplement the landfill money. When they stop giving us money, we should be getting used to that. If we have to waive and prioritize other expenditures, then so be it. Fire should be our number one priority in the township. It takes a special person to do what they do. We have four areas of the township, and they are not equally divided, and even if they were, the density of the township's are different. Se-Wy-Co is the most dense as far as population, and Leithsville, then Southeastern, and Steel City. When you think about their base to get donations from, they are very limited. When you think about it, we really need to support our fire companies and need to start looking at that. The budget that is coming up, we need to address that. If there's a way we have to prioritize existing expenditures for 2007, then we need to seriously look at that. Mrs. Yerger said should we be looking at this in terms of a regional approach? Mr. Kern said that's what the analysis should address. Mr. Horiszny said an analysis would show that and also indicate how you can raise funds in addition to general fund, possibly a fire district tax or something like that. Mrs. deLeon said we tried that and people stopped giving to the fire companies. Mr. Horiszny said you raise the tax some more so they do fund it. Se-Wy-Co does about \$35,000 for fundraising which is not a lot. Something needs to be done. We may have to have a tax or something like that. Mrs. Yerger asked Mr. Horiszny if has seen any kind of trend as far as donation funding for this, has it gone up, has it gone down, held the same? Mr. Horiszny said the last three years, it's been between \$30,000 to \$35,000 each year. Mrs. deLeon said have moral issues, retention issues, we have incentives. We talked about this at the fire companies' meetings. We need to do this soon or we'll lose our volunteers. When you need them, you need them. Mrs. Yerger said what she was saying, they are not really going to be losing that much money. If we have to do it through a tax, it's not like we're going to be hurting the fire companies. Mrs. deLeon said the alternative is paid fire fighters. You talk about money, the fire truck is going to be a lot cheaper than paid fire fighters. Mr. Maxfield said we need to be prepared. Some of the recommendations may be satellite companies, consolidations, etc. We may have to trim down some things. It is time. Mrs. deLeon said the state offers this advice and Dean Fernsler is experience with our area, he spoke to the group.

MOTION BY: Mrs. deLeon moved to contact Dean Fernsler and give a presentation to the Township.

SECOND BY: Mr. Kern

Mr. Kern asked if anyone in the audience had any questions or comments? Mr. Maxfield said with this other action of the Peters firm, do we need to schedule these or can we do these at the same time? Mr. Cahalan said he doesn't think Dean is going to get down to the nitty gritty with the specifications like Peters is going to. This would be a "special" meeting. Mrs. deLeon has a PowerPoint presentation from Dean. Mrs. Yerger said all the fire companies should be given an invitation including Williams, Bethlehem, all of the supporting companies, and the public needs to be invited. Mrs. deLeon asked if anyone contacted Bethlehem about the landfill coverage? Attorney Treadwell said he did not, but will do that for the next meeting. Mr. Kern would like to hear about Peters also.

ROLL CALL: 5-0"

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Mr. Horiszny said on page 10 of 11, line 47, “there” should be “their”.

MOTION BY: Mrs. deLeon moved for approval, with corrections.

SECOND BY: Mr. Kern

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

ROLL CALL: 4-0-1 (Mr. Horiszny – No.)

B. APPROVAL OF APRIL 2007 FINANCIAL REPORTS

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

MOTION BY: Mr. Horiszny moved for approval of the April 2007 financial reports.

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

VII. PUBLIC COMMENT /CITIZEN NON-AGENDA ITEMS

- Stephanie Brown asked Mr. Maxfield, as she’s a little confused, when they came to the discussion tonight regarding Hidden Meadows and whether or not they should have a water tank, you said about a compromise about taking water from ponds. She’s a little confused why you would support something like that being an environmental supporter. Attorney Treadwell said Mr. Maxfield didn’t use the word “compromise”, it was a question of whether it was an alternative. Mr. Maxfield said in case of an emergency, he would rather save someone’s life. Mr. Cahalan said they put grant applications in for dry fire hydrants which do come out of some of those ponds. Mrs. Yerger said if the fire is critical enough, they’ll have multiple units respond and very quickly. You’d have three to five pumper trucks there within a few minutes. Mr. Maxfield said what they were talking about tonight was specific to that place. We don’t have a policy or requirements, and are looking for possibilities.
- Stephanie Brown said she was disappointed with the discussion how the taxpayers have to pick up the bill for the programs for the parks. There are people with houses worth \$600,000 to \$1 million. As a taxpayer, why does she have to pay for a program for those kids to go to a park especially since it’s not opened to all township residents. She’s more understanding of providing services for our seniors, but there are seniors in this township who pay more in condo fees than her father gets in social security. Taxpayers are picking up the bill. Is it possible for these programs, to put an income limit on them for our lower or middle class residents, and yes, those residents can go free or reduced rates, but in general, this should be paid for by the people participating in it. Mr. Cahalan said it is open to all township residents, but there are limits on how many children can be served, on a first come, first serve basis. It’s based on what the township is subsidizing and the size of the program staff. Ms. Brown said there’s such a demand for it, first come, first serve, are we keeping an eye on the same kids getting the program every year? Mr. Cahalan said if the mother of a child is the first in line every year to sign up for the program, they are not turned away. Ms. Brown said shouldn’t it be more fair. Mr. Cahalan said he’s never had any complaints about the program. The demand is greater and they couldn’t accommodate them. Mr. Horiszny said we could raise your taxes to make the programs bigger.

VIII. COUNCIL & STAFF REPORTS

A. TOWNSHIP MANAGER
Nothing to report

B. TOWNSHIP COUNCIL/JR. COUNCIL MEMBER

Mrs. Yerger
Nothing to report

Mr. Maxfield
Nothing to report

Mr. Kern

- The SV Partnership meeting, they were requested by the Planner to try their best to come up with some type of a priority of all the items that were listed from that previous public meeting where there was input from the public and the SVP was asked to try their best to come up with a ranking priority list. That's what they did at the last meeting. That was the extent of that meeting.

Mrs. deLeon

- She asked if there was a reason why at the last meeting, she asked for the SVCC to be back on the agenda again for the summer program Jack was supposed to look into. Jack said he hasn't had a response. They are evaluating the Heller Homestead property and they are supposed to get back to him.
- We have our meeting that IESI wanted to have with the Landfill Committee, is Chris going to attend that on Tuesday? Mr. Cahalan said yes.
- She wanted to thank Cathy Gorman for discovering that the landfill didn't pay us the correct percentage last year and they issued a check. That money, it was \$60,854, she'd like to make a motion to place that in the Fire Truck fund because it's money we weren't anticipating – additional money. Mr. Cahalan said we anticipate the tipping fee being paid and Council moves to transfer some of that money into other accounts. Mrs. deLeon said this was 2006 money that got deposited in 2007, so technically we didn't know about that money and didn't miss it until just recently. Mr. Cahalan said it would come into the landfill revenue fund where the normal quarterly payments come in. Mr. Horiszny said those financial reports we check every month, there was \$500,000 out for the fire fund last month. Mr. Cahalan said that was at the budget for 2007 to move that into fire equipment replacement fund. Mr. Horiszny said is there a need to put the \$60,000 in there? It could get there later. Mrs. deLeon said it would help the fund. Mr. Cahalan said she went back and discovered the payments and the additional amount due wasn't being paid. Mrs. Yerger said the budget said one thing and the check said another thing. Mr. Cahalan said the budget is based on an agreement with the host agreement on what we should be getting from the landfill. He'd have to check if it is found money. Mr. Maxfield said if it's placed in there and we need it for an emergency, can it be taken out? Mr. Cahalan said if it goes into the fire replacement fund, it's specified for fire equipment. You can transfer money whenever you want, you'd have to vote on it again.

MOTION BY: Mrs. deLeon moved to move the money into the Fire Truck Fund of \$60,854.

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

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- She said we're working on engine retarder brakes. She learned about an issue on Meadow's Road, so please have the police look into that. Mr. Cahalan wasn't a recipient of that email. Ms. Brown said that's been an issue on Meadow's Road. She thought she brought this up before, but maybe she didn't.

Mr. Horiszny

- Last night at the LSA meeting, there was a report that we reviewed the 537 plan again, and Gar and Brad are going to try to get to the EAC to present that program and get their input.
- We talked about putting a 150 yard setback off vehicle riding, can we set some kind of accord for voting places...he wants a riparian corridor around voting places to get candidates out of his face. Attorney Treadwell said there is a state law, but we could look at doing something more restrictive. Mrs. deLeon said who is going to enforce this? Mr. Horiszny said the polling place. Mrs. deLeon said you have to be ten feet from the door which is the state law. Mr. Horiszny said we ought to be more restrictive than the state law. Mrs. deLeon said we are just over regulating here.

Jr. Council Member

- Vanessa Segaline said June 4 and 5 are finals for the seniors. June 5 is the last day for seniors. June 6 and 7 are the finals for 9th, 10th, and 11th graders. June 8 is graduation. June 11 is the last day for all other students. Tomorrow the chorus and band from the high school are going to Cedar Point and taking busses. They are going for a competition.

C. SOLICITOR

- The litigation filed by Jennifer Wyatt against LST has been dismissed.

D. ENGINEER

Nothing to report

E. PLANNER

Nothing to report.

IX. ADJOURNMENT

MOTION BY: Mr. Maxfield moved to adjourn. The time was 10:40 PM.

SECOND BY: Mrs. deLeon

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

ROLL CALL: 5-0

Submitted by:

Mr. Jack Cahalan
Township Manager

Glenn Kern
President of Council