

I. OPENING

CALL TO ORDER: The General Business & Developer meeting of Lower Saucon Township Council was called to order on Wednesday, May 20, 2009 at 7:01 P.M., at 3700 Old Philadelphia Pike, Bethlehem, PA, with Mr. Glenn Kern, Council President, presiding.

ROLL CALL: Present – Glenn Kern, President; Tom Maxfield, Vice President, Sandra Yerger, Ron Horiszny, Priscilla deLeon, Council members; Jack Cahalan, Township Manager; Leslie Huhn, Assistant Township Manager; Kevin Kochanski, Township Planner; Brien Kocher, Township Engineer; Linc Treadwell, Township Solicitor. Stephen Prager, Jr. Council member arrived at 7:13 PM and left at 10:19 PM.

PLEDGE OF ALLEGIANCE

ANNOUNCEMENT OF ANY EXECUTIVE SESSION (IF APPLICABLE)

<p>Mr. Kern said Council met in Executive Session this evening to discuss potential land acquisition and personnel issues.</p>
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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 Leslie or Jack or call the Township office. Please state your name and address. If you can’t hear, please let us know. You can check the minutes on the website, which is www.lowersaucontownship.org. Mr. Kern asked if anything was taken off the agenda this evening? Mr. Cahalan said no.

III. PRESENTATIONS/HEARINGS

A. RESOLUTION #50-2009 – RECOGNIZING 16th ANNUAL RELAY FOR LIFE

Mr. Kern said Resolution #50-2009 has been prepared to recognize the 16th 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 2009 marks the 16th year of this successful event and the 2nd 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

**General Business Meeting
May 20, 2009**

WHEREAS, the Relay for Life will be held at Dimmick Park beginning May 30th at 9:00 a.m. until May 31st 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 May 30th 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.

MOTION BY: Mrs. Yerger moved for approval of Resolution #50-2009.

SECOND BY: Mrs. deLeon

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

ROLL CALL: 5-0

B. RESOLUTION #51-2009 – RECOGNIZING BRANDON PALIK FOR HIS ATHLETIC ACHIEVEMENTS

Mr. Kern said Resolution #51-2009 has been prepared recognizing Brandon Palik for his athletic achievements in wrestling.

**A RESOLUTION RECOGNIZING
BRANDON PALIK FOR HIS ATHLETIC ACHEIVEMENTS**

WHEREAS, Brandon Palik has been wrestling since he was 5 years of age when he joined the Saucon Valley Midget Wrestling Program in 1996; and

WHEREAS, Brandon progressed through the midget and junior high wrestling programs and worked on improving his skills through intense practices and with summer trips to compete all over the country including in Freestyle and Greco events at the Junior Nationals in Fargo, N. D.; and

WHEREAS, in his Junior year at Saucon Valley High School Brandon demonstrated his potential by compiling a 38-2 record in matches but a knee injury ruined his chances of winning the regional and state titles; and

WHEREAS, this past senior year Brandon was finally able to reach his goal, when wrestling in the 215 lb weight class he posted a 38-1 record in matches, finished 1st in the Districts and Regionals, and won the state PIAA 215-pound Title; and

WHEREAS, for his efforts this year Brandon was awarded the Outstanding Wrestler Award at the District Tournament, was named the 2009 Wrestler of the Year by the Express-Times, and received the Turning Point of the Tournament Award from the Dapper Dan Classic in Pittsburgh, PA; and

**General Business Meeting
May 20, 2009**

WHEREAS, Brandon, who set a new Saucon Valley High School record for matches won with a 138-17 career record, was awarded a full ride athletic scholarship to Drexel University.

NOW, THEREFORE, BE IT RESOLVED, that the Council of Lower Saucon Township, Glenn Kern, President; Thomas Maxfield, Vice President; Priscilla deLeon, Council Member; Sandra Yerger, Council Member; and Ronald Horiszny, Council Member; wishes to recognize and commend Brandon Palik for winning the PIAA 215-pound State Title and for his perseverance and hard work to achieve his goals.

MOTION BY: Mrs. deLeon moved for approval of Resolution #51-2009.

SECOND BY: Mr. Maxfield

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

ROLL CALL: 5-0

Mrs. deLeon said we have brief presentations tonight, one with the annual Relay for Life and two students, Brandon and Chris. It's great for these two students. This is in support of your community and you are an example to other students, and people your age, and you are the future. You have to make us proud and you have. Congratulations.

C. RESOLUTION #52-2009 – RECOGNIZING CHRISTOPHER MAUTINO FOR RECEIVING THE EAGLE SCOUT AWARD

Mr. Kern said Resolution #52-2009 has been prepared recognizing Christopher Mautino.

**A RESOLUTION RECOGNIZING CHRISTOPHER
MAUTINO FOR RECEIVING THE EAGLE SCOUT AWARD**

WHEREAS, Christopher (Chris) Mautino been a member of Boy Scout Troop #319 since 2000 where he has served as a Life Scout, Troop Senior Patrol Leader and Assistant Senior Patrol; and

WHEREAS, Chris earned 28 merit badges and awards with the Boy Scouts including a "50-miler" award for completing a 50-mile canoe trek in Canada; and

WHEREAS, Chris has been very active with the soccer and tennis teams at Saucon Valley High School, where he is a senior. Chris also plays tuba in the Symphonic Band and is a member of the National Honor Society. He plans on pursuing a degree and career in civil engineering; and

WHEREAS, Chris's project for the Eagle Scout Award was leading a group in building two (2) picnic tables and restoring another at the Lutz-Franklin Schoolhouse; and

WHEREAS, for his efforts Chris has earned the Eagle Scout Award, the highest honor in Boy Scouting.

NOW, THEREFORE, BE IT RESOLVED, that the Council of Lower Saucon Township, Glenn Kern, President; Thomas Maxfield, Vice President; Priscilla deLeon, Council Member; Sandra Yerger, Council Member; and Ronald Horiszny, Council Member; wishes to recognize and commend Christopher Mautino for receiving his Eagle Scout Award.

MOTION BY: Mrs. Yerger moved for approval of Resolution #53-2009

SECOND BY: Mr. Maxfield

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

ROLL CALL: 5-0

IV. DEVELOPER ITEMS

A. ZONING HEARING BOARD VARIANCES

1. KANIK KEN LALIWALA – 1850 VIOLA LANE – VARIANCE REQUEST OF IMPERVIOUS COVERAGE TO CONSTRUCT DECK/PATIO

Mr. Kern said the applicant is requesting a variance of impervious coverage to construct a deck and patio.

Mr. Laliwala was present. He said since last time that we have discussed the size of his deck for the impervious coverage, he's gone back and talked to Chris Garges. Based on his consultation, we have redrawn the area of his backyard for the deck and walkway. He provided Council with the new drawing. Currently he has 287 square feet left as far as impervious coverage. He's asking for an addition of about 163 square feet over the 25%.

Mr. Kern said what does 287 extra square feet of impervious left mean? Attorney Treadwell said he has 287 that he can use without a variance. Now he's asking for 163 over that 287. Mr. Laliwala said it's for the deck and the walkway.

Mr. Maxfield said we're not there yet. Mr. Horiszny said what's the percentage coverage? Mr. Laliwala said it's a pretty small amount, about a .49 percent. This is a drawing, so we could even use less than that based on the exact placement of the deck. The walkway could lose another 20 to 30 square feet depending on where the placement of the deck is. He's asking this in total in case he goes over, so he doesn't have to come back and violate the ordinance. Mr. Kern said how many square feet is the walkway? Mr. Laliwala said the walkway is about 100 square feet. We are trying to figure out exactly how much we need. Mr. Kern said how many square feet is the proposed deck? Mr. Laliwala said it's about 50 square feet. It may be a deck or a patio, we don't know that yet. Mrs. Yerger said it's about 17-1/2' x 20'. Mr. Laliwala said do we take the stairs into consideration? Mr. Kern said we do. It's a hard surface. This is just a suggestion, and for discussion purposes only, even though our ordinances don't currently approve of pervious materials. If you considered the walkway to be some form of pervious material, that would be 100 square feet which you could take off of your calculation. That would just leave 63 square feet, so if you just would leave your patio or deck 300 square feet instead of 350, that's plenty big enough. It would be 30'x10' or some form of 30'x10' and then you'd be right there. Mr. Laliwala said it doesn't fit the house. The house is a pretty long house and he's been to his neighbor's property and they have about a 230 square foot deck. Once you put your table on there and your BBQ, there's really not that much space left on the deck to entertain. The purpose is to have people on the deck and not inside the house. Mr. Kern said he just finished a deck that is 20'x12' and that is plenty big enough to put a BBQ and a table on, and be able to entertain. Mrs. Yerger said she went out and measured her patio and its 14-1/2' x 19', and it's got benches built in, an arbor trellis going over it, and they can put a BBQ on it if they wanted to, and there is a swing on it. There is ample room. She thinks we have to oppose this in light of the letter we asked to be drafted to the ZHB that we advocate upholding our ordinance for impervious coverage. She's not comfortable with this the way it is. Mr. Laliwala said they have reduced it substantially. He's not asking for a lot more, he's asking for a lot less. He doesn't understand Council's rationale behind this, not allowing an addition of about 167 square feet.

Mr. Maxfield said we have some historic photos on Meadows Road, where excess water from your development goes. It's after the last hurricane. Most of the bridge is under water. Police have the road blocked off. It's a problem. He understands when people have feelings that they want a deck. We don't want to deny you a deck, but this is a bigger problem. He agrees with Sandy. Our concern is not going to be aesthetics; it's not going

**General Business Meeting
May 20, 2009**

to be the proportions of the house. It's going to be how much flooding it's going to cause. Mrs. Yerger said if we allow you, it's not fair to other residents. We are approaching you on a community level.

Mr. Laliwala said if you take the total acreage of that property, and you take 25% of that, it's going to be lower than the 25% as far as impervious coverage is concerned. Mrs. Yerger said the only way, the best we can attempt to guarantee is to hold to that issue that by engineering calculations, we've been advised to do 25%.

Mr. Laliwala said why are you saying this is caused by our community? It doesn't make sense. Mr. Maxfield said the key word there is what Sandy used and it's "cumulative". There's a vast amount of water coming down Meadows Road and a lot of it is coming out of that development. He doesn't want to blame that development specifically, but right now we have much more impervious than we had when that happened and that's going to make the problem worse. Mr. Laliwala said he doesn't think so. Right now the drainage system is not on. If you go around the community, the inlets have stones around the grates so the water doesn't go in right now. Mr. Kocher said it still all gets to the pond. Mr. Laliwala said it's not going into the Township's sewer system. Mr. Kocher said it doesn't matter. It's all going to the detention pond. The community's impact from that development is felt from that detention pond. It doesn't matter if it gets from this inlet or that inlet, it all ends up at the same spot when it leaves the property. Mrs. Yerger said which ends up in the Saucon Creek. Mr. Laliwala said once the stones are taken away and the drainage system is properly used (right now it's not), once that's done, is it going to have the same impact? Mr. Kocher said yes. The impact they are talking about in those pictures, it won't make a difference. Mr. Laliwala said it's not going into the drainage system. He can see why the water would flow down Meadows. Mr. Maxfield said the designed drainage system is not going into a sewer. It's going into a conveyance system and all that is going down to the creek. Mr. Kocher said it all comes out at the same spot – all on Meadow's Road. Mr. Maxfield said this is not city sewer or city water. Mr. Laliwala said it is city water. Mr. Maxfield said it is not a city storm sewer system. Mr. Laliwala said Toll Bros. told them once the development is built up, the pond itself will be taken out. Mr. Kocher said it will be filled in a little bit, but it won't get taken out. Attorney Treadwell said there are no storm water pipes. Mr. Kocher said internally there are, but it all discharges to Meadows Road. Attorney Treadwell said it all discharges to the same point which is what you see there on Meadow's Road. He doesn't know what Toll Bros. told you or didn't tell you, but that basin is part of the drainage system for that development. Mr. Laliwala said that's not what the homeowner is thinking. They are thinking that Toll Bros. is going to cover it up. Everyone thinks that once the drainage system is opened up, the retention pond will not be needed. Mrs. deLeon said where would the water go then? That's why they are put in there to take into account the water created by the subdivision. Mr. Laliwala said right now, that's what Toll Bros. has been telling the owner of the property. Attorney Treadwell said there's no drainage system that is now "closed" that once it's opened will be ...Mr. Kocher said correct. Once the water goes into the drains, it just doesn't disappear, it has to go somewhere and that is to Meadow's Road. Mr. Laliwala said he understands that area was always flooding. It's not because of what Toll has done or because of the development, but he thought that has always been an issue. He came here when the house was not even built to look at the property and there were no homes on the property. Meadows Road was closed. He doesn't know if this was created by Toll Bros. development or not. That's an argument to be discussed. Right now, the addition of 150 sq. feet is not going to make it any worse than it is or than it should be. As part of this, he's going to put in a lot of plants. He's going to beautify the back yard with trees and plants which will soak up the water more. The water does get soaked into the grass pretty well. That's the whole purpose to beautify the back yard.

**General Business Meeting
May 20, 2009**

MOTION BY: Mrs. Yerger moved to oppose.
Mr. Maxfield said you are giving us a lot of anecdotal reasons as to why this won't be an impact. We came up with 25% after a lot of studies, after a lot of observing the reasons, after a lot of actual scientific data, and 25% is very, very generous. Mr. Kocher agreed that if everyone in that development built out to 25%, we're going to have a problem. We're not doing this to be mean or sticklers, we're concerned about the health, safety and welfare of the people who live in that area and the people who have to use that area. He asked Mrs. Yerger if that was a motion she made. Mrs. Yerger said yes. Mr. Maxfield said he'll second that motion.

SECOND BY: Mr. Maxfield
Mrs. Yerger said everybody's situation is different but we all have limitations to what we can do in our house. Her house is not positioned where she wanted it on her lot because she had to abide by the flood plain. Is her house centered on her lot? No, it's much closer to the road, but there was a reason as there were people who lived downstream from her and there would have been an impact on them if she had built her house where she originally wanted it. There are limitations to everybody's house at some point and we have to live with it and work with it. We're trying to do what is best for the community at large. Mr. Laliwala said you are trying to limit this for Saucon Meadows, as a whole, and if you take the entire development as a whole, they are way below 25%. If you are going to punish the community as a whole, you should look at the community as a whole and say, we have so many acres, and if you are below the 25%, you are trying to punish the entire Saucon Meadows community. That's what it sounds like. You are saying Saucon Valley Meadows as a whole, but if you take the total land as a whole, it's well below the 25%. Attorney Treadwell said he doesn't think anyone is trying to argue anything with you. There's a 25% on lot impervious coverage limit in that development. Other areas have different percentages. What Council is saying is that the entire township, that 25% restriction is there for the township as a whole. It was there when the development was built. It was there when everyone in there bought their house. What Council is saying now, they are going to stick to that 25% number. Mr. Maxfield said in other areas of the township they have even lower units – 15%, 12%.

Mrs. deLeon said she will review each case independently. We have a policy, but she still wants to keep her opinion open until she hears each case. We are trying to get the homeowners to stay below that unless there is some extenuating or overriding reason it needs to change. She doesn't think he has made that case. Mr. Laliwala said he isn't asking an extension of the house or to build a room. The water can seep through the deck and it goes down into the ground. You have to leave gaps in between or it's not going to work. Mr. Kern said eight years ago when he heard the first resident coming in saying the same thing you are saying, he agreed with them. He deferred to our engineer to prove otherwise, and they have convinced him that a deck is impervious. It's a hard surface structure that does not absorb the water. Mr. Laliwala said there are gaps and the water goes down. Mr. Horiszny said what's the surface under the deck? Mr. Laliwala said it's grass. Mr. Horiszny said part of the worry is it gets compacted under there and it still doesn't go through plus only what falls through the gaps gets there. All the rest goes off the ends, and you have a big percentage which doesn't go through those gaps. Did you say 163 feet coverage was mostly the walkway? Mr. Laliwala said the walkway is about 100 square feet. Mr. Horiszny said could you go to stepping stones instead of a paved walkway which would take 50% out? Mr. Maxfield said you still have to reduce the deck size. Mrs. Yerger said she doesn't want to guess what he wants to do or what he should do. Mr. Laliwala said he's coming back with a lot smaller percentage than the last time.

Mr. Kern said when you were at the last Council meeting, do you remember the words of advice many of us gave you when you were leaving – don't exceed the 25%. There is a reason for that, look at the pictures. He described it last time you were here. All the residents we heard from in other parts of the township where impervious was exceeded and there were problems. That creates a problem for your neighbors. You can do a substantial deck for 300

**General Business Meeting
May 20, 2009**

square feet. Do away with the walkway altogether. There are plenty of options to get within 25% that is not going to impact the look of your house. Mr. Laliwala said putting a smaller deck it will impact him. It reduces the enjoyment of life. Once you put in your basic necessities, there's no other place to go. You have allowed other residents to go beyond the impervious coverage limit. He doesn't understand why he is being made an example and saying you cannot allow it. Mr. Kern said it's just what the regulation requires. It's not like you are being punished. Mr. Laliwala said his neighborhood you have allowed beyond the 25%. Mr. Maxfield said no, they have not. Attorney Treadwell said this Council does not make that decision. The Zoning Hearing Board (ZHB) makes that decision. The reason you are here tonight is so the Council decides when you go to the ZHB, whether they want to oppose, take no action or support it. That's the only thing we are here for tonight. Mr. Kern said when you go to the ZHB, they may ignore what Council said altogether. Mr. Laliwala said you guys are the thought behind the ZHB's thinking.

Mrs. deLeon said if we say no to this and oppose it and if you appeal it if the ZHB says no, will it be upheld in the next level of court? We just can't say no. We have to have a reason to say no. Attorney Treadwell said if it goes to the ZHB and you oppose it, his legal personal opinion is that there is no hardship. The only hardship we heard from the applicant is that he wants a bigger deck. Mrs. deLeon said the Municipal Planning Code sets criteria, not by us, by the State of PA that establishes what the ZHB has the right to do to grant you the variance and the definition of a hardship and it explains the definition. If we are opposing this, because in our opinion, you haven't presented a hardship, which in turn is an extenuating circumstance, and the ZHB grants it to you and we say we opposed it. We've appealed ZHB decisions in the past. We did that with the cell tower a couple of times. Attorney Treadwell said if Council disagrees with the ZHB's decision, you have the right to appeal that to Court. Mrs. deLeon said if we feel they abused their discretion or interpreted the ordinance incorrectly, then we have the right to appeal that. If we go to the Northampton County Common Pleas Court and prove that you do not have a hardship, you aren't getting your variance. Mr. Laliwala said he understands that. He doesn't have all summer to fight for this. He wants to get it done. He can take the walkway out, but at least let him have the deck. Mrs. deLeon said what about a walkway with stepping stones? Mr. Laliwala said if he chooses to put hundreds of rocks in his back yard, that's okay? Mr. Kern said no, it's not. It's a violation of the grading ordinance. Mr. Laliwala said he's not asking for that much more. People put rocks in the front yard. We all try to make our yards look special.

Mr. Maxfield said Attorney Treadwell said that we should add to Sandy's motion that we should send him and a witness to the ZHB to oppose it.

ROLL CALL:

MOTION BY: Mrs. Yerger amended her previous motion to oppose the variance request for impervious coverage as it was presented to this board initially tonight and to send Attorney Treadwell and a witness to the ZHB to oppose unless Mr. Laliwala comes back into an agreement with Chris Garges and Chris says he doesn't have to go to the ZHB because you are under the impervious limit.

SECOND BY: Mr. Maxfield amended his second
Mr. Kern asked if anyone had any questions? Mr. Laliwala said can he reduce it to 350'? He'll take the walkway away, just give him the deck. Mr. Kern said without the walkway, the deck would have to be about 300 square feet to be in compliance. Mr. Horiszny said there's only 287' left. Mr. Laliwala said he's going over by 67' if he takes the walkway away. Mr. Maxfield said we are not making a deal. We've talked an hour on this same issue and it's the applicant's job to figure out how to make that number. If he still wants to go for a variance, if he wants to get it down to just the deck or whatever, he needs to make that decision, and he needs to reapply at the ZHB. We are not going to figure this out for him. We have a motion on the floor. We can only consider the plan that is before us. It has to be resubmitted again.

Mr. Laliwala said Chris said he can change the dimensions tonight. Mrs. deLeon said if he changes the dimensions and agrees to that, he's only changing the lines. Attorney Treadwell said if you want to have a little room to maneuver prior to the ZHB meeting which is June 15, you still have another meeting June 3. You could see Chris and come back or take the applicant's word that he's taking the sidewalk off, but then the motion should be that you oppose it unless he does take the sidewalk off. Mrs. deLeon said if he takes the sidewalk off, does he have to go to the ZHB or is he in compliance? Attorney Treadwell said he's still over. Mr. Kern said if Mr. Laliwala agrees to the 25% tonight, he doesn't have to go to the ZHB at all. Mr. Laliwala said he has spent all these hours for nothing. Mrs. Yerger said you could have a 19x15 deck and be in compliance with no walkway. Mr. Maxfield said he feels uncomfortable dealing with the health, safety and welfare of the citizens because you want a larger deck. Mrs. Yerger said that's not a hardship. Mr. Laliwala said he's trying to figure out how he's causing a hardship to other people. Mrs. Yerger said yours is not a true hardship. Mr. Kocher said you have to prove a hardship to get through the ZHB. Mr. Maxfield said this is our opinion and the ZHB will decide if it's a hardship. Mrs. deLeon said you have to look at the Township Council as an adjacent neighbor within that radius. You might think that your neighbors support what you are doing, but there may be one or two neighbors that don't like what you are doing and they would have the right to go to the ZHB like we are.

ROLL CALL: 5-0

Mr. Kern said you can go to the ZHB and they may not take what we said into consideration and you'll get your deck as you want it. Mr. Laliwala said he'll have to do that.

**2. SAUCON VALLEY SCHOOL DISTRICT – POLK VALLEY ROAD – REQUEST
EXTENSION TO COMPLETE IMPROVEMENTS**

Mr. Kern said the applicant is requesting an extension of time to complete the improvements associated with their land development.

**STAFF RECOMMENDATION FOR
SAUCON VALLEY SCHOOL DISTRICT
LAND DEVELOPMENT IMPROVEMENTS**

The Lower Saucon Township staff recommends that Township Council approve an extension until June 4, 2010 for completion of improvements at the Saucon Valley School District Land Development. 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.
2. The owner shall pay any outstanding plans and appeals account invoices owed to the Township.
3. The Improvements Security shall remain in full force and effect until project completion or July 4, 2010, to the satisfaction of the Township Solicitor.
4. The Township Engineer is hereby directed to inspect the erosion and sedimentation controls for the project and notify the developer of any deficiencies. The developer must correct any deficiencies noted by the Township Engineer within 60 days of receipt of his report.

MOTION BY: Mr. Horiszny moved for approval per the staff recommendations.

SECOND BY: Mr. Maxfield

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

ROLL CALL: 5-0

V. TOWNSHIP BUSINESS ITEMS

A. REVIEW OF ARBORIST RFP

Mr. Kern said Boucher & James has reviewed the revised proposal for the arborist work do be done for the Polk Valley Road Connector Trail. They are recommending the proposal be awarded to Joshua Tree to perform the scope of services outlined in Proposal #7546, dated May 7, 2009 for Item #s 1, 2, 4, 5, 7 and 8 in the amount of \$4,795.

Mr. Kochanski said after a discussion at a previous meeting of Council, we met and had a site meeting with Joshua Malik from Joshua Tree. He, Tom Maxfield, Valerie Spooner, and Mrs. Herman discussed the items concerned at the last meeting, particularly some of the pruning of the tree and some of the items that were proposed for the evergreen trees, the watering, the tree staking and we came to an agreement with the Arborist and Mrs. Herman on an approach. A revised proposal was submitted from Joshua Tree. One of the additions was the removal of the Spruce Evergreen tree that was adjacent to the house and adjacent to the Horse Chestnut. Mrs. Herman had some concerns with that tree remaining, so that was added, but then there were a lot of things removed from the proposal like the watering, the insecticidal soap for the Spruce since it's coming down and some of the post fertilization for that, so there was a net decrease in the overall proposals. It was something that Mrs. Herman felt comfortable with, and in review, there were some items he talked with Roger and Jack about that the Township Public Works felt they could handle so they backed those out from the proposal.

MOTION BY: Mr. Maxfield moved for approval.

SECOND BY: Mrs. deLeon

Mr. Kern asked if anyone had any questions? Mr. Kochanski said if you were to recommend this, it would be conditioned upon two items, one that the agreement between the Herman's and the township be resolved for the acquisition of the right-of-way for the trail and that the Herman's sign off on the items specified in the proposal that they are in agreement with the actions that are going to take place.

ROLL CALL:

MOTION BY: Mr. Maxfield amended his motion for approval as stated above by Mr. Kochanski.

SECOND BY: Mrs. deLeon amended her second

Mr. Kern asked if anyone had any questions? Mr. Horiszny said what is vertical mulching? Mr. Kochanski said it is mulching by which he is going to use a 2" auger and drill a series of holes about 2' on center throughout the root zone and going to fill that with nutrients and organic matter. What it does is it allows water to infiltrate into the ground and release some of the compaction and instead of filling back in the organic matter and mulch they put in there, it helps to prevent that and keeps it aerated and helps relieve some of the impacts to the trees.

ROLL CALL: 5-0

Attorney Treadwell said as an FYI, he has settlement with the Herman's tomorrow, so he'll take care of those two conditions tomorrow. Mr. Cahalan said has a copy of this proposal gone to the Herman's? Attorney Treadwell said he'll take a copy to settlement tomorrow.

B. APPROVAL TO EXECUTE AGREEMENT WITH NORTHAMPTON COUNTY TO RENEW CDBG ELIGIBILITY

Mr. Kern said the Northampton County Executive has requested that all Northampton County municipalities execute a Cooperation Agreement with Northampton County which is needed for

**General Business Meeting
May 20, 2009**

the County to renew its eligibility to receive CDBG Block Grant funds from federal Department of Housing and Urban Development.

Mr. Cahalan said this is basically just a document that if all the municipalities in Northampton County sign off on this, it enables the County to renew their eligibility for potential CDBG funding for another three year period. We are just joining with the rest of the municipalities to insure that this can take place. Mr. Horiszny said that doesn't limit our other opportunities, does it? Mr. Cahalan said it does not. We may have some potential for CDBG funding depending on income of residents which is to be determined. There may be some pockets of qualifying residents. This has nothing to do with eligibility; it just qualifies the County as an urban County for future funding.

MOTION BY: Mrs. Yerger moved for approval.
SECOND BY: Mr. Horiszny
Mr. Kern asked if anyone had any questions? No one raised their hand.
ROLL CALL: 5-0

C. APPROVAL OF CHANGE ORDER FOR GEOSERVICES WORK ON SITE CHARACTERIZATION FOR PADEP RE: SPILL FROM PUBLIC WORKS FUEL DISPENSER

Mr. Kern said GeoServices, Ltd. of Camp Hill, PA was previously approved by the Township to perform site characterization work for PADEP on the fuel spill at the Public Works fuel dispenser at a cost not to exceed \$13,600. PADEP has requested that they add an additional soil boring, soil samples and an additional round of ground water samples to their site characterization for an additional cost of \$4,700.

Mr. Cahalan said that has been changed by GeoServices. They sent in a revision to the change order and they did get credit for some initial work and their planned task of \$2,600, which reduces the amount from \$4,700 to \$2,100. The majority of these funds are being paid by the underground storage tank indemnification fund. The total would be \$15,700.

MOTION BY: Mr. Horiszny moved for approval.
SECOND BY: Mrs. Yerger
Mr. Kern asked if anyone had any questions? No one raised their hand.
ROLL CALL: 5-0

D. APPROVAL OF SUMMER HOURS WORK SCHEDULE

Mr. Kern said the summer work hour schedule for the Lower Saucon Township staff begins June 1st and ends September 4th. The hours are as follows: Road Department – Monday through Thursday 6:00 a.m. to 4:00 p.m. and off on Friday. The Administration Staff and Police Admin. Staff will be Monday through Thursday 8:00 a.m. to 4:30 p.m. and Friday 8:30 a.m. to 2:30 p.m.

MOTION BY: Mrs. Yerger moved for approval of summer hours work schedule.
SECOND BY: Mr. Maxfield
Mr. Kern asked if anyone had any questions? No one raised their hand.
ROLL CALL: 5-0

E. APPROVAL OF TOWNSHIP SHARE OF COST: SANDS CASINO TRAFFIC IMPACT ASSESSMENT

Mr. Kern said the five (5) contiguous municipalities asked Hanover Engineering to provide us with a cost proposal to perform traffic counts at selected roads/intersections in our municipalities prior to the casino opening so that we will have baseline data available to compare to when we begin

**General Business Meeting
May 20, 2009**

submitting grant applications to the County for gaming impact funding. Hanover Engineering has submitted a proposal with a cost of \$9,640 for this work which breaks down to a \$1,928 share for each of the five (5) municipalities.

Mr. Cahalan said we have been continuing to work and been reporting to Council about the contiguous municipalities which are Lower Saucon Township, Hellertown Borough, Freemansburg Borough, Hanover Township and Bethlehem Township. We've been working for the past two years to prepare for the casino opening. It's going to be opened this Friday and we have been preparing for the impacts which we anticipate will be occurring to our roads, our police calls, our fire and our emergency services. We are also preparing in the near future to file grant applications with the newly formed County Gaming and Redevelopment Authority charged with disbursing the County host fees that are going to be received as early as this fall from the State of PA. Those fees are required to be paid by the Sands Casino. In those grant applications, we would like to establish a baseline so that when we go to that body and ask them to fund us for traffic impacts, we can show that there has been a change since the casino has opened. We wanted to get this baseline data done. We had to mobilize it very quickly. We asked Hanover to put together an estimate. They also represent Hanover Township, so we identified seven roads and eight intersections where we wanted to get these traffic counts. The one that is in Lower Saucon Township is 378, north of Mountain Drive and the intersection we were interested in was Puggy Lane and Mountain Drive/Route 378 intersection. The others are 412, south of Cherry Lane, Freemansburg Avenue, west of Willow Park Road; Route 512, south of Monocacy Creek; Route 191, south of Butztown Road; William Penn Highway, west of Hecktown Road; and Schoenersville Road, south of Illicks Mill Road. The intersections where we are going to be looking at the turning movements are Cherry Lane and Route 412, Puggy Lane and Mountain Drive and 378, Route 512 and 22 eastbound ramp, Freemansburg Avenue and Washington Road, Cambria Street and Market Street, Freemansburg Avenue and Route 33 southbound ramp, William Penn Highway and 33 Southbound ramp, Schoenersville Road and Route 22 eastbound ramp. That data collection is now being done. The tubes are down at those locations. They will be conducted for a period of seven days. That will collect data for turning counts during the AM, midday and PM peak hours for a total of six hours on one day. The total cost for that is \$9,640 and the five municipalities have agreed, and they are each getting approvals from their Council's, to pay a 1/5 share which is \$1,928. Mr. Kern said he sent an email to Council about the possibility of adding another location which would be critical for future reference points, which is north of the old Seidersville Road on Mountain Drive. That's going to be a major increase over the years when everyone realizes that's a back way into the casino. Mr. Cahalan said we were looking at the main avenues. Some of the other communities are going to have the same issues with the internal roads. Jim Milot had spoken to him and he has information he can share. Mr. Kocher said the intersections that Jack mentioned that the group asked for are really along the regional arteries. Lower Saucon has two avenues that may become short cuts more localized, and they are Creek Road which turns into Williams Street and then Mountain Drive South which turns into Hayes. We think you may want to study this, and we're down to one day, which is tomorrow. We can do it, and we may at least want to look at Bingen, Mountain, Hickory and Freidensville and Creek. Mr. Kern said it all funnels into Mountain Drive and if you do that one location, you don't have to do the other locations. Mrs. deLeon said you have to do both. Mr. Kern said he would agree to that. How much would that add to the cost? Mr. Kocher said about \$800 an intersection. Mrs. deLeon said HEA did an analysis of the impact study that was done for the casinos and traffic was part of that, so you'll be using some of that information? Mr. Kocher said yes. Mrs. deLeon said what you did back then when you did the traffic analysis was very important. Mr. Kocher said what they are basically saying is everybody is going to use I-78 and 412. This is an attempt to show that maybe that's not correct, but without this, he doesn't know how you are going to show it. Mrs. deLeon said we have to show the other municipalities in Northampton County that the five of us are going to get the brunt of it, and we need to strengthen that.

**General Business Meeting
May 20, 2009**

Mr. Maxfield said what is a manual turning movement? Mr. Kocher said in our letter, the first group is where we'll collect 24 hour traffic volumes to see if the total volume on the road going in either direction increases. The second group is actually looking at the turning movements as far as between these two hours, we had 300 cars go straight, 75 turn right and 97 turn left. We actually physically count the number of cars that go through that intersection. At the end of two hours we know how many went through that intersection. Mr. Maxfield said when you do Cherry Lane and Route 412, you are not necessarily looking at just the cars that are coming off of Cherry Lane, and you are looking at traffic coming straight. Mr. Kocher said every direction.

MOTION BY: Mr. Maxfield moved for approval of the township share of cost for the Sands Casino Traffic Impact Assessment of \$1,928.00.

SECOND BY: Mr. Horiszny

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

ROLL CALL: 5-0

Mr. Cahalan said the second amount would be \$1,700 for the two additional counts on Hickory Hill Road/Friedensville and Bingen/South Mountain Drive. It's a count of the turning movements through these intersections during the peak hours plus what the casino is saying is their peak hour.

MOTION BY: Mr. Maxfield for approval for \$1,700 for the study as stated above.

SECOND BY: Mrs. deLeon

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

ROLL CALL: 5-0

F. AUTHORIZE APPROVAL TO PURCHASE CONTENT MANAGEMENT SYSTEM FOR WEBSITE

Mr. Kern said New Arrival Studios has developed a web based management content system which would enhance the updates to our website. The normal cost of the system for new purchasers is \$3,000. Since we are an existing customer they are discounting the price for Lower Saucon to \$1,500. If we utilize this system, all our existing files will need to be transferred to the program since they were not originally created in it. The fee for the conversion will be \$500 for a total one-time cost of \$2,000.

Mr. Cahalan said we've been adding on a daily basis information to our website and it has grown tremendously over the last year. It's one of the things we focus on as a priority. Leslie has been spending a lot of time on it. One of the difficulties is that she is the conduit back and forth with New Arrival Studios and it's a little bit difficult as you have to transfer data over and then they have to work on it and then they have to transfer it back on to the website. That can cause some problems. This feature we are talking about, the content management system, will allow us to improve us creating new data, editing the data that is on there, and also doing some daily maintenance of the website. It will allow Leslie or Diane or whoever else to add data to it. We want to start putting notices on the website in real time. For example, the athletic fields because of weather, we may have to close them. Right now, we are sending out emails and we'd like to put a notice on the website and let everyone know if a field is closed due to inclement weather or maintenance. Since it's web-based, it could be done from home if Roger gets a call on the weekend. He can then post that on the website. It will allow us to change photos a lot quicker and we also want to move to a system where the residents and the public can fill out forms on line and send them in to us if they want to reserve a pavilion or one of the athletic fields, they'll be able to fill out a form and send it in. If they want to send something in to the Zoning Officer, they can fill in a permit form on line and send it in to us. It will make it a little bit easier for people to communicate with us and not have to come into Township Hall to do that. The cost is a onetime fee. Our maintenance fee is still being paid and that's very helpful as we can grow and grow the

**General Business Meeting
May 20, 2009**

system as much as we want to. Mr. Kern said that's going to really enhance the website considerably.

Mrs. deLeon said do we look for other web companies who do the same thing for less money? Mr. Cahalan said right now we are under agreement with New Arrival Studios. It's on a year to year basis. At the end of 2009, we could go out and chose to do that. Mrs. deLeon said it seems there are limitations with this company and it's costing a lot of money. Are we getting the best that the web has to offer? She doesn't like the part for current events. Mr. Kern said that's what this is for. Mr. Cahalan said we have the calendar, we post those meetings on there and this will allow us to post things a lot quicker. Mrs. deLeon said she's still unhappy with the Saucon Valley Partnership - we should have our own little button on the side to click on instead of having to scroll down to the bottom of the page. Mr. Cahalan said that website has allowed us to put everything from the Saucon Valley Partnership on there, and we have all the drafts of the multi municipal plans. Mrs. deLeon said she understands that. When you click on the website, you have Planning Commission, EAC, Parks and Rec., Council, you have all the boards there and the Partnership is way at the bottom. You almost have to know it is there. She received some complaints from residents. Mr. Kern said he's in the process of developing a new website for a business and he has researched this company, New Arrival Studios, and they are very reasonable compared to what's out there. Their fees are less than many other web designers, so he supports this.

MOTION BY: Mr. Kern moved for approval for the expenditure for that purpose.
SECOND BY: Mrs. Yerger
Mr. Kern asked if anyone had any questions? No one raised their hand.
ROLL CALL: 5-0

G. APPROVAL OF INTERGOVERNMENTAL AGREEMENT FOR SCHOOL ZONE SPEED LIMIT SIGNS AT SAUCON VALLEY SCHOOL DISTRICT

Mr. Kern said an intergovernmental agreement between Hellertown Borough, Saucon Valley School District and Lower Saucon Township has been prepared to purchase, erect and maintain school safety zone signage on Borough and Township streets leading to the school district campus. A draft ordinance has been prepared and Council should authorize the advertisement to hold a public hearing.

Mr. Cahalan said the school district, due to an accident that occurred with a school bus in the borough of Hellertown, approached the Saucon Valley Partnership (SVP) about putting up school zone safety signage in the borough and the township leading to the school district campus. In order to do that, we need PennDOT to do a study. We asked PennDOT about that and they said first they would have to see an intergovernmental agreement between the three entities that would demonstrate that we would purchase and maintain any signage that they approved for this purpose. This is the first step to get it to PennDOT so they can do the study. As the agreement indicates, the cost of purchasing the signs will fall to the school district. Our Public Works Department will erect the signs and maintain them. If the sign is vandalized or is missing, the school district would pay for the replacement. That's all spelled out in the Articles of Agreement. We are asking Council for approval for the Council President to sign the agreement this evening. It's been approved already by Hellertown Borough and will be approved by the SV School District Board. We've also asked for approval to advertise the ordinance that must accompany the intergovernmental agreement.

Mr. Maxfield said one of the ideas that was kicked around was extending the school zone down past the entrance of the park. Noticing we have to get the study by PennDOT, can we include that within this particular document? Mr. Cahalan said Mr. Kocher will be providing that information for our portion of this. Hellertown has already identified areas of likely locations of the signs. Mr. Kocher said he doesn't know how fast Hellertown wants to move on this, but it will be a bigger

**General Business Meeting
May 20, 2009**

benefit to the township to have the trail physically constructed because he's not even sure that the trail will make the difference because PennDOT's policy is you have to have residents walk to school. If they walk from their house to the school, they generally will allow one of these zones. There has to be sidewalks or a pathway. There's a chance they will understand there is going to be students walking from the school to the park but that's anyone's guess. If the trail is not there, it's even less of a chance that they are going to approve this. If Hellertown can wait, it's better that we wait until the trail is in. Mr. Maxfield said if they declined our need to have it a 50 MPH zone, could we do a transitional 35 or 40 MPH and step it down to get to that area? Mr. Kocher said the only thing they are going to probably allow us to do or a study that meets their standards would be to put a caution speed limit at the curb. Mr. Maxfield said at the next SVP meeting if you could let the school district know, he, Kevin and Valerie were at the Herman's residence, and there was a school bus that came around that corner faster than any car came. It had kids on it. The school busses are going way too fast. Mrs. deLeon said we shouldn't wait for a partnership meeting, Jack should call Sandy Fellin up tomorrow and mention that to her. Mr. Cahalan said he will pass that on.

Karen Langendonk, resident, said she has a student at Saucon Valley. She drives her child to school as she doesn't like the bus driver's recklessness. They drive too fast. She's had other mom's in the neighborhood talk about being flipped the bird. They drive too fast down Polk Valley Road. They are going so fast, that their children talk about the bus making turns and they fly off the seat into the aisle, or honking the horn at the corner of Polk Valley Road and 412 because you are not making that left hand turn and they've got to get going. There are other places too – like Waldheim - they are coming across the double yellow line. Mr. Maxfield said he's seen school busses pull out of the parking lot and force somebody to stop and three or four school busses keep on coming out. Ms. Langendonk said they are full of kids when they are doing this. We have rules on the bus that if the children swear, so many times, they get kicked off, but the bus driver can do it. She knows of one in particular that has used foul language with the kids on the bus. There is a problem with the bus drivers whipping down Polk Valley Road and other roads as they are on a time schedule to get the kids to school. Mr. Maxfield said maybe that time schedule needs to be looked at. Mr. Kern said we can relay this information on. Ms. Langendonk said it was passed on to the Director of Transportation. Mr. Kern said maybe this should be passed on to the school board. Going down Polk Valley Road, there are a few kids who walk home, and usually they are on the wrong side of the road. Mrs. deLeon said the pathway is going to stop at the park, it's not going to continue down to 412.

Mr. Lee Weidner said the general rule of SV school bus drivers is to get there fast. If you were to observe SV school busses going north on Constitution at dismissal time where the speed limit is 25 MPH, they often are going 45 MPH. When they come out of the school and go west on Walnut Street, the speed limit is 25 MPH, the school bus drivers go from 40 to 45 MPH. How do I know this? I walk. I observe, and I've been driving since 1961, so I can tell the difference between 25 MPH and 45 MPH easily. The other complaint he has is some of the vans heading toward SV School District going east on Walnut Street drive between 40 to 45 MPH in a 25 MPH zone which is next to the cemetery and on up to the elementary school. Two weeks ago he reported one such driver with the van number to the Business Office Manager because Zimpfer was not there on campus at that time. Let's get to Route 412 – speed limit is 30 MPH. SV school busses on 412 seldom observe the speed limit and are generally over the speed limit by 10 MPH and often times SV school bus drivers do not yield to pedestrians in crosswalks, just like LANTA does not observe that law, which is posted. Wally Zimpfer isn't going to like it, but something has to change before a death occurs and that's the truth.

Someone said he's been driving for 30 years and he's seen school busses go through traffic lights. Mrs. deLeon said Mr. Cahalan has a lot to talk to Dr. Fellin about tomorrow.

**General Business Meeting
May 20, 2009**

Regarding the school safety zone signs, Mr. Cahalan said Hellertown Borough is not in any rush. The school district is pushing this for safety reasons. If we can agree to sign the agreement tonight, and then get it done by the school district, we can hold or go ahead to PennDOT and see what they want to do. We do need the approval to advertise the ordinance that goes with it. It will all be based on the trail going in there.

MOTION BY: Mr. Maxfield moved for approval of the intergovernmental agreement.
SECOND BY: Mr. Horiszny
Mr. Kern asked if anyone had any questions? No one raised their hand.
ROLL CALL: 5-0

MOTION BY: Mr. Horiszny moved for approval to advertise the draft ordinance.
SECOND BY: Mr. Maxfield
Mr. Kern asked if anyone had any questions? No one raised their hand.
ROLL CALL: 5-0

H. REVIEW OF WISE PRESERVATION'S HELLER HOMESTEAD NATIONAL REGISTER NOMINATION REPORT

Mr. Kern said Wise Preservation consultants have provided us with a copy of the National Register of Historic Places Registration Report they will be submitting to the PHMC. In addition, they have provided us with their responses to questions posed by Carol Lee from the PHMC.

Mr. Cahalan said there was a February 9th email that Carol Lee sent to Bob Wise. It's also in the chart that they did of 2/9/09. They had put together a context statement which was several pages long and it was reviewed here at a previous meeting. It had to do with some of the history of the colonial revival architecture. It referred to Stanley Yeager and the part he played in that and the architect, John Heyl, they put that together to run by the PHMC to see if they were on the right track. That was sent off to the PHMC, and then following that, they got these comments on February 9 from Carol Lee. Her comments are in the left column and next to it is the Wise response to them. Following that, they put together the National Register of Historic Places Registration form, which we also gave you a copy of. That is being submitted to the PHMC and they wanted us to have a look at that to see if you had any comments.

Mrs. deLeon said when she read it, she understood a little bit better about colonial revival and the changes to the site. They put it together pretty well explaining it. This is new territory for them and they are kind of establishing guidelines for future applications. She's hoping that we are successful. She has some questions. The name of the property is the Michael and Margaret Heller Homestead. She thinks Margaret should be Magdalena as that's Michael's wife. She asked Seth to double check that. It might only say Michael, but they try to do husband and wife when they name something. Margaret was a child of Michael and Magdalena. On section 7, page 1, again, Margaret needs to be changed to Magdalena. She said to be consistent with the wording several pages into the document, if you look at the first paragraph, three sentences from the bottom "the root cellar, the ruins of a large stone barn", it should say "the ruins of the frame barn and a large stone barn". Again, there's Margaret in the second paragraph. Somewhere when they talk about the barn ruins, the stone barn and the frame barn, it should make reference to the study that was done that's in the Library of Congress and it's on their website. They do emphasize the work of John Heyl and he was instrumental in writing that book and identifying the types of PA barns. The Heller Barn was type E - if there could be a sentence referring to that, that would please the Conservancy. Another minor thing on section 7, page 4, at the time when they looked at the site, the upstairs archive room is now being used for a meeting room, so it should be identified as a meeting room. On section 7, page 5, her question to Wise Preservation would be regarding the Widow's House, it says its appearance was altered by the colonial revival renovations by sealing two historic entrances and creating a new entrance on the south end. She doesn't understand how

changing a doorway and adding windows would create a colonial revival renovation. Mrs. Yerger said she thinks what they are saying is it was done in colonial revival. Mrs. deLeon said sometime between 1915, when that black and white photo was taken, and today, that was done, but we don't know it was specifically done in a colonial revival manner. She would like that paragraph reworded. At the bottom of that same page, it says the parlor is the only room with an exterior door, although the location of the door was changed in the 1930's. Again, we don't know that for sure, so we don't need to say that. Mr. Maxfield said he would probably know by the style and type of door it was replaced with. Mrs. deLeon said he is saying it was changed in the 1930's. We don't know that. We have to ask him. It was changed after 1915. We don't want to say it was changed in the 1930's if we don't have actual evidence. Mr. Maxfield said it may have been replaced with a door that was available during that time period that was not available before or after. Mrs. deLeon said it's a legitimate question to ask. On the section 7, page 6, it says that it was called the Widow's House, where it talks about the barn ruin, that should be ruins, plural. The last sentence in that paragraph says "the arch was filled with stone in the 1930's when a "man door" was installed inside the arch". That's not true as it wasn't done in the 1930's. That needs to be asked. That was probably there 100 years. She needs documentation to see where he got that from. She's never heard of that. Section 8, page 2, she'd like to see his documentation when he says the town was named after Michael. She wants to make sure we have factual evidence that says that. Mr. Maxfield said doesn't the sign right outside of Hellertown say it was named after Christian? Mr. Cahalan said there's debate over that. Mrs. deLeon said according to Betty Masman, the Heller Genealogist, has written and claims "there was a celebration for the Heller descendants in 1988 and it was a gathering of the Heller descendants in the Express Times. The Globe Times published an article and she was very unhappy with the inaccuracies in the paper. "We believe that credit for the founding of Hellertown should correctly be given to Michael Heller rather than Christian Heller. Other than the fact that Christian lived in Hellertown in his later years with his son Daniel, nothing indicates he had anything to do with the founding of Hellertown, and supposedly, Seth found evidence in several books that claims he did. It says "the Widow's House as it became known in the 1850's". We named it the Widow's House in 1988, prior to that it was called the Tenant House, and it was because the people who lived in the bigger house would rent it the smaller house out and they would call it the Tenant House. We changed the name in the late 90's, so that needs to be stricken. She would like this backed up with information. She knows the Conservancy, from day 1, has said records show that Michael Heller took provisions from his barn to George Washington's troops at Valley Forge during the Revolutionary War when merchants no longer extended credit to the Army. That is somewhere in some document and we need to add that. That's significant and was in a history book written by someone over the years. Mr. Cahalan said it says "Both elder and younger Michael Heller served in the Calvary during the Revolutionary War." Mrs. deLeon said she's asking to table this for two weeks and we can search our records and try to come up with the reference point for that. On section 8, page 3, middle of the first paragraph, what happened was, Lenny Szy found the article and it said a storm moved through the area and destroyed the barn. It was in one of our newsletters. It says a barn was destroyed, but it doesn't say which barn. Was it the framed barn or was it another barn, a smaller barn. She'd like to know where they got that information. Even though it might have Margaret there, someone who recorded the deed may have erred. In researching genealogy, when people came over from Europe, whoever was recording who came into this country, spelled their names wrong, it's a proven fact. That needs to be checked. The photography page where it says no. 6 photograph, Heller Farmhouse, south room facing southwest, note the rebuilt fireplace and wide floorboards - she's not sure if that room is the first or second floor because she knows the fire place was redone in the colonial revival but the second floor has a decorative fire place that is not real. She doesn't want anyone to think that's a real fireplace as it's not. The page that says maps, page 1, where the little dotted line is that defines the barn ruins, it should say ruins, plural.

Mr. Weidner said some of the questions on the colonial revival changes that Stanley Yeager made, specifically anything that is made, anything that is in question can be answered by Rich Geyer. Rich has provided us with a great deal of information because the Geyer family lived there during

**General Business Meeting
May 20, 2009**

the Depression. That qualifies as a colonial revival period. It's true that whoever named Hellertown whenever Hellertown was named, did it because Christopher was the father of the whole family, he presumes, although Christopher lived where Pathmark currently is, while Michael had a 150 acre grant where the Michael Heller Homestead and Farm sits, on both sides of the Saucon Creek. Directly to the south, his brother, Simon, second son of Christopher, had another 150 acre grant, which would have taken that portion all the way down past the Wagner Grist Mill. We don't want to start a civil war again between Hellertown and Lower Saucon Township over the signs they had placed that the town was named after Christopher Heller, but it truly would not have been had anybody been thinking when they thought of the true name. It would have been Michael and Simon, the second and third sons. He and the Hellertown Historical Society have gone to war before, and he doesn't want to go to war again with them over trivia. Mrs. deLeon said the documents that state this, they did their independent research, to make this document as strong as possible. She wants that clearly marked on here so when someone reads this, you can go to the book and look it up. If this can strengthen the application, then we can get it as strong as possible. She'd like two weeks and she will forward Jack the list of questions.

VI. MISCELLANEOUS BUSINESS ITEMS

A. APPROVAL OF MAY 6, 2009 MINUTES

Mr. Kern said the minutes of the May 6, 2009 Council meeting have been prepared and are ready for Council's review and approval.

Mr. Maxfield said he gave some changes to Leslie and they will be corrected. Mrs. deLeon had questions on page 24 of 24, we were talking about the yellow blinking lights, and it says there is a cost for Traffic Pump Solutions. Mr. Cahalan said that is the name of the company. They would do the programming.

MOTION BY: Mr. Maxfield moved for approval of the May 6, 2009 minutes, with changes.

SECOND BY: Mrs. Yerger

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

ROLL CALL: 4-1 (Mr. Horiszny – No)

VII. PUBLIC COMMENT/CITIZEN NON-AGENDA ITEMS

- Stephanie Brown, resident, said earlier she had a discussion with one of her neighbors regarding impervious coverage. Has the township taken a policy stand or sent a letter to the ZHB? Mr. Kern said it's an ordinance in the township that any house in that development can't exceed 25%. We are just reminding them. Ms. Brown is very disappointed with the approvals going over impervious coverage that are coming out of the ZHB. She's amazed and the board seems clueless. She's amazed at what the person was saying about Toll Bros. misleading the people who are buying these houses and what they are allowed and not allowed to do. It's scary for the rest of us in the neighborhood because they are clueless about the rest of the neighborhood. It's just about them and their house and their property value. She went away for a week and came back and the bridge was still standing, and she was pleased. She has some questions on what is going on with the bridge. She almost got into a very serious accident two days ago. Someone came flying out of the Meadows and practically hit her, and was upset with her and she was in his way when he came out of the Meadows. Whatever happened to the stop sign out of Meadows? Mr. Cahalan said the property owner has given permission to put the stop sign there. Mr. Kocher said he will see where that is. Mrs. deLeon said can we move that up on the priority list. Mr. Kocher said we have to figure out why it's not up first. Ms. Brown said what about the sign for the bridge? Mr. Cahalan said we would need an easement from the property owner and have to talk to them about it. The sign is being made and it's been approved. Ms. Brown said when you were talking about the Township's website, she was really disappointed as there was an event at the schoolhouse and she

couldn't find anything about it on the website. She's always found the township's website to be useless and behind in information. For all the money that is being paid, it's not telling her anything she doesn't already know. Is there a reason that the event at the schoolhouse wasn't put on the website? Mr. Cahalan said the Historical Society should have put it on their website. He said she should fault the Historical Society for that. Mrs. deLeon said she had it on her website. Mrs. Yerger said she didn't see it either. Ms. Brown said it's very disappointing that the public wasn't able to be there. Lately, her neighbors have been doing a lot of major landscaping, and that doesn't affect their impervious coverage, but she's worried about some of the houses behind her and the use of stone that they want all over their property to make it look nice. Is this a concern to the township or to only her? Mr. Kern said there's a grading ordinance they have to be in compliance with. Ms. Brown said there are stones being put in their flowerbeds instead of mulch. Mr. Kocher said stone does count as coverage for your impervious coverage per your ordinance and if there are specific examples, Chris can see if it's on their original permit or not. Mr. Kochanski said he would recommend you notify the Zoning Officer. The Zoning Ordinance is pretty clear as to what items count as impervious coverage. Ms. Brown said she's worried this is going to increase and increase in the township. She had a neighbor behind her who put trees in. When she put trees in twenty years ago, they were very small. People put in big trees now. They don't wait for them to grow. It got her kind of tiffed. She put her trees three feet from the property line. Years later she was told there was no such requirement in the township. You have trees that are too close together, they are going to start dying. She wants to know why there aren't any guidelines on planting trees in the township. Mr. Kern said there is a guideline as far as planting a tree on the property line. Attorney Treadwell said if it's on your property line, that's a dispute between you and your neighbor. We don't have an ordinance that tells you where to plant a tree. Ms. Brown said the township should consider that as she's worried about her trees dying because of where the other trees are sitting. Mr. Kern said some would say we legislate too much, so legislating someone how to plant their trees might be a little overboard. You might have to trust the landscaper. Ms. Brown said people aren't doing that. You tell people where to put a fence up. If there are trees on the property line, what do you do? Mrs. deLeon said we don't have any regulations, so it would revert to a private property matter. Mr. Horiszny said when we had the gas station over on 378, and they wanted to move their car wash, he thought we had some wording that their trees had to be three feet from the property line. Mr. Kochanski said there are requirements in the zoning ordinance regarding buffer yard and planting screens and that is a different issue than with a homeowner planting a tree or two or three or four. It's a zoning ordinance regulation. It doesn't imply to the homeowner. Ms. Brown said this neighbor put a lot of trees in six to eight feet high along the property line. Mrs. deLeon said let's do a newsletter article on using mulch instead of stone. Mr. Cahalan said he will have the Zoning Officer look into it and see how prevalent it is in the township. We can probably do an article on impervious surfaces. Ms. Brown said with the water coming out of the catch basin on Meadows Road from the Toll Bros. development, that still runs across the road and she's wondering if that is ever going to get fixed. Now that the railroad tracks aren't there, wouldn't it be a good time to fix it. Mr. Kern said fixed in what matter? Mr. Cahalan said when is it running across the road? Ms. Brown said once it passes the driveway to the substation, it comes out and crosses the road and runs down the side of the road where Mr. Beardsley lives, and then it ponds at the railroad tracks. It's been doing this for years. Mr. Maxfield said it's the ditch that has been filled in over time. Mr. Cahalan said that has to be worked on by the company that is using the PPL storage yard. They are responsible for restoring the ditch where the generator station is. Chris is working with them to get that restored. Ms. Brown said where will the water go then? Mr. Cahalan said it needs to be cleared out and restabilized and that's his responsibility and he'll take care of that. It will go down further where the railroad tracks are and then it makes its way to the creek. Mr. Maxfield said isn't the railroad tracks where were heard the pipe used to be and isn't anymore? Ms. Brown said yes. Mr. Kocher said three or four years ago, we laid out a few options, like piping it to the creek, and they weren't necessarily attractive because they were piping it to the creek. Ms. Brown said that's something the township is going to look into. The problem is you have the water ponding at the railroad tracks. Mr. Cahalan said the PW is on top of that and whenever that happens, it gets taken care of.

General Business Meeting
May 20, 2009

Ms. Brown said she's lived on that road for thirty-six years and it doesn't get take care of. Mr. Cahalan said it's been taken care of in the last five years. Ms. Brown said she can go home and get pictures and show you how it hasn't been taken care of. Mr. Cahalan said in the wintertime it is taken care of. If it runs across in a heavy storm, it may sheet flow across the road at certain times as it carries down the road. Ms. Brown said and for many hours after there is a storm. It's okay that the water just lays at the railroad tracks then? Mr. Kern said it would be interesting to see what happens after the ditch is cleared out and then see what happens with the water at that point. If it ponds, it needs to be addressed.

- Ms. Karen Langendonk with the Saddle Ridge Homeowners Association (HOA) said she's here tonight because you discussed our street signs last meeting and we were not on the agenda so she was not here to make it clear that they are not ignoring Mr. Cahalan's letters. She wanted to make clear there is a resident in their development who she has been working with the past eight months, who is an attorney and works with townships. He has been in contact with Mr. Treadwell and the two of them have decided to become the points of contact between our development and the township. She received an ultimatum in a letter that either we do what you say or you are coming to to put your own posts in. She was here last May and told you they would cooperate and they would work together to solve our issue. She has been to meetings with Mr. Cahalan, Ms. Huhn, and Roger and discussed this in December and showed you their signs. They have been working with you. They've been trying to work this out. It is not her full time job. She doesn't get paid to be the Executive Director of Saddle Ridge. She's the one that is calling the sign and street post specialists and PennDOT. Another attorney in the neighborhood asked if you have an ordinance that says you must comply with all your signs on your township roads. Is that an ordinance in this township? Attorney Treadwell said he's going to guess, as he doesn't know every single ordinance we have in LST, but he's guessing the answer is no. It doesn't matter. Mr. Kocher said he thinks PennDOT's regulations say there are various aspects of highways that apply to all highways – state and local and one of those is signage. Ms. Langendonk said they met the signage requirements. They came here in December, she showed you the signage, and you said make it darker green. They made it darker green and they put them up. Then she gets a letter after sixteen months of talking with Roger, never once, did anyone say she needed a PennDOT approved sign maker. She came here, talked to Mr. Cahalan and said she has a sign maker. This is who we are working with. She brought plans, she brought samples. She brought the designs, and never once did anyone say she needed a PennDOT approved sign maker. Now she gets a letter saying she needs that. She gets a letter saying she needs to prove it's a type 3 reflectivity. She sat in a meeting with Ms. Huhn, Mr. Cahalan and Roger and showed the sample to Roger of the reflectivity and Roger said this is more expensive than what we use. It's higher grade than what we use. Now why is she having to prove it's type 3? Mrs. deLeon said isn't it the posts? Ms. Langendonk said they have had their posts up for ten years. She talked to a gentleman in Pittsburgh who specializes in PennDOT approved posts. She has a handbook from him. She sent an email to Mr. Cahalan and she did get notification from Attorney Treadwell that somebody would be coming out to look at your wooden posts to see if they meet this PennDOT standard. She's here to say they are working on this and Mr. Cahalan's letter stated that Council asked him to inform them if steps are not taken to address these issues by the next meeting, they are prepared to direct staff to install PennDOT compliant signs in the township right-of-way. She was not notified by email that this would be discussed. She looked on the agenda and they weren't on the agenda. If you discussed this, then she feels they should have here to tell you she is working on this. She's taking posts down, she's sending them to a specialist, she's trying to figure this out, why, if it was approved ten years ago and it was mandated in 1975, did somebody from Engineering sign off from this. Was it inspected by your people? Was it signed off on? That's what she wants to know because according to this handbook, we are pretty close to compliance. There is an issue that the posts do not have holes. She wants guidance. The letter talks about the posts at Sir Walters Way and Flint Hill Road sign. She questions whether that post if in the Flint Hill Road right-of-way. It sits way off of Flint Hill Road. Flint Hill Road is designated with a 6" letter on the side that sits on the Waldheim side. Could a sign be made like you have on Mountain/Bingen Road that says Sir Walters Way this way and Flint Hill road this way. Our sign sits so far back no one can see it and its not on the Flint Hill

General Business Meeting
May 20, 2009

right-of-way. Mr. Maxfield said PennDOT's right-of-way are larger than a township's right-of-way. Mr. Kocher said the right-of-way there may be as far as 30 feet away from the road. It could be a lot wider than you think. Ms. Langendonk said they are on this and are still working on it. Mr. Kern said when we last met, we were okay with the signs, are we okay with the signs themselves? Mr. Cahalan said there are two issues. One is they made improvements on the signs. They look very nice. All along, we've been trying to provide guidance with PennDOT sign standards. The one thing we asked them to give us information on is the reflectivity of the signs. The letters are big, the color looks good, and we're just trying to see if it meets PennDOT standards for reflectivity. Ms. Langendonk said Roger already told her they met the reflectivity standards when she came last September and this was much higher than what you use. Mr. Cahalan said they've been giving her the PennDOT standards. You have some of the publications and it probably mentions the requirement about the reflectivity requirement. That's all they are trying to verify. Attorney Treadwell said does it meet that? Mr. Cahalan said we are trying to find out from the manufacturer if it meets PennDOT reflectivity standards. Roger cannot make that determination. We need to find out who made the sign and if it meets the reflectivity. We are trying to verify that for the record. Send us the information and the specifications from the manufacturer so they will have that on record. She just can't have Roger go out and eyeball them. Mr. Kern said we talked about the legality of the sign at a meeting. It's just so it's in the record that it meets PennDOT reflectivity standards. Mr. Cahalan said the Flint Hill Road intersection with Sir Walters Way, they sent you the requirement on that, and we gave that to you only in 2009, but there is a requirement with PennDOT because of the higher speed limit that it be six inches and we believe those are only four inches so that does not meet the PennDOT requirement. Ms. Langendonk said that's isn't even on the Flint Hill right-of-way. Mr. Cahalan said that's the first he heard of that. Mr. Kern said can we give her guidance as to what's in the right-of-way and out of the right-of-way? Ms. Langendonk said could another sign be made that says Sir Walters Way and Waldheim; could it be a double sign in six inch letters that arrows off? Mr. Kocher said you could do that. Ms. Langendonk said her main issue is that she's been working on this. Mr. Maxfield said regarding the PennDOT approved designer, is that part of the generalized PennDOT information or is that township? Ms. Langendonk said it's in a letter from Mr. Cahalan dated March 30, 2009 and that's when Mr. Rice contacted Mr. Treadwell to discuss these. Attorney Treadwell said he's talked to John Rice at least twice about this. Mr. Maxfield said are we okay with the designer that Ms. Langendonk is using? Mr. Cahalan said we only suggested, and this goes back over a year ago, we didn't know who she was working with at the time, and we suggested she work with a PennDOT approved sign maker. He still doesn't know who did the signs and we are still asking for specifications on the reflectivity. That's not a requirement, we just wanted to have it meet PennDOT standards. Ms. Langendonk mentioned she is working with us. That is correct, but after she came in December 2008 with the issue of the breakaway posts, he sent her additional information in January 2009 about the signs and gave her a definition of breakaway posts. He did not hear anything from her and he sent her another letter on March 16 saying he wanted an update on what she was doing with the signs. On March 23, he got a letter from her saying she did receive the letter on January 28, and she had looked at the information that was sent to her, and regarding the street post, it was her understanding that you had until January 2012 to meet the standards which is not correct. You failed to grasp the seriousness of the issue about the safety of the posts which this Council relayed to you at the meeting in December. You came back and said you were going to work on those, but the idea that you had until 2012 to fix them was a little surprising. Hence a letter was sent to you on March 30, saying you needed to come into compliance and this was a safety issue that needed to be taken care of ASAP. He agrees you are working with them, you are working with your attorney and Mr. Treadwell. The only reasons the letters went out was there was a gap here. Ms. Langendonk said on the breakaway issue you approved the posts ten years ago, and it's the same thing you are giving me now, and now we come in December and you say these need to be fixed. How do you know they are not compliant? Did Roger go out and take them down. She went out and took them down. She took pictures of them. She consulted with someone who was a consultant in decorative posts. These posts have been up for ten years. Mr. Kern said are they in compliance? Ms. Langendonk said she believes they are.

Mr. Kern said then you have to document that. If they are, that's fantastic. Ms. Langendonk said that's why they are having someone come out and look at them. Attorney Treadwell said his conversation the other day with Attorney Rice, it was both of our understanding that the posts had holes in them and we both agreed we would get PennDOT or maybe someone from HEA and look at the posts and verify they had holes in them and they did or did not meet PennDOT regulations. That was the substance of his conversation. Mr. Cahalan said did we hear you say earlier they do not have holes in them? Ms. Langendonk said she did relay to Mr. Rice there were no holes in them and she's willing to put the holes in. She will go out and drill the holes. If Roger wants to come out and drill the holes in the right place, fine. Mr. Kocher said having the holes doesn't make it compliant with PennDOT. The whole idea with the holes is with the manufacturing process so they can make one continuous rail. The idea is that you post the rail that's in the ground with the sign post rail and what breaks are the bolts that hold it together. The holes are just where the bolts go, and are the rail system. Ms. Langendonk said we are talking about the 6x6 posts. According to this handbook, she has to drill 2" holes in the 6x6 post at certain intervals per PennDOT. Mr. Cahalan said you are saying there are no holes in the 6x6 post now, so it's not breakaway. Ms. Langendonk said not presently. She needs guidance on where to drill the holes. Mrs. deLeon said that document says if you drill holes in a 6'x6' post, that makes it compliant? Ms. Langendonk said it says you have to have a required size and number of holes drilled through the post perpendicular to the travel path, 6'x6' post needs 2" holes and it should be yellow pine. Mr. Kern said how many of the posts are 6'x6' wood? Ms. Langendonk said our posts are galvanized steel that fits over a 6'x6' post cemented into the ground. She also has a document saying when these posts were built, the installers were coming to the township for guidance in installation. Mr. Kocher said no. 1 yellow pine is important on that as it will shear a certain amount where other woods will not shear. Mrs. deLeon said does it show you how to install the post into the ground? Ms. Langendonk said all she has is that they came to the township to get guidance on how to install them. Now she wants to know who they came to, who signed off. Mr. Cahalan said there's no record of that. A lot of developers and other vendors say they will check with the township, but it doesn't mean they came in and did it. Mr. Maxfield said he remembers a time when he was sitting in the audience, and a builder from Saddle Ridge was asking, after the signs were approved, for a variation in the type of sign. Mrs. deLeon said it was a variation in the approved plan. Mr. Maxfield said he remembers a Council member said oh, I think we can give them the sign. It went really quick. There wasn't any mention of anyone going out to inspect it. It was a picture of the horse. Mr. Kern said what's the most expeditious way of having these posts inspected to determine whether drilling in them will bring it into compliance? Mr. Cahalan said the Solicitor mentioned about having someone from PennDOT along with a representative from HEA there and also, Mrs. Langendonk. Mr. Kocher said the reason you use an approved manufacturer is so that you don't have to go through this. PennDOT will come out and say whether it's compliant or not. If it's in your right-of-way, he doesn't recommend that you approve anything that PennDOT doesn't sign off on. Ms. Langendonk said this got approved under the same guidelines ten years ago. Mr. Kern said Council's change every so often. Council can't bind another Council to that decision. The past Council did not take into consideration the legal aspects if someone runs into the pole. Mrs. deLeon said she was one of those five on Council at that time. She remembers discussing that. It didn't occur to us at that time. If we screwed up back then and didn't ask for the stuff, we are not going to repeat that mistake. Mr. Cahalan said the 1975 standards don't refer to breakaway posts. Breakaway posts standards have been in effect for a long period of time. The standard she is talking about is the reflectivity standards which have been upgraded since then by PennDOT. Mr. Kocher said breakaway may have been around, but his recollection on what Council did back then, someone from Ciccone came in and said we want to put non-PennDOT standards signs in for the street signs, is that okay. It came up somehow as Jim's notes said we recommend you use PennDOT standards in the right-of-way and Council gave a specific exception to that. Mr. Kern said the best next step would be for someone from PennDOT to come out and look at the signs and inspect them. Attorney Treadwell said they will get a lot further with it than Ms. Langendonk will, so he'll call PennDOT and go out with Ms. Langendonk. Mr. Maxfield said we understand you are working with us. Just check in every once in awhile. Mrs. deLeon said don't they have DEP

liaisons? Mr. Kocher said Charlie Paris normally comes in here but that's the best place to start. They are better off to talk to Linc or Jack. The HOA should be definitely involved in this process because if someone from PennDOT comes out and says why didn't you use one from our suppliers, at least the resident is there. Mr. Kern said we now have a plan.

VI. COUNCIL AND STAFF REPORTS

A. TOWNSHIP MANAGER

- Mr. Cahalan said Heller Homestead painting – as you know, Sobrinski Painting gave us an estimate for painting the interior and exterior windows. Back in 2008, the estimate was for \$9,900. After they did the first go around with the painting, we all agreed that there was missing work and items that had to be taken care of. It was already December and we agreed to pay them one-third of that cost which was \$3,300. Glenn and Priscilla went around and identified the items that needed to be taken care of. That included the glazing on the windows, the sill work, missing spots that needed to be painted. We put together photographs labeled with all of the missing items. Sobrinski agreed to come back this Spring and complete the work which they are doing this week. They called and they said they would be out this morning. They had a crew out there. Glenn was able to come out and we were able to talk to the crew. They had two people working on the windows. They said they were going to get to the glazing. What we focused on was the sill work. They were removing some of the putty they put in there, and Glenn saw that it wasn't addressing the problem as the sill was still wet. Glenn proceeded to uncover the real issue which was there was a lot of rot that basically had been patched over and it did not solve the problem. They were directed to clean out the rot and fill it with the wood penetrant that we agreed on and complete the rest of the work. Later on in the morning we got a call from Todd Weaver from Sobrinski and he told me that the amount of work that would be necessary for that type of work was much more than they had agreed to. He mentioned a conversation he had with me where I had told them that they weren't responsible for any carpentry. Jack said that referred to replacing missing wood pieces on the exterior windows. He told them we didn't want them to do that because it wouldn't be allowed by PHMC. Mr. Cahalan said they basically agreed to do the work on the sills and to use whatever material was needed, and apparently it's much more than they estimated. He said there would be more cost for them to do it and they did send in a change order request for the additional work to apply the Abatron, to sand the sill faces and the scheduling of manning for two unforeseen labor days. He's quoting a cost of \$970 for that additional work. We haven't gone out to see if the remaining work was done satisfactorily. They did promise to replace any of the missing glazing. We still owe them \$6,600 and they are asking for an additional \$970 to complete the job. Mr. Kern said he's not happy with the work they did initially and he's not confident they are going to do what is right to fix it. He suggests we go get another price from someone and find out what it will cost to fix the sills correctly which would be to insure that the rot is gone, coated it with Abatron and filled with epoxy. Whatever cost that is, we deduct from the Sobrinski invoice. They should have done it right the first time and they didn't and take it from there. Mrs. deLeon said they were supposed to replace the sills if it was really rotted. Mr. Kern said they were supposed to use a restoration product to restore the sill and what they did was a faulty job in doing that. All they had to do was dig a little deeper to get to the good wood. Mr. Maxfield said he agrees with Mr. Kern. Why don't we get an opinion from Bob Doerr. Mr. Cahalan said he would provide an estimate at no cost. Mrs. deLeon said what bothers her is they were at the \$10,000 mark, which is the bid to bid out. They know that if the bid comes in at \$10,000 we bid it out. Now it's going to be over that. It just was a bad thing from the get go. Mr. Cahalan said they are scheduled to come back and do the rest of the work. He will call them tomorrow. Mrs. deLeon said the only reason she's asking is because she needs to go to the homestead to find out which window pane is broken. Mr. Cahalan said they need to complete the rest of the work and the sill work they can stop on

**General Business Meeting
May 20, 2009**

that and he will tell them we are going to get another estimate. This cost of \$970 was for the two window sills. There was chippings on window frames and they were sanding that off, there were spots on the outside that were missed, windows on the top had to be fixed, loose glazing, another sill in the back that was not sanded and not painted underneath. Mrs. deLeon said she wants to check out the second floor bathroom window sill, they should have sanded it.

- Mr. Cahalan said he received a request from Se-Wy-Co Fire Company for a letter of support. They are submitting an AFG grant application to DHS FEMA for a high speed washer extractor machine for cleaning their turnout gear. Also a turnout gear drying cabinet, also wall mounted turnout gear racks, and also two thermal imaging cameras. He'd like approval to send a support letter for their grant application.

MOTION BY: Mr. Horiszny moved for approval as stated above by the Manager.

SECOND BY: Mr. Maxfield

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

ROLL CALL: 5-0

- Mr. Cahalan said he received a request from Lehigh County Conservation District. They are putting in an application to PennVest for a flood plain restoration project at the Silver Creek Country Club. They had a deadline and Erin Fredericks actually sent the letter and we signed it and sent it back to them last week. He'd like approval for sending that support letter to the Lehigh Valley Conservation District. Mrs. Yerger said Lehigh County took a lead on this project when Northampton County did not have a water specialist. Mr. Maxfield said it's all part of the whole watershed study and a plan of action that resulted.

MOTION BY: Mr. Maxfield moved for approval as stated above by the Manager.

SECOND BY: Mr. Horiszny

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

ROLL CALL: 5-0

- Mr. Cahalan said there was a fuel spill last Friday on 78 on the elevated section. Some fuel entered the storm sewer and it went down and contaminated some soil where the new billboard foundation is located. Se-Wy-Co responded to the incident and they said they had no idea where the storm water sewer locations were up on that section of 78. That may be the same for all of the other fire companies. They asked if we would support a request or make a request for them to PennDOT for the plans for those storm sewer locations on 78 so when there is an incident like this, they will have some idea of where a spill is going to discharge to. He will ask PennDOT for a copy of the plans. Council said please do.

- Mr. Cahalan said we did send invitations out for the volunteer picnic. The returns have been very meager. The numbers are very small and under ten. The deadline is May 27. Council asked to send a reminder to all the invitees again.

B. COUNCIL/JR. COUNCIL

Stephen Prager - Absent

Mr. Maxfield

- He said through the Saucon Creek Watershed Management report, some information is coming out that we were not aware of before. Part of the information had to do with archeology sites within the watershed. The people that were putting the plan together assumed there were none. PHMC said there are over 100 archeology sites within the Saucon Creek Watershed. They are secure sites and they don't let anyone know where they are so no one goes and digs. We have other secure information here in the township where we kept secure locations going back to the NRI about endangered plants and things like that. We've had secure information that we don't let out but we know where these things are. He'd ask that we call PHMC and ask what is within the boundaries of LST.

This is crucial and is made available as an as-needed basis. Tell them we will keep this information secure. Mrs. deLeon said once we get this secured information, then what do we do with it? Mr. Maxfield said if we have a proposed development for a raw piece of land, we can cross file with the list and make sure there isn't anything on there. That would have been real helpful when Super Fresh went up. Mrs. deLeon said when an approval goes through isn't it part of the PHMC process to notify them. Mr. Kocher said so many planning modules go through now as exemptions, so he's not sure they have to notify PHMC. Mr. Maxfield said or someone is making changes on an existing property on another section of the property.

- He wanted to let everyone know the Watershed Management Plan has a meeting here on May 27 at 7:00 PM for municipal officials and for the public. It's going to discuss the aspects of the plan and how it applies to the communities. The plan covers ten municipalities and they've asked LST to act as the host, so he and Sandy will act as MC's and will be introducing the plan to whomever. He'd like to send out a notice letting them know that this is occurring. Mrs. Yerger said make sure it goes out to all our boards.
- He said after sitting through the hour long discussion at last meeting and 45 minutes this meeting, he would really like us to solve this problem in a more community-wide way. We could reduce our problems on multiple levels at once if we re-examine the impervious coverage percentages that we've associated with our zoning districts. He would like to make those a reasonable percentage. If we know our zoning district has a 25% coverage of impervious and we know from scientific data that we start seeing real bad stuff at 10%, we really should be re-examining it and get it closer to that number. He talked with Attorney Treadwell about it and he said there were issues possibly taking of property or something like that. He'd like if we could either, Planning or Engineering, give us an idea where we can go with that. Mr. Cahalan said they started talking about that with staff, so they'll follow through with it. Mr. Maxfield said good. Mr. Cahalan said they will start looking at other communities and start benchmarking. Mr. Kern said the issue rather than the impervious is what the developer builds on what's available. Mr. Maxfield said if you had a 20% impervious coverage where we now have 25% and they are really close to that 25%, you are going to end up with a smaller house which could be a good thing for impervious coverage. Attorney Treadwell said Richlandtown has an impervious coverage in the zoning ordinance that requires an x amount to be left over for the homeowner. Mr. Kochanski said there are several options that you would have with dealing in the zoning ordinance and you could do it with a building coverage. The reference that Attorney Treadwell made is there is a site impervious coverage requirement and there's an on lot impervious coverage requirement and all of that all together must still meet the total site impervious, but then there is a requirement for an allocation that the developer, in theory, can't use and its' got to be allocated to the homeowner and all future subsequent homeowners. Mr. Maxfield said that still may get us up to 25%. Mr. Kochanski said it still does, and there may be issues on how that overall coverage is addressed and if it is addressed and accounted for in the storm water management, whether it's never built, then there's less of an issue if it's not accounted for and then you exceed it. Attorney Treadwell said it doesn't make everyone happy because there's always someone that complains. Mr. Kochanski said going forward, that would work, but it's not going to necessarily address already approved developments. Mr. Kern said we are experiencing a problem here with Toll Bros. and Toll Bros. isn't going to address it. If we had something like that in place where they could not build on a certain number of coverage and leave a certain amount of impervious available for the homeowner for future use, that would handle it. Mr. Maxfield said if you have a 25% limit and you were requiring 5% left over, the homeowner is going to fill up that 5% and you will still have that problem. He likes that concept. Mrs. Yerger said we need both. Mr. Maxfield said we are going to have another Toll Bros. somewhere. We need to prepare for it.

**General Business Meeting
May 20, 2009**

- She said tomorrow night, the Saucon Creek Watershed Association is having a representative from the Northampton County Conservation District to come down and talk about detention basins, storm water, and E&S. If anyone would like to join us, it starts at 7:00 PM at the township.

Mr. Horiszny

- He said the LSA is appealing a PUC ruling regarding meter pits. We don't think they really address the issue and we're trying to fight them on it. He doesn't know what our success rate will be.
- He said we did have the plaque dedication for the National Register for Historic Places at the Lutz-Franklin Schoolhouse and Glenn and Sandy spoke eloquently.
- He said he noticed in the Valley Voice there is a David Lang golf tournament coming up and it's a sponsorship for scholarship for SV athletics and the whole sponsorship is \$100 and he wonders if we should consider sponsoring, a whole as a township, as it is for SV students. It's June 20, so we probably still have some time to do it if we have the money to do it. Mr. Cahalan said we have the money. Mrs. deLeon said there are other fundraisers. Mr. Cahalan said you have a contribution policy and also in the budget, you indicate what organizations do get donations. It falls under the contribution policy because it's for youth scholarships in SV. It would fall within the groups your normally donate to. It's hasn't been approved previously.

MOTION BY: Mr. Horiszny moved for approval as stated above.

SECOND BY: Mr. Maxfield

ROLL CALL: 5-0

- He said last Friday at midnight the Se-Wy-Co was invited to go to the Bethlehem Star to rescue someone and when he came by here, our basketball court lights were on at midnight and there were some people playing. When he came back by it again, the lights were still on and there was no one playing anymore. It turned out that the star climber got hung up on the fence getting out, so we didn't have to use the aerial ladder. Mr. Maxfield said he got a complaint from one of his students who plays over here that said the lights are on a timer and you hit the light and then it goes off, and they have to wait like 32 minutes. Mr. Cahalan said it does come back on again, he will check the interval on that. Mr. Horiszny said he thought the timer would not let the lights come on after 10 PM. Mr. Cahalan said he will see if there is a cutoff.

Mr. Kern - None

Mrs. deLeon

- She said next Thursday, May 28 is the Artist Reception at the Heller Homestead for Vivian Fitzsimmons who attended SV High School and she was an art teacher. It's from 7 PM to 9 PM.
- June 10, the Partnership has the hearing for the multi municipal plan. She said she read somewhere there was a memo about the issue we had about the impervious coverage that the wording should be on then occupancy permit. Mr. Cahalan said that's a memo that Kevin put together. We asked him to come up with information what constitutes impervious. Mr. Kochanski said we had discussed this at staff to come back to the following staff meeting of some of the issues and we've touched on some of those. Another was putting out some information in the township newsletter and on the website so people become aware of this issue. The third recommendation was a disclosure form prior to the issuance of the occupancy permit so that new homeowners were aware of the issues they are facing. Mr. Cahalan said they will continue to collect that information and share it with you and come up with recommendations.

E. ENGINEER

**General Business Meeting
May 20, 2009**

Mr. Kocher said you asked us to look at the intersection of Victor and Amelia to see if it's warranted for a four way stop. Since stop signs are signs, they have to meet PennDOT warrants in order to put them up. That intersection right now does not meet PennDOT's warrants for a four way stop. Mr. Cahalan said they received an email from a resident and said there are children there, and people go through the road. Mr. Kocher said they will give Mr. Cahalan their recommendation and if Meadow ever goes one way one day they may want to relook at that.

F. SOLICITOR - None

G. PLANNER - None

VII. ADJOURNMENT

MOTION BY: Mr. Maxfield moved for adjournment. The time was 10:26 PM.

SECOND BY: Mr. Horiszny

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

ROLL CALL: 5-0

Submitted by:

Jack Cahalan
Township Manager

Glenn Kern
President of Council