

**I. OPENING**

**CALL TO ORDER:** The General Business & Developer meeting of Lower Saucon Township Council was called to order on Wednesday, May 17, 2006, 7:05 P.M., at 3700 Old Philadelphia Pike, Bethlehem, PA, with Mr. Glenn Kern, Council President, presiding.

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

**PLEDGE OF ALLEGIANCE**

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

No Executive Session

**PUBLIC COMMENT/CITIZEN AGENDA ITEMS**

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

**II. PRESENTATIONS/HEARINGS**

**III. DEVELOPER ITEMS**

**A. ZONING HEARING BOARD VARIANCE REQUESTS**

**1. TURNBRIDGE PARTNERSHIP – RT. 378 & WALTER STREET – REQUEST VARIANCE FROM DISTURBANCE/DENSITY AND MAXIMUM ALLOWANCE OF IMPERVIOUS COVERAGE**

Mr. Kern said the applicant is seeking a variance from the disturbance and density portion of the site capacity calculations. The applicant is seeking a variance to allow 2 dwelling units and 0.590 acres of disturbance. They are also seeking a variance from the maximum allowable impervious coverage from 30% to 44.6%.

Andrew Schantz, Attorney for the applicant was present. They were before Council two months ago requesting the vacation of an unapproved paper alley. There are two parcels now. What the overall plan is with this site is to vacate the alleyway which separates the two parcels, consolidate them into one parcel, and then subdivide them in a different

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configured two parcels. In working with the standards set forth in the zoning ordinance, 2005-01 & 07, when they run through those calculations, the allowable units are 1.972. What they are looking for is a de minimis variance to achieve the two lots. One thing to consider is when they came before the Planning Commission to present the plan and to determine if the township wanted a cul-de-sac on McCloskey or just leave it the way it is, the PC thought that it would be best served through a cul-de-sac. Public Works determined that getting snow plows in there and turning around would be better served by a cul-de-sac. When they put the cul-de-sac in, they had to come on to their property which created greater impervious area and also disturbs some of the areas they normally wouldn't be disturbing. By creating the cul-de-sac, they are creating a greater impervious coverage, but they are kicking their impervious coverage from 10,000 sq. feet up to about 12,000 sq. feet, which then, according to their engineer, subjects them to a review from the LVPC and Act 167. They are getting greater storm water control out there by creating this greater impervious area. What they are looking for before the ZHB is to consider de minimis variances from various sections of those two ordinances he cited so they can change their two lots and do another two lots basically. The entrance to the cul-de-sac would be at McCloskey back towards the creek.

Mrs. deLeon asked if it was an old GIS picture as there was a house across the street that wasn't on the GIS map. Attorney Schantz said yes, it was newly constructed. They originally requested six variances, but are now down to three variances. They are asking when you break down the formula, you're left with a maximum building density of 1.972 units. Going hand in hand with that, they are requesting a variance from the allowable impervious coverage which was on the cover sheet and also the woodland disturbance. They are requesting a 44.6% impervious coverage as opposed to 30%. The justification for the 14.6% is that the township asked them to put in a cul-de-sac at the end, and when they did that, it pushed paving up on to their property. It's not a true cul-de-sac, it's a cul-de-sac only on their side, so the turning radius is on their property. That creates the impervious coverage. Mr. Garges said he's correct. The reason the percentage looks so high is when you do the site capacity calculations, you net out all the natural resources and you are dealing with a smaller bottom line number, so to add 2,000 sq. foot of impervious coverage, or 3,000 for the bulb, that puts the percentage up higher. Mr. Horiszny said will that cul-de-sac make it any closer to the creek? Attonrey Schantz said no, they are not moving down towards the creek. They are moving to the west on to their property. Mr. Horiszny asked if the driveway will continue up pretty much to the other site? Attorney Schantz said he can present a plan, but it doesn't show where the proposed houses are situated. Mr. Horiszny would like to see where the driveways are. Mrs. deLeon said let's go back to two weeks ago when you had these two lots. Now you want to put the most houses you can on the lot which is two. Now you are going to merge these lots and then you come in off McCloskey and put a cul-de-sac. You're saying the township is asking you to, is that our regs asking you to do that? Mr. Garges said it's the fire department.

Mr. Maxfield said the section of the road that is beyond where the cul-de-sac is planned for, what is going to happen to that? Attorney Schantz said that's been vacated and has been incorporated into the house they were talking about that was recently constructed but not on the GIS photo.

**Glenn Kern left. The time was 7:20 PM.**

Mr. Garges said they had wetland delineation that was done and it only indicates wetlands in the northwest corner.

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Mrs. Yerger asked if they had a copy of the Boucher & James May 9 letters? Attorney Schantz said he needs a copy. Mrs. Yerger said there have been some questions raised on the letter that concern her. One states that zoning ordinance 180-95(b) requires plans to include all encroachments and disturbances necessary to establish if a probe is used on the site. While natural resource calculations are provided on the plan, it appears that the area shown for each resource has been calculated incorrectly. Boucher & James goes on to indicate how they were not calculated correctly. Section B of the same article, which addresses zoning ordinance 180-95(b) again states that requirements for wetland preservation. This plan shows areas of wetlands in the northern portion of the site. However, site visits have shown that large portions of the site often hold standing or running water. These areas have not been shown on the plans as wetlands. The plans should be revised to state who conducted the wetlands delineation and when it was conducted. Any reports associated with this delineation should be submitted to the Township for review. There's some question about the wetlands, where they are, and how big they are. The last paragraph on the letter is an additional comment, no. 7, "a recent site visit to the proposed property indicates there is tree cutting activity on the site apparently within the past few months and is shown as wooded on the existing features plan. It is currently unclear how this activity will affect the proposed subdivision, however, the applicant may wish to explain why this activity is taking place." There were some concerns raised by our township engineer. Attorney Schantz said a lot of those are planning issues and certainly they have to address them. The parcel is wooded. They have not been out there lately cutting anything down.

Mrs. Yerger said section B of site plan 3 requires the plan indicate the location of any carbonate geology features and this is in our carbonate geology overlay zone. That was not done according to our engineers. This is not based on anything other than this township has experienced a lot of water problems. Attorney Schantz said the cul-de-sac is requiring them to be reviewed by the LVPC and puts them up into the Act 167 standards which are more stringent than if the cul-de-sac wasn't there.

Mr. Maxfield said with the information we were referring to earlier, he's not sure what state the plans are in right now – do we have proposed square footage for building and building sites? Mr. Kocher said the plan shows percentages with some design impervious coverage. That 44.7% we talked about earlier is the percent that is on these plans. Each individual lot is showing 12% and then the right-of-way has 19%. Mr. Maxfield said those plans are the ones that exist, and if the variance is being requested right now, that is the square footage that will be on that plan and they will be held to it at the end. Mr. Kocher said this is the most recent plan he's aware of. It goes to the Planning Commission tomorrow. Mr. Maxfield has questions about the impervious surface, and obviously, there are water problems on the site. Even though the cul-de-sac is being required, it still causes runoff. All those things need to be looked at. An increase of 14% is pretty high and we need to address that.

Mr. Horiszny asked if impervious concrete would work here? Mr. Kocher said they aren't proposing any type of infiltration. They will talk about that tomorrow night. Mr. Maxfield said it might be discouraged because of the carbonate. Mr. Kocher said there isn't a study one way or the other. Mrs. Yerger said when you first applied for your variances, the beginning paragraph says "the following represent the variances requested. It is the position of the applicant that while there are not necessarily unique circumstances or unnecessary hardships, these variance requests are de minimis". That's an opinion that she doesn't support. Water problems are water problems and she doesn't consider them minor problems. The purpose of a variance is to allow someone who is put in the position with a hardship to go forward and provide for it. In this application, you admitted you have no

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hardship. Attorney Schantz said he couldn't come in here and argue the legal standards that make up a hardship. By de minimis, he's saying they are requesting two lots and when they do the site calculations, they get 1.972 lots mainly because of the cul-de-sac. The other factor is being driven by the 1.972 to 2, and by using the word "de minimis", he's saying if you'd round that up, that's de minimis. As far as the water concerns, there is going to have to be detention on these lots. Mr. Maxfield said he's guessing that the Township would not have a problem with the two lots if every effort was made to reduce the impervious coverage as much as possible. There could be shared drives. There could be a couple different ways to do that. The cul-de-sac is there, but it still creates runoff. It is still impervious surface that is existing. We need to address conditions on the property. The cul-de-sac is a safety issue. Attorney Schantz said from a planning perspective, shared driveways are not a good way to go. Mr. Maxfield said it's a good way to reduce the impervious coverage in areas where there are water problems. Attorney Schantz said if they do reduce the impervious coverage to 10,000 sq. foot, then they do not have to detain any water, is his understanding and not subject to the LVPC review. Mr. Kocher said you're not subject necessarily of the release rates, but that doesn't mean you don't need a storm water management plan. Attorney Schantz said he has a memo "the cul-de-sac resulted in the increase of impervious cover whereas the first submission without the cul-de-sac, the storm water report indicated that less than 10,000 sq. feet of impervious was created. It has now increased to 12,000 sq. feet plus or minus. It does require that the LVPC would review the storm water and that they would look at the storm water with relation to the 167 storm water ordinance. This site falls within the sub area 142 of the Saucon Creek report and is designated as a 30-80 release area that is 30% of the two year storm allowed to be released from the site and 80% of the 10, 25 and 100 year storm allowed to be released. The flows themselves are not that high, but this may require that some form of subsurface detention to control the flows". This was from Keystone Consulting. They have an excessive amount of impervious coverage, but it might be providing for detention on site which actually helps the storm water situation.

Mrs. Yerger said HEA's May 11 letter talks about the township would determine whether it wants to accept dedication of the storm water infrastructure. Mr. Kocher said he's not aware they have a detention pond, but they are proposing piping.

Attorney Schantz said they are here with three variance requests. If your engineer or planner says that we need other variance requests, we are going to have to present those. Mrs. deLeon said the variances you are requesting, the three of them, we will be voting on those three. If it goes towards other variances, you have to come back. Attorney Treadwell asked Attorney Schantz if his client could hold off for a month until we go through the PC meeting tomorrow night? Attorney Schantz said he can't answer that, but he can certainly request it. Mr. Kocher said the maximum allowed square footage allowed of impervious coverage according to the plan is 7,100 sq. feet. They are proposing 10,500 sq. feet. They are over by about 3,400 sq. feet. Mr. Maxfield said with their absence of building designs, they can come in later with larger buildings and increase the coverage even greater or build it to the maximum. Mr. Kocher said if you are reviewing it against the zoning ordinance, you could use both criteria that Chris uses, the one in the zoning ordinance and the one in the storm water calculations. Mr. Garges said the reason this is here for the second application is because the first application came in and it had six requests on it. Some requests were things we felt strongly that Council wouldn't support and things of a nature that could be addressed prior to coming to Council or the ZHB. One was some detailed information on the homes they are proposing and one of the requirements which they are going to do on the recorded plan was to have a maximum allowable impervious coverage for the dwelling unit for the driveway on each lot. That's how they got to the number they are at now, putting those proposed amount of impervious

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coverage on, and it being a recorded plan, knowing that is what they are going to be held to at the end. That's how they got to where they are right now.

Mr. Maxfield said the calculations for the natural resources, if they have been done properly, and if the percentages decrease what you are allowed to do, where are we going to go from there? Attorney Schantz said they would have to come back and request a variance. Mr. Garges said if the calculations are different, he might not be at the 1.972 and they would have a different application than what they are presenting and they would be required to come back before you. Mr. Maxfield said there's not enough info for him to determine how we get to this point to these numbers and that the numbers will remain valid. We're asking ourselves to examine this variance request based on numbers that may change.

Attorney Schantz asked how Council would feel if they had a planted island to reduce the impervious coverage, a smaller road coming around? Mr. Maxfield said they'd have to see if it works for the Fire Department. Mr. Maxfield said right now we aren't allowed to have planted islands or any islands by ordinance. Mr. Kocher said depending what Public Works and the Fire Dept. says, you may want to consider allowing it.

- MOTION BY:** Mr. Horiszny moved to oppose this unless it is withdrawn.  
**SECOND BY:** Mrs. Yerger  
Mrs. deLeon asked if anyone in the audience had any questions or comments? No one raised their hand.  
**ROLL CALL:** 4-0 (Mr. Kern – Absent)

Attorney Treadwell said he will attend the ZHB meeting if they do not withdraw the application.

**2. JOHN & ARLEEN YEAGER – 1859 GREGORY PLACE – REQUEST VARIANCE OF REAR YARD SETBACK**

Mrs. deLeon said the applicant is proposing to encroach 20' into the required rear yard to construct a 10' x 18' deck onto their dwelling structure.

Mr. & Mrs. Yeager were present. Mrs. Yeager said it is the side of their dwelling. They'd like to come out ten feet. It's not hurting anything. There's a walking path and a big hedgerow. Even if the deck was built from the hedgerow, you couldn't even see the deck. There's the walking path and an evergreen tree line. In January, she submitted a plan to their community, and she got an approval from them. She has letters from her immediate neighbors supporting that she wants to put a deck there. Mrs. Yeager requested that gravel be placed under the deck as there is a small slope and there's grass there now.

Council took no position. There were no audience comments.

**3. VISITING NURSE ASSOC. OF ST. LUKES – 2455 BLACK RIVER ROAD – VARIANCE REQUEST TO EXCEED IMPERVIOUS COVERAGE**

Mrs. deLeon said the applicant is requesting a variance from impervious surface coverage. They have reduced the coverage from 28% to 25.46% with the elimination of the impervious walkways.

Present were James Kratz, Attorney; Keith Borock, President of St. Luke's VNA; and Brian Walsh, Project Manager. Attorney Kratz said after having discussion with township staff and its appointed officials, and going back and forth with the redesigned plan, the

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original diminimous variance request was for approx. 3% over the requirement. They've now reduced that to a little less than 1/2 of a percent which is now their request.

Mr. Kocher said they have worked with Mr. Birdsall on this and he feels that they really took your request to heart and did everything they possibly could do to make it a workable site. They have reduced it as much as they can. Mr. Horiszny asked if these people should contact the pervious concrete people that are doing the park? Mr. Cahalan said out at the park, it's macadam, not concrete.

**MOTION BY:** Mrs. Yerger moved to support this.

**SECOND BY:** Mrs. deLeon

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

**ROLL CALL:** 4-0 (Mr. Kern – Absent)

**B. ROEDER'S GLEN – REQUEST EXTENSION TO COMPLETE IMPROVEMENTS AND POST CASH ESCROW**

Mrs. deLeon said the developer is requesting an extension to complete the maintenance punch list for the development.

“The LST staff recommends the Township Council approve an extension until August 17, 2006 for completion of improvements for Roeder's Glen Subdivision. This approval is subject to the following conditions:

1. The owner shall enter into an extension agreement with the township satisfactory to the Township Solicitor and Township Council and post a cash escrow for the costs estimated to complete the remainder of the work.
2. The owner shall pay an outstanding plans and appeals account invoices owed to the township.
3. All conditions shall be satisfied by May 31, 2006.”

Mr. Kocher said they are down to five maintenance items to address. They've requested to post cash escrow and we can determine that amount if it's acceptable to Council. Attorney Treadwell said he's fine with that also.

**MOTION BY:** Mrs. Yerger moved for approval of request of extension to complete improvements and post cash escrow.

**SECOND BY:** Mr. Maxfield

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

**ROLL CALL:** 4-0 (Mr. Kern – Absent)

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

Mrs. deLeon said the applicant is requesting an extension of time to complete the improvements at the Saucon Valley School District complex.

The LST staff recommends the Township Council approve an extension until June 4, 2006 for completion of improvements for Saucon Valley School District Land Development. This approval is subject to the following conditions:

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1. The owner shall enter into an extension agreement with the township satisfactory to the Township Solicitor and Township Council and post a cash escrow for the costs estimated to complete the remainder of the work.
2. The owner shall pay an outstanding plans and appeals account invoices owed to the township.
3. All conditions shall be satisfied by July 30, 2006.”

Attorney Treadwell said it's pretty straight forward. The school district has not posted security with the township.

**MOTION BY:** Mrs. Yerger moved for approval based on the staff recommendations.

**SECOND BY:** Mr. Horiszny

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

**ROLL CALL:** 4-0 (Mr. Kern – Absent)

**IV. TOWNSHIP BUSINESS ITEMS**

**A. CASINO IMPACT UPDATE**

Mrs. deLeon said the Manager will provide Council with an update regarding the casinos.

Mr. Cahalan said the upcoming hearings are May 22 and May 23. He'll be attending with several of the Council members and the Police Chief. Council had asked for some cost figures to go with the impacts that we anticipate will occur if the slots casino license comes to Bethlehem. The memo indicates the traffic impacts. They anticipate there would be some improvements needed at three or four intersections. The cost would range from \$1.5 million to \$4 million. There would also have to be some road widening, shoulder and drainage improvements. That could range from \$2 million to \$3 million. Chief Lesser indicated there would be an increase in traffic incidences. We can anticipate in a couple of years that there will be up to a 10% increase in crime in the surrounding communities. Based on that, he anticipates he would need ½ to one officer and the cost range is \$41,082. Chief Barndt indicated Se-Wy-Co would need additional equipment which would cost approximately \$56,000. He also recommended that the intersection in the township be equipped with an upgraded opti-con directional light control system for their vehicles and put light emitters in their apparatus and that total cost is about \$30,000. In addition, he mentioned with the traffic being heavy, they'll need a traffic signal outside Se-Wy-Co fire house in order for their equipment to get out on 378. Mrs. deLeon said this letter should go to the County.

Mrs. deLeon said we've been hearing the Board of Supervisors at Limerick voted no. She feels if they are eliminated from the mix, there are still 14 casinos being approved. Does that mean Allentown and Bethlehem will each get a site? If they do, she thinks that Jack should have our administration and engineering department look into the traffic impact for the Allentown site. Mr. Maxfield said he would really hope they weren't short-sighted enough to put a casino in both places. Mrs. deLeon said she doesn't want to take that chance. Mr. Cahalan said he doesn't know if Jim is able to do a traffic analysis on the Allentown site by June 2<sup>nd</sup>. Mr. Kocher said Mr. Birdsall will be back on June 1<sup>st</sup>. Mr. Cahalan said there are two licenses available for the Lehigh Valley, Pocono and Limerick.

Mr. Maxfield asked for a list of roads that Mr. Birdsall would be recommending for widening? Mr. Cahalan said just today, the full report came in and it hasn't been distributed.

**MOTION BY:** Mrs. deLeon moved to direct the Manager to send the letter to the County and review the traffic impacts for the Allentown site.

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**SECOND BY:** Mr. Horiszny  
Mrs. deLeon asked if anyone in the audience had any questions or comments? Stephanie Brown asked what was discussed with Upper Saucon about the Allentown impacts? Mrs. deLeon said Representative Karen Beyer asked for a meeting, and addressed the Stabler traffic, Route 378, and all the roads coming from that area. They discussed the casino impact in Allentown as there would be casino traffic on Rt. 378. Ms. Brown said do you believe if it's put in Allentown, they are going to come down through Rt. 378? Mrs. deLeon said the traffic will come from Philadelphia up through Rt. 309. Mrs. deLeon said it's only a guesstimate. Ms. Brown said what roads would have to be upgraded? Mrs. deLeon said they don't have that answer yet as the statement was just given to Jack from HEA. No one has seen it yet. Ms. Brown said if this casino doesn't go in at Bethlehem and we get the stores like they are talking about, are you starting to look at that impact on LST? There may not be the same amount of impact, but there will be impact from all of that. Mrs. deLeon said we have no data to review at the moment regarding that.

**ROLL CALL:** 4-0 (Mr. Kern – Absent)

**B. RESOLUTION #35-2006 – REGARDING CABLE FRANCHISE LEGISLATION**

Mrs. deLeon said at the May 3 Council meeting, Council directed staff to prepare a resolution opposing the proposed legislation to eliminate local cable franchises.

**LOWER SAUCON TOWNSHIP  
RESOLUTION #35-2006  
RESOLUTION REGARDING CABLE FRANCHISING LEGISLATION**

**WHEREAS**, for decades, municipalities across America have had the legal right to enter into franchise agreements with cable operators; and

**WHEREAS**, the local franchising process has benefited municipalities and consumers by ensuring that cable operators respond to local needs and interests; and

**WHEREAS**, these benefits include, but are not limited to, franchise fee revenue for use of the public rights-of-way; customer service standards; requirements that cable operators serve the entire community; public, educational and governmental (“PEG”) access channels; complimentary cable and internet services to community facilities; and municipal management of the public rights-of-way; and

**WHEREAS**, both the Pennsylvania Legislature and the United State Congress are considering legislation that would eliminate municipal franchising authority for cable operators; and

**WHEREAS**, the legislation as drafted would significantly reduce franchise fee revenue by narrowing the definition of “gross revenues” subject to the franchise fee; eliminating local enforcement of customer service standards; repealing the current requirement that cable operators must serve the entire community; reducing PEG channel obligations, including local control and PEG support; abolishing the granting of complimentary services; and limiting local authority over the public rights-of-way; and

**WHEREAS**, such legislation would radically alter the regulatory framework for cable operators that have been in place for decades and would remove local needs and interests from the franchising process; and

**WHEREAS**, municipalities welcome competition in the cable industry and stand ready to negotiate franchise agreements with new cable operators in a timely fashion.

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**NOW, THEREFORE, BE IT RESOLVED**, that the Council of Lower Saucon Township, Glenn Kern, President; Priscilla deLeon, Vice President; Ron Horiszny, Tom Maxfield, and Sandra Yerger, hereby opposes both state and national franchising legislation currently being considered by the Pennsylvania State Legislature and the United States Congress; and

**BE IT FURTHER RESOLVED**, that Lower Saucon Township will send this Resolution to all Pennsylvania State Representatives, all Pennsylvania State Senators, the Pennsylvania Congressional delegation, and the two U.S. Senators from Pennsylvania.

ADOPTED and ENACTED, this 17<sup>th</sup> day of May, 2006.

- MOTION BY:** Mrs. Yerger moved for approval of Resolution 35-2006 – regarding cable franchise legislation.  
**SECOND BY:** Mr. Maxfield  
Mrs. deLeon asked if anyone in the audience had any questions or comments? Mr. Horiszny said the third WHEREAS, should say ‘but are not’ limited to. The sixth “WHEREAS’ should say “for cable operators that have been in place”.  
**ROLL CALL:** 4-0 (Mr. Kern – Absent)

**C. RESOLUTION #36-2006 – REGARDING TRAFFIC SIGN INSTALLATION**

Mrs. deLeon said Resolution #36-2006 has been prepared to set requirements regarding the installation of traffic signs.

**LOWER SAUCON TOWNSHIP  
RESOLUTION #36-2006  
RESOLUTION SETTING REQUIREMENTS FOR THE INSTALLATION  
OF CERTAIN REGULATORY TRAFFIC SIGNS AND DEVICES**

**WHEREAS**, Lower Saucon Township is a Township of the Second Class, Optional Plan, located in Northampton County, Commonwealth of Pennsylvania; and

**WHEREAS**, Article XXIII of the Pennsylvania Second Class Township Code authorizes the Governing Body of a Second Class Township to provide for the installation of certain regulatory traffic signals, signs, and devices in order to protect the public health, safety and welfare; and

**WHEREAS**, Lower Saucon Township often receives requests for the installation of traffic signs from private individuals and organizations in the public right of way.

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

1. The Council of Lower Saucon Township shall review all requests for the installation of regulatory traffic signs on a public roadway on a case-by-case basis following an Engineering Traffic Study conducted by either the Lower Saucon Police or Public Works Department as required by PennDOT.
2. The Council of Lower Saucon Township may require, in its sole discretion, that the individual or entity requesting the installation of the traffic sign be responsible for the cost of the sign and its installation.
3. All regulatory signs installed in Lower Saucon Township shall comply with all applicable state and federal regulations.

ADOPTED and ENACTED, this 17<sup>th</sup> day of May, 2006.

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**MOTION BY:** Mr. Maxfield moved for approval of Resolution 36-2006 – regarding traffic signs installation.

**SECOND BY:** Mr. Horiszny  
Mrs. deLeon asked if anyone in the audience had any questions or comments? Mr. Horiszny said in Section 1, it should read “case-by-case”. Mrs. deLeon said No. 1, it says “following an engineering traffic study conducted by the police or Public Works Department”. Can you have an engineering study? Mr. Cahalan said that’s what it is called, it complies with PennDOT regulations.

**ROLL CALL:** 4-0 (Mr. Kern – Absent)

**D. RESOLUTION #37-2006 – APPOINT MUNICIPAL PENSION FUND CHIEF ADMINISTRATION OFFICER**

Mrs. deLeon said Resolution 37-2006 has been prepared to appoint a Chief Administrative Officer to the Police and Non-Uniform Pension Plans.

Mr. Cahalan said the Auditor General is going around doing audits, and they are pointing out that township’s need to appoint a Chief Administrative Officer for the pension system. In order to do that, we need to adopt a resolution.

**LOWER SAUCON TOWNSHIP  
RESOLUTION #37-2006  
RESOLUTION APPOINTING CHIEF ADMINISTRATIVE OFFICER  
TO THE POLICE AND NON-UNIFORMED PENSION PLANS**

**WHEREAS**, the Municipal Pension Plan Funding Standard and Recovery Act (Act 205 of 1984) requires that pension reports be prepared under the supervision and the direction of the Chief Administrative officer of the Municipality; and

**WHEREAS**, the Township of Lower Saucon, Northampton County, Commonwealth of Pennsylvania, wishes to comply with all the requirements of said Act.

**NOW, THEREFORE, BE IT RESOLVED**, that the Council of Lower Saucon Township, Glenn Kern, President; Priscilla deLeon, Vice President; Ron Horiszny, Tom Maxfield, and Sandra Yerger, hereby appoints the Township Manager as Chief Administrative Officer of its Police and Non-Uniformed Pensions Plan(s); and

ADOPTED and ENACTED, this 17<sup>th</sup> day of May, 2006.

**MOTION BY:** Mrs. deLeon moved for approval of resolution 37-2006 – appointing municipal pension fund chief administration officer.

**SECOND BY:** Mrs. Yerger  
Mrs. deLeon asked if anyone in the audience had any questions or comments? No one raised their hand. Mr. Horiszny said the second last paragraph, last word “and” should be taken off and a period after Plan(s).

**ROLL CALL:** 4-0 (Mr. Kern – Absent)

**E. RESOLUTION #38-2006 – PROCLAMATION FOR THE AMERICAN CANCER SOCIETY’S RELAY FOR LIFE**

Mrs. deLeon said Resolution 38-2006 has been prepared supporting the American Cancer Society’s Relay for Life to be held June 2<sup>nd</sup>.

**LOWER SAUCON TOWNSHIP  
RESOLUTION #38-2006  
PROCLAMATION SUPPORTING THE AMERICAN CANCER SOCIETY'S  
RELAY FOR LIFE**

**WHEREAS**, the American Cancer Society is holding their annual Relay for Life and 2006 marks the 13<sup>th</sup> year of this successful event and the 5<sup>th</sup> 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 2<sup>nd</sup> at 4:00 p.m. until June 3<sup>rd</sup> 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 2<sup>nd</sup> 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; Priscilla deLeon, Vice President; Ron Horiszny; Tom Maxfield; and Sandra Yerger do hereby encourage and support this worthwhile event.

**MOTION BY:** Mrs. Yerger moved for approval for resolution 38-2006 – Proclamation for the American Cancer Society's Relay for Life.

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

**ROLL CALL:** 4-0 (Mr. Kern – Absent)

**V. MISCELLANEOUS BUSINESS ITEMS**

**A. APPROVAL OF MAY 3, 2006 MINUTES**

Mrs. deLeon said the minutes of May 3, 2006 Council meeting have been prepared and are ready for Council's review and approval.

Mr. Horiszny said page 1, line 45, "White Acre" should be "Whiteacre". Page 3, line 15, "vote was 4-0", it should be "vote was 4-1". Page 6, line 25, "Mr. Hill said if you make a law, we're going", it should say "Mr. Hill said if we make a law, he's going". Page 6, line 27, "radius of a development". Mr. Maxfield said he probably did say that, leave it go. Page 7, line 33, Township "without" very little complaining, should be "with" very little complaining. Page 9, line 22, Mr. "Seven" should be Mr. "Severn". Page 10, line 15, last word take out "not". Page 10, line 17, "property to extend it to" should be "in to". Page 10, line 49, should be Mr. Howler. Page 15, line 5, "goon" should be "go on". Page 15, line 24, "ballet" should be "ballot". Page 15, line 26, "ordance" should be "ordinance". Page 18, line 34, "our" should be "are". Page 18, Line 44, "deficiently" should be "efficiently". Page 21, line 14, last word "recyclable" should be

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“recycling”. Page 21, line 20, “Convention of Visitors” should be “Convention and Visitors”. Page 21, line 29, “the next one if”, should be “the next one is”.

**MOTION BY:** Mr. Horiszny moved for approval of the May 3, 2006 minutes with corrections.

**SECOND BY:** Mrs. deLeon

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

**ROLL CALL:** 4-0 (Mr. Kern – Absent)

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

- Ms. Stephanie Brown said she is very unhappy with the ordinance being scrapped for the construction times. Ordinances are supposed to be in the best interest of the township and she didn't see that happen. She left here and didn't know what Council's intentions were for helping her with her problem, the noise, and the lights. Mrs. deLeon said you have been meeting with the staff to address these issues. Council is here in a position where we have a staff that meets with residents to try to resolve issues. No matter what the staff does or says, it is not meeting her satisfaction. Ms. Brown said she's upset that the ordinance was scrapped. It is necessary. Mrs. deLeon said they directed the staff to look into the Nuisance Ordinance. One aspect was discussed at a public meeting and a decision was made, and that put us in a direction to look towards the Nuisance Ordinance. We're not ignoring your concerns. We all cared about the noise. There's a development next to you and there is no way of building the development, so it has to be so they can do their job. There will be an end to it at some point. Ms. Brown wanted to know why Mrs. deLeon did not abstain from voting as her husband is a small contractor. Your husband might as well have been sitting up there. Mrs. deLeon said that's your opinion. Attorney Treadwell said she did nothing wrong in voting at the last meeting. Ms. Brown said what does she do now? Mr. Maxfield said the Nuisance Ordinance seems to be the route we were going to go. The issues are still there and they are going to be addressed. She asked if a directive had been given to the police if she calls them, is something going to be done? Mr. Cahalan said the ordinance hasn't been changed yet. Attorney Treadwell said the staff is doing the best they can do. Ms. Brown said she is still waiting for the police to answer her complaints that she sent in an email a couple of weeks ago. Mr. Cahalan said he sent her an email telling her to resend it to the PD as they didn't receive it. Ms. Brown said she never received Mr. Cahalan's email. Mr. Cahalan said there must be some sort of computer problem. Ms. Brown said you keep talking about Meadows Road, Springtownhill Road, but nothing gets done. Why can't Meadow's Road be restricted to local delivery trucks only. Mrs. deLeon said they talked about this issue several meetings ago. The next time this will be discussed will be probably be July 19 with a public meeting being held. Ms. Brown has a question about Mt. Pleasant Drive and why it couldn't be a two way going out to 412? Mr. Maxfield said it was probably turned into a one way off of 412 as it doesn't have good sight distance there. Ms. Brown said the bridge on Meadow's Road is 148 years old and in two years, it will be 150 years old. She'd like to see the Township commemorate that. Mrs. deLeon said they will put that on their list.
- Mr. Robert Hero, 1950 Fairview Road, asked when the Silver Creek storm sewers would be finished? Mr. Cahalan said the paving is on schedule and it should start within the next couple of weeks.

**VI. COUNCIL AND STAFF REPORTS**

**A. COUNCIL/JR. COUNCIL**

**Mrs. Yerger**

- Mrs. Yerger said she and Tom attended, last Thursday, the Springfield EAC meeting and discussed a preliminary method of approaching a regional storm water plan. They kicked

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around some ideas. Scott Douglas, who was the Chair of the Springfield EAC, is going to be emailing us the minutes when he gets it all together. It's something we should seriously look into. It would be Springfield, Durham and LST, and it would give us a really good overview of the kind of storm water plans we might be able to use in all three municipalities.

- Mrs. Yerger said they got a flyer from the Northampton & Lehigh County Conservation Districts to a Symposium of Agricultural Storm Water Forum, and it's June 20. She'd like to attend. Mr. Horiszny said talking about June 20, there is a PSATS course "Municipal Applications for Concrete in Bethlehem-Northampton County".

**Mr. Maxfield**

- Mr. Maxfield said the improvements that have been made along Reservoir Road and Silver Creek dump into the creek further down by the golf course. He's keeping in mind the piping that occurred at the park and that it comes in pretty much in a right angle to the flow of the creek. He'd like us to keep an eye on that to make sure we're not creating an erosive condition. If we have to buffer up the other side with rocks, then do it. The golf course has suffered major erosion and he'd like to mitigate that as much as possible. If we see erosion, come up with a mitigation plan.

**Mr. Horiszny**

- Mr. Horiszny attended the LV Visitors and Convention Bureau meeting last week and learned that Dennis Costello, the General Manager of Hotel Bethlehem, would be interested in any other opposition things we do with the FAA tower. He wasn't aware of ever having been approached before. He did not like the casino idea at all.
- The LSA met last night and they have a strategic planning session scheduled for Saturday, June 3, 2006.
- He contacted PSATs regarding their minutes training. They were supposed to fax him information, but he didn't receive it yet. Their next class probably would not be until next spring with that subject, but if they came up with about 15 people to take it, they might be able to come and do it. He will be back with the information.
- He still hopes we can look at the pervious concrete information that he got at the PSATs convention.

**Mr. Kern**

Absent

**Mrs. deLeon**

- She said she received a letter regarding Conectiv about their Act 14, their public notice for their power plant. Do we need to do anything with that? Mr. Cahalan said it's the notice they are required to send out.
- She thanked Jack for the response to Mr. Eberhardt. Will he get a notification of an answer to his list of concerns in his letter? Mr. Cahalan said yes, and Council will be copied.
- She said Society Hill sent a letter. Back in 1988, they were concerned when you exited, there was a hill to the right. That was a major concern of the PC and Council. It's a PennDOT road and that all was subject to PennDOT approval and they didn't seem to find a problem with pulling out there with the hill. Now they are asking to lower the speed limit to 35 MPH. Right now it's 45 MPH. How are we going to address that? Mr. Cahalan said he requested a report from Public Works and the Police Chief and he was going to bring it back at a future meeting.
- She noticed the LVPC is doing a basic course in subdivision review. It's Monday evenings, June 5, 12, and 19. She'd like to get signed up for that.
- Tomorrow is the Lafayette College Seminar, bright and early.

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- Last night she attended the Hellertown-Lower Saucon Chamber board meeting which was the last for the year. She'd like to be reappointed, by motion, to be the representative as their fiscal year goes July 1 to June 30.

**MOTION BY:** Mr. Horiszny moved to reappoint Mrs. deLeon to be the representative to the Hellertown-Lower Saucon Chamber of Commerce.

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

**ROLL CALL:** 4-0 (Mr. Kern – Absent)

- She said election day was yesterday. She got to talk to a lot of people. The most popular topic was the Narrows. She tried filling them in on what was going on. The issue came up about brush along side of the road. This happened to her when she was coming over the Freemansburg Bridge. She didn't see a truck coming because the brush from the guardrail was sticking out. Her car is lower and she didn't see the truck coming. They need to cut that brush pretty far so you can see two lanes coming at you. Coming out of Saucon Avenue, making a left, where the curve is, that needs to be cut back also. Please pass that on to PennDOT.
- She wondered when Leithsville sewer would be back on the agenda. Mr. Cahalan said the last progress report was that there were discussions that were ongoing between Hellertown Water Authority and LSA about the Front Street option. He hasn't heard a report back on that. The only promising thing that has popped up is that through some contacts with Septa, they may be able to get a meeting with a Septa representative about asking for an easement to possibly run the line down the abandoned Septa line which would be a lot less expensive and easier to use. Mrs. Yerger asked if anyone knew if that was the line that connects to Northern Bucks via Shelly? Mr. Cahalan said eventually if it was connected, it would. Mrs. Yerger said they've already approved expansion all the way to Shelly. They are looking at bringing it back up to Coopersburg and possibly beyond. She spoke with a gentlemen from the Transit Authority. The map shows it as far as Shelly. He said it could be a possibility to extend the line. Mr. Maxfield said along that same line, they got the letter from Hellertown at the EAC meeting with the possibility of trying to make that a greenway through the Septa line. They said they would respect the turnback rights to Septa. What would we do if the Authorities decide to run a line through that area and then Septa wants it back. Mr. Cahalan said we would discuss that and maybe get an easement and that the line would be buried. Mrs. Yerger said they are really looking at rail. They are getting funding for it. Mr. Maxfield said if there's an expansion of that area in Hellertown, it does go through the swamp area which is supposed to be on the county area map. Mr. Cahalan said the study that was done said the wetlands went to the edge of the railroad and up the bank. We'd be talking about in the rail beds, so it wouldn't be disturbing any of the marsh area.
- To update Council, the DEP-BRE hearing is on June 22 at 7:00 PM here in the building. The committee will meet. The date for the key professionals is June 14 at 10:00 AM to prepare. The issue with the tritium, did the EAC get that? Mrs. Yerger said they got that and will pass it on. Mrs. deLeon said tomorrow there is a landfill meeting and there are some ongoing, outstanding issues. Mr. Horiszny said he asked about the tritium in an email and didn't get a response, so they'll ask about it again tomorrow. Why don't the radiation detectors pick it up? Mr. Cahalan said one of the emails he read, apparently one reads beta particles and tritium is another compound and it doesn't pick it up. Mr. Horiszny will ask at the landfill meeting tomorrow. Mr. Maxfield said to ask if tritium has been detected in any of the sample wells.

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- The SVP met and interviewed our third and fourth candidate. They are meeting on June 14 to interview the first two picks they had, and hopefully, will make a selection. It's for the multi municipal plan.

**Ms. Rasich**

- Mrs. deLeon asked Jaclyn when she graduates? Jaclyn said on June 9. She will still attend some Council meetings. Ms. Rasich said it was fun.

**B. TOWNSHIP MANAGER**

- He said an update on the Narrows - he sent an email to Council last week. He heard there was going to be resumption of activity out there. There was some discussion that Lee Walters and his firm had done a great job out there helping to repair. There was some question about whether or not they were going to do the full paving of the 6,000 ft. or just the patch paving. They offered to do the full paving and PennDOT, due to safety issues, had to turn down that offer. Jim Birdsall spoke to the PennDOT Executive and agreed with that decision. He went out and was pleasantly surprised to find out it looked like most of the repair had been completed. The two spots where the road was eroded had been filled in with stone and the patch paving had been done and the guide rail is back up. It looks straighter than it did pre-Ivan. The road is in good condition. He asked Roger to go out with Ken Luybli to take a look at it and they came back and said they agreed with Mr. Cahalan. They are still working on some storm water drainage out there. He hasn't had an opportunity to call PennDOT to find out when they expect to be finished, but he would guess they are shooting for June 1, but will get a confirmation on it. Mrs. deLeon thanked everyone and said this is great.
- In your packet, there's a copy of a letter received from the Hellertown Borough Manager. Disappointing news regarding the regional police study that was undertaken by the Township, Borough and the School District under the Partnership, this study is not going to go any further. They were going to contact the State and try to iron out the differences with the DCED supervisor, and hopefully, move on and complete the study. We anticipated that is what would happen at the Hellertown Borough Council meeting on May 15 when they were asked to take a vote of confidence to continue the study. They took the vote, but the vote came back with the majority asking that the study not be continued, which halts us dead in our tracks. Jack will send a nice letter to DCED thanking them for their willingness to work with us. This is not good going forward with DCED having this kind of track record voiding these studies.
- We received tax bills for the Lutz Franklin School House of \$737.48, which the County didn't record until after September which is the deadline for requesting exemptions. Kathy has sent in the request for exemptions, but we will have to pay the tax bill from the General Fund, Contingency Account 493.000. Mrs. deLeon said this has to be by resolution. Attorney Treadwell said you can authorize it tonight and they'll bring a resolution back. Mrs. deLeon is very disappointed that this happened again with paying the tax bill. It happened before. We have three additional properties and she doesn't want to see this happen again. Mr. Cahalan said the recording was done at the County level and it wasn't in our control. Mrs. deLeon apologized, it wasn't really our fault.

**MOTION BY:** Mr. Horiszny moved for authorization of expenditures of \$737.48.

**SECOND BY:** Mr. Maxfield

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

**ROLL CALL:** 5-0

- The second one is with the Polk Valley Park Fund when we did the budget, we didn't put any funding in for Engineering and Legal fees. He's requesting that you give approval to

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transfer \$10,000 from the Contingency line item in the Polk Valley Park Fund as follows:  
\$5,000 to Account 452.310 Engineering Fees and \$5,000 to Account 452.311 Legal Fees.

- MOTION BY:** Mr. Horiszny moved for authorization to transfer \$5,000 to Engineering Fees and \$5,000 to Legal Fees.
- SECOND BY:** Mr. Maxfield  
Mrs. deLeon asked if anyone in the audience had any questions or comments? No one raised their hand.
- ROLL CALL:** 5-0

Mr. Cahalan will come back with resolutions.

- The Police Department has hired a new part time officer to fill the vacancy that occurred with the loss of Derrick Tedesco. They hired Matthew Lowe from Emmaus who has had police experience in the Reading area and Matthew is one of the top candidates in our recruitment drive last year and will begin working on a part time basis effective May 17, 2006.
- Vic Koszi, our DARE officer, has submitted a renewal of the DARE project grant for 2006 – 2007 school year which he runs at the SV Elementary School.

**C. SOLICITOR**  
Noting to report

**D. ENGINEER**  
Nothing to report

**III. ADJOURNMENT**

- MOTION BY:** Mr. Horiszny moved to adjourn. The time was 9:10 PM.
- SECOND BY:** Mr. Maxfield  
Mrs. deLeon asked if anyone in the audience had any questions or comments? No one raised their hand.
- ROLL CALL:** 5-0

Submitted by:

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Mr. Jack Cahalan  
Township Manager

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Glenn Kern  
President of Council