

- I. OPENING**
- A. Call to Order
  - B. Roll Call
  - C. Pledge of Allegiance
  - D. Announcement of Executive Session (if applicable)
- II. PUBLIC COMMENT PROCEDURE**
- III. PRESENTATIONS/HEARINGS**
- IV. DEVELOPER ITEMS**
- V. TOWNSHIP BUSINESS ITEMS**
- A. Northampton County Gaming Authority Uncommitted Grant Applications
  - B. Resolution #43-2011 – Relay for Life
  - C. Ordinance No. 2011-05 – TCC – Earned Income Tax – Authorize Advertisement
  - D. Request to Vacate Paper Street – 2145 Johnston Avenue
  - E. Saucon Rail Trail Mile Markers
- VI. MISCELLANEOUS BUSINESS ITEMS**
- A. Approval of April 20 and May 4, 2011 Minutes
  - B. Approval of April Financial Reports
- VII. PUBLIC COMMENT/CITIZEN NON-AGENDA ITEMS**
- VIII. COUNCIL & STAFF REPORTS**
- A. Township Manager
  - B. Council/Jr. Council Member
  - C. Solicitor
  - D. Engineer
  - E. Planner
- IX. ADJOURNMENT**

Next EAC Meeting: June 14, 2011  
Next Zoning Hearing Board Meeting: June 20, 2011  
Next Council Meeting: June 1, 2011  
Next Planning Commission Meeting: June 16, 2011  
Next Park & Rec Meeting: June 6, 2011

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**I. OPENING**

**CALL TO ORDER:** The General Business & Developer meeting of Lower Saucon Township Council was called to order on Wednesday, May 18, 2011 at 7:07 P.M., at 3700 Old Philadelphia Pike, Bethlehem, PA, with Mr. Glenn Kern, President, presiding.

**ROLL CALL:** Present – Glenn Kern, President; Tom Maxfield, Vice President; Sandra Yerger, Ron Horiszny and Priscilla deLeon, Council members; Jack Cahalan, Township Manager; Leslie Huhn, Assistant Township Manager; Linc Treadwell, Township Solicitor; Brien Kocher, Township Engineer; Karen Mallo, Township Planner; and Jr. Council Member, Eubin Hahn.

**PLEDGE OF ALLEGIANCE**

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

<p><b>Mr. Kern said Council met in Executive Session to discuss contract negotiations, land acquisition and personnel issues.</b></p>
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**II. PUBLIC COMMENT/CITIZEN AGENDA ITEMS**

Mr. Kern said if you are on the agenda, you have Council and staff's undivided attention and we can discuss the agenda items with you thoroughly. At the conclusion of the discussion, we do open it up to the public for public comment for each individual agenda item. If you do speak, we ask that you use one of the microphones and state your name clearly for the record. We transcribe the minutes verbatim, accurately and fully. If you go on our website, you can see that. We want to make sure we get everyone's name in there and what you've said accurately. If you do want to receive future agendas, there's a sign-up sheet in the back where if you put your email address, we'll email them or mail them to you if you don't have an email address

**III. PRESENTATION/HEARINGS – None**

**IV. DEVELOPER ITEMS – None**

**V. TOWNSHIP BUSINESS ITEMS**

**A. NORTHAMPTON COUNTY GAMING AUTHORITY UNCOMMITTED GRANT APPLICATIONS**

Mr. Kern said The Gaming Authority meets on May 23<sup>rd</sup> at 5:30 p.m. Council asked that the discussion regarding the Township and joint Lower Saucon – Hellertown uncommitted funds applications be continued to this meeting.

Mr. Cahalan said he reviewed this at a prior Council meeting. There was a question during the presentation on April 25<sup>th</sup> to the Police Chief about a chart the Chief submitted and he was asked to provide the information and the numbers that backed up the chart that he had submitted to the County. Those numbers are included in the packet. It's the 18 months prior to the casino's opening and 18 months after the casino opened. There's also a question about the development activity in the Township and the Zoning Officer put together a chart which is pre-casino and post-casino. The Chief had also mentioned the businesses that closed in the township shopping centers and there is a list of those attached. That was information that was requested. Mr. Kern asked if anyone had any questions or comment? No one raised their hand.

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**MOTION BY:** Mr. Maxfield moved that, we as a Council, join in sending a letter to each of the County Council members, and cc it to John Stoffa, that the Gaming Authority be abolished in its current form because it is unworkable and it does not represent our Township or other Townships properly and he would like to see substituted a process that would be more workable and simpler.

**SECOND BY:** Mr. Horiszny

**ROLL CALL:** 3-0 (Mrs. Yerger – Absent; Mrs. deLeon – Abstained as she’s on the Gaming Authority board)

**B. RESOLUTION #43-2011 – RELAY FOR LIFE**

Mr. Kern said Resolution #43-2011 has been prepared to recognize the 18<sup>th</sup> annual Relay for Life to be held in Dimmick Park.

**PROCLAMATION SUPPORTING THE AMERICAN CANCER SOCIETY’S  
RELAY FOR LIFE**

**WHEREAS**, the American Cancer Society is holding their annual Relay for Life and 2011 marks the 18<sup>th</sup> year of this successful event and the 4<sup>th</sup> year at Dimmick Park; 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 Dimmick Park beginning June 4<sup>th</sup> at 9:00 a.m. until June 5<sup>th</sup> at 9:00 a.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 4<sup>th</sup> as Relay for Life weekend and asks the community to support and encourages participation in the American Cancer Society’s Relay for Life.

**MOTION BY:** Mrs. deLeon moved for approval of Resolution #43-2011.

**SECOND BY:** Mr. Maxfield

**ROLL CALL:** 4-0 (Mrs. Yerger – Absent)

**C. ORDINANCE NO. 2011-05 – TCC – EARNED INCOME TAX – AUTHORIZE  
ADVERTISEMENT**

Mr. Kern said Ordinance No. 2011-05 has been prepared to re-enact the Earned Income Tax Ordinance to establish conformity with the Local Enabling Act as amended by Act 32.

Attorney Treadwell said he reviewed this ordinance. It comes out of the legislature’s recent act where they consolidated income tax collection into the county. It’s now the county tax collection district that will now be collecting income taxes for the Township. The purpose of this ordinance is to bring your current EIT ordinance into compliance with that state Act 32. This is not the ordinance that would authorize the extra quarter of one percent; that issue will be on the ballot this coming November. This ordinance does have language that refers to that because you currently have that tax in place. If something changes in November, we will need to come back and change it. This is not the ordinance that does that. This just brings you into compliance with that. Before they advertise the ordinance, your current ordinance contains an exemption for anyone earning

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under \$5,000.00, so the question is the Tax Collection Committee that will review all these issues has recommended that there be no exemptions. Your ordinance has that exemption for an individual who earns under \$5,000.00 and is required to pay EIT. His question is do you want to continue that exemption as you have done in the past? Mrs. deLeon said do we have a choice? How are we going to handle the paperwork? Attorney Treadwell said the same way Berkheimer would collect the EIT. Mrs. deLeon said isn't the other tax, isn't that a \$12,000.00 exemption? Attorney Treadwell said that's the local services tax. He thinks it has been historically been that way. You could exempt under the current income tax ordinances. You could exempt up to \$12,000.00 and he remembers having this discussion a number of years ago with Council and Council's determination at that time was \$12,000.00 might be a little high, so they were going to drop it to \$5,000.00. Mrs. deLeon said she doesn't think we should change our ordinance. Mr. Kern said does Berkheimer not recognize that with our current ordinance? Attorney Treadwell said they may not be recognizing that issue and that's something we will have to discuss with Berkheimer as it pertains to this ordinance.

**MOTION BY:** Mr. Horiszny moved for approval to authorize advertisement for Ordinance No. 2011-05.  
**SECOND BY:** Mr. Maxfield  
**ROLL CALL:** 4-0 (Mrs. Yerger – Absent)

**D. REQUEST TO VACATE PAPER STREET – 2145 JOHNSTON AVENUE**

Mr. Kern said Thomas Louder has requested the Township consider vacating a portion of the paper street located next to his residence. If Council desires to allow this road vacation, they should instruct staff to prepare a draft ordinance for advertisement and to notify the surrounding property owners that a public hearing will be held for vacating a portion of the paper street on Johnston Avenue.

Mr. and Mrs. Louder were present. Mr. Louder said he and his wife reside at 2145 Johnston Avenue in the village of Steel City. Their topic for this meeting is to request the vacating of a paper street. The alley is located between Fritz and Adams Avenue and runs parallel with Johnston and Schwab Avenue. Their reason for this is to improve their property through landscaping to include this area. After walking through the adjacent property at 2144 Schwab Avenue with a RE/MAX agent on May 16, 2011, they noted that this residence has been vacated and neglected for almost a year, and in their opinion, has reached the level of being inhabitable. He had also spoke with a member of the Township Water Authority who advised him that the water pipes had burst over this past winter due to no heat in the residence. He had pictures that were taken May 13, 2011 and there are unsafe buildings on the property; the lawn is unkempt and is easily over twelve inches, which is a violation of the Township Weed Ordinance and has become a haven for rodents and bees. A report has been filed with the Police Department and the Zoning Office regarding this particular matter. He has had several conversations with Mr. Garges and it is his understanding that the paper alleys were incorporated decades ago to become Township roads, but this never happened. Currently, several of these alleys have been vacated, including the one just south of their residence by the Steel City Mennonite Church. The Township has no interest in these properties and Mr. Garges had advised him that eventually all of the paper alleys will be closed. Mr. and Mrs. Louder thank Council for their time and consideration in this matter to assist them in identifying proper boundary lines and continue a sense of pride in ownership in the Steel City area in Lower Saucon Township.

**MOTION BY:** Mr. Horiszny moved for authorization to have the staff prepare the draft ordinance. Mrs. deLeon said don't we usually check with the other residents first? Attorney Treadwell said the other residents will get notice of the public hearing. He thinks in the past the Township has vacated portions of roads as opposed to the whole thing. He doesn't know if there's any reason why the Township would want to have any rights to this. When you have a paper street, all it means is the Township has no interest in opening it. They can prepare the ordinance and bring it back and advertise it as a public hearing.

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**SECOND BY:** Mr. Maxfield  
**ROLL CALL:** 4-0 (Mrs. Yerger – Absent)

**E. SAUCON RAIL TRAIL MILE MARKERS**

Mr. Kern said The Saucon Valley Partnership has discussed the need for placement of mile markers on the Saucon Rail Trail. The mile markers would aid users of the Rail Trail and also emergency responders responding to an incident.

Mr. Cahalan said there was a discussion at the last SVP meeting following the incident that took place on the trail. John Bate of Dewey Ambulance had indicated that the responders had difficulty finding where the incident was. The person who reported it was familiar with the area, but they had difficulty placing what streets it was in between. John Bate requested that the Township and Borough fast track the installation of mile markers to indicate miles and also to indicate location. The mile markers can be put up every half mile in the Hellertown or Lower Saucon portion, so there would no more than four or five of these markers. He's in the process of getting a sample. He'll bring it back at the next meeting.

Mr. Horiszny said the Township should clarify this with Upper Saucon and Coopersburg for continuity. Mr. Cahalan said that was something on the "to do" list. He will discuss it with the Saucon Rail Trail Advisory Committee. Roger Jurczak has been working with the Saucon Rail Trail Advisory Committee. He was instrumental with the kiosk in Hellertown and he's also come up with some good ideas for the mileage/location markers. As soon as Mr. Cahalan has a sample, he will bring it to the June 1<sup>st</sup> Council meeting.

Mrs. deLeon said on Monday night at the Hellertown Council meeting and at the SVP meeting, they talked about the width of the trail for emergency vehicles. If they access a street, and they have to back up as they are at the wrong end, and they can't. John Bate brought that up. Mr. Cahalan said Mr. Bate was talking about Bachman Street in Hellertown. There was no way to get their ambulance off the trail at that area. He was going to ask the Public Works Director to put in an access there to Bachman Street. It would be chained off so the ambulance could get on and off there.

Mr. Kern said he received an email from a resident at Four Seasons who said he's familiar with the trail, but he confused on some parts of the trail. He was wondering if they could have some type of markings at the road crossings. Mr. Cahalan said that was another suggestion that John Bate also made to put up road signs telling where the roads are. That is a good idea and is something that is on the list.

Mr. Kern asked if anyone in the audience had any comments or questions? Ms. Louder said will the markers distinguish between Hellertown and Lower Saucon? Mr. Cahalan said they would put Saucon Rail Trail, which is the whole trail, and then underneath it, it would have Lower Saucon Township, and the mile marker. That's what they would like to do in Hellertown Borough and Lower Saucon Township. Mr. Maxfield said it would be nice to know when you enter and leave one Township or Borough.

**VI. MISCELLANEOUS BUSINESS ITEMS**

**A. APPROVAL OF APRIL 20 AND MAY 4, 2011 MINUTES**

Mr. Kern said the minutes of the April 20 and May 4, 2011 Council meeting have been prepared and are ready for Council's review and approval. He asked if anyone had any changes or corrections?

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**April 20, 2011:**

**MOTION BY:** Mr. Maxfield moved for approval of the April 20, 2011 minutes.  
**SECOND BY:** Mrs. deLeon  
**ROLL CALL:** 3-0-1 (Mrs. Yerger – Absent; Mr. Horiszny – Abstained as he wasn't at the meeting)

**May 4, 2011:**

Mr. Horiszny said page 1, line 4, the time wasn't 7:07 PM, it was 7:01 PM. Page 1, line 5, Mr. Maxfield was presiding. Page 1, line 24, it "housing" should read "hearing". Page 6, line 42 should read "Mr. Horiszny said, the fact that they loan people to the fire departments during work hours for firefighting or accident response is admirable and very helpful." Page 8, line 44, the Roll Call should be 2-0-2 (Mr. Kern – Absent; Mrs. Yerger and Mr. Horiszny abstained as they were not at the meeting.)

**MOTION BY:** Mr. Maxfield moved for approval of the May 4, 2011 minutes, with corrections.  
**SECOND BY:** Mrs. deLeon  
**ROLL CALL:** 3-0-1 (Mrs. Yerger – Absent; Mr. Kern – Abstained as he wasn't at the meeting)

**B. APPROVAL OF APRIL 2011 FINANCIAL REPORTS**

Mr. Kern said the April 2011 Financial Reports have been prepared and are ready for Council's review and approval.

**MOTION BY:** Mr. Maxfield moved for approval of the April 2011 financial reports.  
**SECOND BY:** Mr. Horiszny  
**ROLL CALL:** 4-0 (Mrs. Yerger – Absent)

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

- Stephanie Brown said she wanted to go to the EAC meeting and she didn't make it. Being that the Township didn't have a recycling day this year, the County is having several. She went to one of the other places that were doing recycling as she had to get rid of an item. She doesn't know where the Township is in terms of recycling this year. She knows there's a new law out, but doesn't know what that law has changed to. One place up in Northwestern Lehigh County, they have a phenomenal program. Their prices have not changed for recycling items in ten years. One thing she doesn't remember is they do clean sweep through the Royal Preservation Association, but whatever funds are left over, they are able to give a scholarship to one of the graduating seniors from Northwestern Lehigh who is either going into agricultural or environmental science. This is something the Township may be able to do through the EAC. She doesn't know the rules on that, but she'd like the Township to take a look into it. Mr. Maxfield said we do have a tentative date with a company called AERC for recycling. The date is September 24<sup>th</sup>. Ms. Brown said she ended up going to Upper Saucon's recycling day and paid \$20.00 to get rid of an air conditioner. Mr. Maxfield said he knows AERC will take TV's, which we couldn't do before.
- Stephanie Brown said on Living History Day, she had a conversation with a Township police officer. They were discussing the problem with the rail trail and also with Meadows Road bridge. He told her some very upsetting news. The Township lost the court battle about the truck going over the bridge. Her question is, what happened and why the Township lost the case? Council said they knew nothing about this. Attorney Treadwell said he doesn't have any specific information relating to the case. He remembers for some reason the Magistrate didn't agree with the citation, but he doesn't know all the specifics. Mrs. deLeon said we need to learn from this and see how it can be enforced. Ms. Brown said her understanding is that because Meadows Road was rated at 10 tons and the bridge was rated at 10 tons, the truck basically had no way to go and they decided to go over the bridge. Her understanding is the Magistrate only cited the truck for failure to obey traffic signals or something along those lines. Now with the bridge being posted down to the 7 ton limit, the Magistrate said he will cite trucks who go over that limit. She doesn't want to see the

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bridge continuing to have traffic problems. She was down on Meadows Road, and she was talking to the Beardsley's and they said the same problems have not changed, especially one armored truck that goes to the Giant weekly. Mrs. deLeon said if this truck is a regular, we can find out what his schedule is. Mr. Cahalan said the police issued a citation and the case went to court. The Magistrate looked at the law and he decided to rule the way Ms. Brown described it. The weight limit on the bridge has since been lowered. Since the weight limit has been reduced to 7 tons, if we do cite someone in the future, the Magistrate will uphold the weight limit on the bridge. Ms. Brown said it doesn't mean they aren't going to have the same issue again if another development goes in behind her father's house. She's very upset that this happened and needs the Township to stay on top of this issue. She discussed this with Mr. Harp and Mr. Koehler from the county and apparently people love that bridge. The county realizes this bridge is important to Lower Saucon. Ms. Brown said this should be discussed at the SVP meeting, which it was discussed then. Mrs. deLeon said we need to follow-up with the Partnership presentation with Mr. Koehler. She asked if Mr. Cahalan will follow up with this and will send him an email as she'd like to discuss this at the SVP meeting in June. Mr. Cahalan said he will follow up with Mr. Koehler

- Mark Wirth said he would like to donate to the Historical Society a plate which was given to him by his school teachers when he was in elementary school. Mr. and Mrs. Stanley Sloyer gave it to him a long time ago. It has on it all the historical schools in the Township. He thought it could go to good use in the Township. He has no use for it. They may be able to put it in the display case at Town Hall.

**VIII. COUNCIL AND STAFF REPORTS**

**A. TOWNSHIP MANAGER** – No report

**B. COUNCIL/JR. COUNCIL MEMBER**

**Eubin Hahn** – No report

**Mr. Maxfield** – No report

**Mrs. Yerger** – Absent

**Mr. Horiszny**

- He said he was at the Lower Saucon Authority meeting last night and they had started the Walters Street main replacement.

**Mr. Kern** – No report

**Mrs. deLeon**

- She asked Mr. Cahalan if there was an update on Form D? Mr. Cahalan said the only thing he got was a response from the EAC. He passed it on to Jim Birdsall. He has no other information. He did check with Martin & Martin who sent the letter out and Rick Bodner said that the only question they had was the Park and Recreation question. He had no intention of sending out any other letters to the Township. The question he posed to Jim Birdsall was if that's all they are asking, is it their intention to use information from the previous Form D? Mr. Birdsall is looking into that. Attorney Treadwell said he will call Dave Brooman and tell him we want a comprehensive Form D. Mrs. deLeon said the theory is we always want a comprehensive report for every application. She doesn't want to miss something. In 2001 document, they had issues on the consolidated document for Phase IV as everything was changed over and over again and we wanted to make sure they had all information in one document. Did Rick Bodner mention about the time frame? Mr. Cahalan said no. They just asked him the question, would there be any other information they'd be asking for and Mr. Bodner said no.

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- D.**     SOLICITOR – No report
- E.**     ENGINEER – No report
- F.**     PLANNER – No report

**IX.    ADJOURNMENT**

- MOTION BY:**   Mrs. deLeon moved for adjournment. The time was 8:01 PM.
- SECOND BY:**   Mr. Horiszny
- Mr. Kern asked if anyone had any questions? No one raised their hand.
- ROLL CALL:**   4-0 (Mrs. Yerger – Absent)

Submitted by:

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Jack Cahalan  
Township Manager

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Glenn C. Kern  
President of Council