

- I. OPENING**
 - A. Call to Order
 - B. Roll Call
 - C. Pledge of Allegiance
 - D. Announcement of Executive Session (if applicable)

- II. PUBLIC COMMENT PROCEDURE**

- III. PRESENTATIONS/HEARINGS**

- IV. DEVELOPER ITEMS**

- V. TOWNSHIP BUSINESS ITEMS**
 - A. Discussion on Lighting in Township
 - B. Discussion on Wind Power

- VI. MISCELLANEOUS BUSINESS ITEMS**

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

- VIII. COUNCIL & STAFF REPORTS**
 - A. Township Manager
 - B. Council/Jr. Council Member
 - C. Solicitor
 - D. Engineer
 - E. Planner

- IX. ADJOURNMENT**

Next Park & Rec Meeting: June 6, 2011
Next EAC Meeting: June 14, 2011
Next Council Meeting: June 15, 2011
Next Planning Commission Meeting: June 16, 2011
Next Zoning Hearing Board Meeting: June 20, 2011

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I. OPENING

CALL TO ORDER: The Special meeting of Lower Saucon Township Council was called to order on Wednesday, June 1, 2011 at 5:03 P.M., at 3700 Old Philadelphia Pike, Bethlehem, PA, with Mr. Glenn Kern, President, presiding.

ROLL CALL: Present – Glenn Kern, President; Tom Maxfield, Vice President; Ron Horiszny and Priscilla deLeon, Council members; Jack Cahalan, Township Manager; Leslie Huhn, Assistant Township Manager; Linc Treadwell, Township Solicitor; and Judy Stern-Goldstein, Township Planner.

Eubin Hahn, Jr. Council member and Dan Miller, Township Engineer arrived at 5:05 PM. Sandra Yerger, Council member arrived at 5:50 PM.

PLEDGE OF ALLEGIANCE

ANNOUNCEMENT OF ANY EXECUTIVE SESSION (IF APPLICABLE)

**Mr. Kern said Council did not meet in Executive Session
between our last meeting and this meeting.**

II. PUBLIC COMMENT/CITIZEN AGENDA ITEMS

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

III. PRESENTATION/HEARINGS – None

IV. DEVELOPER ITEMS – None

V. TOWNSHIP BUSINESS ITEMS

A. DISCUSSION ON LIGHTING IN TOWNSHIP

Mr. Kern said The Township Planner was requested to compile sample lighting ordinances which she will review with Council.

Ms. Stern Goldstein said the reason they were asked to come up with the sample lighting ordinance is there was some interest and discussion at a preliminary level about night sky issues. She looked into ordinances that deal with night sky issues. You have two memos from her. One is dated May 24th and accompanying that were some various ordinances and summaries. It ranges from a lot of regulation to not much regulation, just to give you some samples. The prior memo, which was February 25th, was from herself and Karen Mallo. It was done after the lighting tour of the Township they took with Glenn Kern and Tom Maxfield. It outlined a number of issues and gave a summary of what they had looked at. In the Plumstead ordinance that accompanied the packet, page 27-216, it talks about the Findings, Purpose and Intent and that really outlines the night sky

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issues pretty well. To summarize it, it talks about how adequate and effective lighting is needed for comfort, safety and convenience, but wasteful and inefficient and inappropriate lighting is a significant environmental problem. Excessive lighting wastes energy and shines on neighboring properties; it's a nuisance to pedestrians, cyclists and motorists; it disturbs wildlife habitat, impairs human experience of the night sky; and negatively affects the quality of life in our communities. That's just about verbatim from the night sky documents that are out there. The Plumstead and Wrightstown ordinances really are true night sky ordinances. The other ones included from Newtown and Doylestown Townships, are much less stringent. The East Rockhill and Hilltown ordinances touch a little more on the issues. All four of those touch on a little more than Lower Saucon currently does. The real issues are how far do you as a Council want to go in regulating the lighting and dealing with night sky issues. Clearly there are some issues in the Township as were noted in the tour they took and in her memo from February. There were some issues of glare. Glare is hard to quantify. Glare can be subjective as they noticed when they stood at the top of Polk Valley Park and looked down at the school. There was one fixture that was very, very intense with a lot of glare. When they got down to the level of the school, they really couldn't tell which one it was and it was not offensive at all. It's not that it's subjective, but it is in the eye of the beholder. It's where you stand and what your perspective is and what activities you are doing while the lighting is on. With that being said, glare is a problem as there's a perception of a problem. Some of the commercial areas and the shopping centers do have a bit too much lighting. The solution people sometimes utilize is to have a real stringent cutoff so that just beyond the areas you want to light, it's a total cutoff and it's very, very light and then very, very dark. It shows that is not very safe as when you are in a lighted area, and then you go immediately into a dark area or non-lit area, the perception is it's even darker and your eyes don't adjust and you can't see what's going on and it does create a safety issue. The issue is to have a stringent cutoff at the property lines, but not adjacent to like a gas station. It comes back to the major issues and comes down to how far Council wants to look into regulating this. We can write an ordinance for any of those, but it's a philosophical question that we can't answer for you. They've laid out a lot of issues in their memos, and she's here to answer any questions and talk about the ordinance samples they supplied.

Mr. Kern said the worst example of lighting in the Township was or is, the Giant shopping center. One of the best examples of lighting that is close to the Township is the Penn State University – Lehigh Valley parking lot. Whatever it takes to create an ordinance so the next commercial area that comes up looks like the Penn State parking lot and not the Giant parking lot, would be the goal. Ms. Stern Goldstein said some of that would include limitations on height, limitations on the glare, the visibility of the bulb. Not that you just have a shield, but when you look at the relative elevations of the road or perimeter of properties to where the lighting will be. A 25' pole has a different effect when you see the bulb if the fixture is 30' above you and 25' up or 5' below you and 25' up. It's all relative. We can write ordinances to deal with those issues and deal with the intensity of light. We can deal with that. Do you want to take it to total night sky or do you want to address the basic aesthetics and safety issues? Mr. Kern said taking it into the night sky issue would be important too because the Giant at night does illuminate in certain weather; when it's foggy or dewy, you can see the Giant shopping center from a lot of areas within the Township. Ms. Stern Goldstein said all those little water droplets do a lot of reflection. Mr. Horiszny said he thinks night sky is important. Ms. Stern Goldstein said how far do you want to take night sky? Wrightstown got into holiday lighting and they went out actually a little too far. They have such a small population and as people have issues, they've been dealing with them one on one. That's the place where the Zoning Officer knows every property. It's not very populated. They wrote what she thinks went a little too far. She doesn't think it fits in with the overall philosophy of Lower Saucon. There is something just shy of jumping over the bridge there. She was involved in Wrightstown and that's actually scaled back from what they actually wanted.

Mr. Maxfield said we are always going to run into the conflict between the two different types of Township we have: suburbia versus the countryside. When we get into the night sky, we are talking about some of the still existing areas in the countryside, but even more important than that is the issue of sensitivity and insensitivity of people to certain kinds of lighting conditions. It could

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be based on fear of what's lurking at night, but what bothers some people just doesn't bother others. The fact that some people live in the country and want to be able to go out and see the moon at night is totally opposed to the person who is afraid that some beastie is going to come in their yard in the country; and therefore, their yard needs to be lit to the hilt. He thinks what you may be telling them is we have a moderated approach to the night sky. Ms. Stern Goldstein said she thinks like a modified night sky. She doesn't think there are parts of Lower Saucon that you could even attempt to regulate a true night sky because you do have basically two totally different types of municipalities in one. We have some existing conditions that we are never going to be able to change. One of the things that is a big thing for us which isn't even in our Township is the Lehigh University Stabler campus. The night skies at a Lehigh game is like the sun came up. It's really bright. Even the high school, you can tell the lights are extremely bright as a lot of the neighbors have landscaped to block those lights. He's for some type of moderation and middle point where part of it is going to be getting the word out. We need to tell people exactly what we are doing. If we go hog wild with it, we aren't going to get their support.

Ms. Stern Goldstein said part of it is perception and part of it is safety. The other part of it is different people's aesthetic natures. Some people really believe there is nothing more beautiful than lighting up the side of the house with an up light. There are other ways to accomplish the lighting effect with going up into the night sky. That is going to be an educational campaign where brochures could be done. You could do a lighting seminar. PennDOT, a couple of years ago, was having a night sky seminar. They had funding and brought in night sky people who are actually night sky vendors. There are people who bring the seminars in and they could even download a presentation that says do this, not that – just some basics to throw out.

Ms. Stern Goldstein said she has an important question – what type of ordinance do you want? These types of ordinances do not really belong in the Zoning Ordinance. The Zoning Ordinance should deal with maybe the height of the fixture or the basic type of lighting like if you don't want sodium vapor, that's a zoning ordinance issue. The lighting specifics, if they go into the SALDO, you are covered for all subdivisions and land developments, but an individual single family is not a subdivision or land development. A stand-alone lighting ordinance is what Wrightstown ended up doing. Mr. Maxfield said would it be enforceable by the police? Ms. Stern Goldstein said it would be enforceable by whoever is deemed to be the enforcing agent, which usually starts with code enforcement. Attorney Treadwell said it's not really a criminal offense, and he thinks it would go to code enforcement first. The stand-alone ordinance is probably the way to go with reference in the SALDO ordinance that all subdivision and land developments must comply with the provisions of whatever section of the code the stand-alone lighting section turns out to be.

Mr. Maxfield said if he's not mistaken, their current lighting ordinances fall under the nuisance ordinance. Attorney Treadwell said there's a glare section in your nuisance ordinance. Ms. Stern Goldstein said there's a little section in the SALDO. Mr. Maxfield said the enforcing agency is going to be real important because whenever they've had a subdivision come up, the Planning Commission recommendation from our police has always been for greater and more lights. He doesn't know how that would be for enforcement.

Ms. Stern Goldstein said at the staff level we may need to sit down with the Chief and talk about different lighting levels and make sure the safety components that he rightfully needs to know about are covered, but we don't create something that he's not going to embrace, and therefore, not help out with the enforcement. The Zoning Officer would be doing the enforcing, but occasionally you do need police to help out with disputes. If he's not on board, that wouldn't be good. With Council's permission, we need to all work together on it. Mr. Maxfield said that would be the smartest way to go.

Mr. Horiszny said he thinks Ms. Stern Goldstein alluded to an ultimate night time definition of night sky. Could you expand on that? Ms. Stern Goldstein said an ultimate night sky ordinance, really says that no lighting can go up, so that even lighting that is going down if it's going down on

a reflective surface, you really have to sort of ramp it all down. You're dealing with really strong cutoffs and you don't permit holiday lights or little lights in the windows all year round. You really have strict time lines. Mrs. deLeon said she would be totally against that. Ms. Stern Goldstein said we have some rural areas in the state that if they don't do something, they are going to have Wal-Mart's and not have the ability to do something. Lower Saucon is in that state of flux where you have the rural area and the built-up area. You have a chance to do something now, within reason. When you enact an ordinance, you are enacting it throughout the Township. She's not one to say you can't have holiday lights, but she's one to recommend there not be spotlights shining up unless it's during a specific season and you are permitting that during the season. Mrs. deLeon said does this mean we have to hire a full-time enforcement agent to go around and do this? How many parcels are in this Township? Ms. Stern Goldstein said she doesn't know off-hand how many parcels there are. Mrs. deLeon said she thinks any commercial business coming in, we don't want another Giant as that really was our eye opener. We thought we were okay with our ordinances, and then all of a sudden they built Giant and you need blinders to go down 412. You have to think about the property that the business is located on. The people have to be safe there. If you are a quarter a mile away and you happen to be standing up or down and looking at this, it might come into play, but your priority is that parcel. Ms. Stern Goldstein said we have a lot of standards and there is a lot of information out there as to what levels of lighting are needed in different types of areas, like pedestrian areas, residential areas, commercial areas. Banks and gas stations have a little bit higher. They are not as high as what we see out there. Car dealers are one of the biggest offenders. They want everything to be really, really bright and want it to be daylight so the car colors look natural. Mrs. deLeon said it's also the layout of the land. If you have a hill or slope and you have a spotlight showing on steps because you are going up an embankment, that light is going to be shining up. Ms. Stern Goldstein said that's where people can use some bollard lighting, some of the stair riser lighting on the edge of the tread. There's different ways to do things now with LED's and with some 12-volt lighting, which is very, very affordable for individual residences. Mrs. deLeon said are you asking existing residents to modify their houses and re-landscape everything? Ms. Stern Goldstein said not at all. The ordinance would only affect anything new. Anything that is already existing would not have to comply with the ordinance, but if someone is changing their lighting, then they would have to follow the new standards. That's one way to write the ordinance and how she would suggest it be done. If somebody put lighting in and it was totally in compliance when they put it in, she wouldn't be a fan of recommending they now have to change their lighting. That wouldn't be something the Township would perceive as fair. Mr. Horiszny said we could suggest it. If they have up shining lights that they have to replace, either bulb wise or whatever, why not make them down shine and make it better? Ms. Stern Goldstein said that's where some of the educational component can come in and some of the new lighting is actually more energy efficient. Some of it can be done with solar. If someone wants to change what they already have, it would be nice to have an educational component, maybe some pamphlets, not advocating any one brand or manufacturer, but some ideas out there to help people if they want to change something, but not forcing people to change things. Anything definitely new coming in would have to comply with the ordinance. That's her recommendation.

Mr. Maxfield said the problem in the past has been that residents, in particular, and businesses, use lighting salesmen to design their lighting plans. Probably most businesses you see in a normal day and most residential lighting is really overlit for safety, overlit for what you need for a safe environment. Ms. Stern Goldstein said most of what's out there probably is, but she's not going to defend lighting salesman or anything like that, but there are some that are really good who really, really know their information and if you enter into a dialogue, you can really pick their brains and learn a lot from them. Granted a salesman in any profession is trying to sell their product, so the more they sell in theory, the better it is. She's met with some that have been doing some streetscape projects and they know the strength of their word and experience will stand them in good stead as they will use them again. The really good salesman isn't just selling you his product, he's giving you good advice that you can use again. Just like in any profession, there's good and bad salesmen. She doesn't want to lump them all together.

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Mrs. deLeon said the incident with the lady from Easton Road and the City of Bethlehem property, don't we normally get plans to review and take a more proactive approach to neighboring applications and look at that. Ms. Stern Goldstein said Council can make recommendations, but they are only recommendations. You can get it out there. Mrs. deLeon said it's a step closer. Ms. Stern Goldstein said what happens in many instances is that one thing is specked on a plan and something else is constructed. Unless it's something that is in your municipality, you don't have the ability to enforce the installation of what's been specked. Sometimes lighting is a really simple thing to change and not have to detect it until it's in because the average person can't tell the difference between one type of bulb and another. Mrs. deLeon said it goes a step further. Once the place is in, and you have employees changing bulbs, who is going to pass that information on to the employees that you can only put this wattage in. Ms. Stern Goldstein said the only good thing is when the lighting goes in and its most intense is when it's installed and it does burn off a little and mellow out and it's a little hard to swallow that concept sometimes. Sometimes it's just too bright and at the wrong angle a bulb that shouldn't be exposed or it's inside and we didn't realize the inside was going to be so visible.

Mr. Maxfield said exposed is the majority of the problem. Recommended fixtures should be an important part. Ms. Stern Goldstein said it's more talking about performance standards than actually recommending fixtures as the technology keeps evolving so rather than recommend something that may be old technology performance standards, the shielding, the no visible bulb, it's all performance standards. There's so many products out there and every month there are new ones.

Mrs. deLeon said she's trying to visualize a spotlight aiming upwards, up an embankment or set of steps and trying to shield it. How do you shield that and have an effective spotlight on an area you want to light up. Ms. Stern Goldstein said start at the top and go down as opposed to starting at the bottom and going up or use bollard lighting so you are closer to the area you are looking at or walking on. They could use deck steps or back patio steps. Mrs. deLeon said if you are up on a hill and shining the light down, and you're out on the road, people will see that as they drive by. You are not going to 100% eliminate lighting. Ms. Stern Goldstein said depending where you are, you are right. It's hard to quantify.

Mr. Kern said the one thing that's not subjective and this is probably prevalent are spotlights on a house shining down where the neighbor may not even be aware it's shining in someone's window. How do you write an ordinance to address that? His neighbor has a beautiful landscaped back yard with a fish pond. They put in landscape lighting with an exposed bulb and they have no idea that as he comes out of his car, it's shining right in his face or his house. He hasn't bothered to go tell them, but eventually he will. How do you do that in an ordinance? Ms. Stern Goldstein said that's something real hard to do with an ordinance and nine times out of ten it's a simple adjustment. Her father's neighbor has a light on a sensor so every time their dog walks; the light goes on and shines into her father's bedroom. She went over and said the neighbor doesn't even know he's doing that. She talked to the neighbor and asked him to just move it an inch. He moved it and her father said that's all it took? Mr. Kern said that's all it's going to take in his case. Ms. Stern Goldstein said that it should be done when you first notice it instead of waiting and the less likely it is to be nice dialogue when you do it.

Mr. Maxfield said knowing the nature of the spotlight bulb, would it be really outrageous to say no spotlights installed without some type of shielding? Ms. Stern Goldstein said if you said that, in the case of the one next to her father's house, it did have a shield on it. It was just adjusted at the wrong angle, so a shield doesn't do all of it. The parts of no exposed bulb actually require some kind of shield. Ms. Stern Goldstein said it's just an adjustment. You can follow all the directions when you are putting it up, but unless you field adjust it, it's not at the right angle. You don't know it until you are over on your neighbor's property. For the example, at the high school, they couldn't tell when they were down at the level of the high school, but in the park it was so obvious. They all thought they could follow it like a beacon and they got down there and couldn't tell what

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light it was. They finally identified the correct light. Mr. Maxfield said that was really odd. He can't figure out the orientation of that light to do that unless there was leakage somewhere. Ms. Stern Goldstein said if you changed it a quarter of an inch, they wouldn't have seen it there, they would have seen it somewhere else.

Mr. Horiszny said do any municipalities try to regulate the intensity of lights that are shining upward or off the property? Ms. Stern Goldstein said off the property, yes. Most municipalities have a cutoff at the edge of the property, either that no light leaves the property or as you get more developed, no more than .1 foot candles, .2 foot candles, the intensity leaving the property. As far as up, some ordinances like Wrightstown Township say you can't have up lighting. Then we have Doylestown Borough where their standard street light fixture that was developed in the late 80's had a very nice ornamental gas light that had the glass on top. It was going up. They have little hats on them now. Some of those gas light models do go up.

Mr. Horiszny said the problem of having a sharp line of demarcation where it's too dark once you leave the light, so how do they handle that situation? You said Wrightstown might say no light off your lot. Ms. Stern Goldstein said no light off the lot, but at the same time, Wrightstown deals with the intensity of the light, so you can't have more than x number foot of candles for certain uses. Most ordinances have a minimum. Wrightstown also had maximums. For instance, normal parking light may be two to three foot candles, but if you were a car dealer, she's seen some at 48 foot candles or 50 foot candles, a couple in Richland Township. A gas station underneath the pumps has 30 to 35 foot candles. You step away and it's very dark as it's cut away at the edge of the canopy. That's just really, really intense, more intense than it needs to be. If need be, she can look at some plans at these areas, and she can show the different intensities and what it's perceived at if we need to. The minimums are so much less than what people put in.

Mr. Maxfield said one of the last lighting vendors he talked to was at PSATs. They said they were finding that more standards and taller standards with sharper cutoffs would give that kind of slow wash out at the bottom rather than the more sharp demarcation. They were saying that was a problem also. Like a parking lot, once you got over the edge, you no longer could see as the bulb is so close to the ground. Ms. Stern Goldstein said it's like a flashlight if you hold it real close to your paper, it's very intense, but then the higher up you go, the more blended it is. It's the same principle. It's that weighing of differences. All of our research and data says pedestrian lighting is ten to fifteen feet tall and vehicular lighting is closer to twenty, twenty-five feet. Then you have more fixtures as it's lower and depending how the fixtures are designed, is how much it lights and how intense it is. If you have too many and they are close together, lighting is measured in overlapping, so if this fixture has a .5 out here and this one is a .5, that's a 1.0 there. If they each have a ten there, that's twenty, so it starts accumulating and gets intense, so you want to have the right number. You want to have the fixtures in the right places with the right intensity. That's the art of lighting design and there are people who do it well. Some people just chose to put dots on a plan and not understand what the lighting is just to meet an ordinance requirement and they'll deal with it later. Every time they deal with it later, it's not quite the resolution that anyone wants.

Mr. Maxfield said what we are talking about here is really a site specific ordinance somehow. Ms. Stern Goldstein said an ordinance that has a lot of performance standards and requires a plan to be approved. She's not sure how much you want to have on an individual residential property. Again, it becomes onerous for somebody. We have to treat all property owners the same. It has to be a 20-acre parcel that's putting in a lot of lighting or it could be a 5,000 square foot parcel. The rules have to be the same, but it could be overly onerous for someone who's putting in \$200.00 worth of lighting or putting in \$50,000.00 of lighting.

Attorney Treadwell said it's impossible to fix all the problems you see by adopting an ordinance. You have to keep in mind when you identify a problem and if Lower Saucon Township identifies lighting as a problem, the night sky issue, your solution to that problem has to be reasonably related to that problem. If you get challenged in a situation and you have to go to court, you have to show

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that your solution is reasonable. As an example, no more lights in Lower Saucon Township. That's not reasonable, so you have to balance out what the problem is versus what your solution is going to be. Through this type of an ordinance, you can clearly address the Giant or the car wash type issues. Trying to regulate what individual homeowners can do on their houses, whether they live on a half acre subdivision or on a 40-acre farm is a lot more subjective. Maybe what you want to try to do is address those bigger projects that you see can create a bigger problem and then maybe have some general standards for the individual homeowner type issue, but again, it comes down to an enforcement question, and if the individual homeowner says he's not changing his lights, what are you going to do, go to court to have him change his lights? That's an issue. He had a case twelve years ago where the Judge actually came to the house at night and stood in one individual's bedroom and looked at the light and said it didn't bother him, so it's reasonable. The property owner said it bothers him, and the Judge said put up a curtain. That was the end of the case.

Ms. Stern Goldstein said any time an ordinance is written, you have to have a lot of thought given to the enforcement of it. If you write an ordinance that you never intend to enforce or spend the money to enforce, then it's not worth having it. If you do write an ordinance, it has to be one you can enforce, that you want to enforce, and that you can fairly enforce, such as somebody is violating it and the remedy is for the Township to cite them and be in violation. You go to the District Justice, and then you think about how far do you want to go to enforce an ordinance and what is reasonable for the infraction and what the Judge thinks is unreasonable. She's a fan of performance standards for residential, in particular, where there's such a wide variety of residential dwelling units in Lower Saucon and they all need to be treated fairly. They need to write something that can be treated fairly. Mrs. deLeon said if somebody came in and changed their lighting, they would be required to follow this. What would be an example? Attorney Treadwell said the shopping center across the street that's vacant now, if they come in with a new plan. Mrs. deLeon said individual. Attorney Treadwell said he doesn't think you'd ever know if a private homeowner switched a bulb or fixture on their property. He thinks what Ms. Stern Goldstein is talking about is like the shopping center across the street and they come in with a new plan as they don't want to have a movie theatre, they want to have a BJ's, then they'd have to meet the new lighting standards. Ms. Stern Goldstein said if we do have some regulations for individual residences. If she's not mistaken, enforcement is basically done by driving around and looking for infractions, totally. If someone switched something out and one day the lighting is at one level and the next day it's all over the place, that would be a clear difference and somebody would probably complain and Code Enforcement would have to go out and look at it. Before it ever gets to that, it would be upon the Township, if and when we're adopting something, to really have the word get out and have a public educational component. It will reach as many people who want to hear it, so people know the rules. You don't ever want to have someone spend a fortune on new lighting and find out they are in violation. Ms. Stern Goldstein said you want to pre-empt that. That's the hardest thing to communicate to the residents so we don't put them in a situation where they are creating a really antagonistic relationship with the Township. Mr. Maxfield said you may have someone who walls in their porch or puts on a small addition to their house, and then suddenly they have exterior spotlighting. There are cases where you will have to address the residents. Ms. Stern Goldstein said if they are coming in for a building permit, that gives Chris Garges the chance when he looks at the plans to ask about lighting. They are coming in with a new residential dwelling, a new shed, anything that requires a permit, there's the chance for that dialogue and that interaction. It's the suddenly changing the lighting or putting up lighting to play basketball outside which is what you are going to get without a real strong educational component and you are never going to reach everyone.

Mrs. deLeon said if a neighbor wants to put up a spotlight, you move into a new neighborhood and want to see where your dog is at night, people have to be allowed to do what they want with their property. Mr. Maxfield said a spotlight is fine as long as it doesn't go into your neighbor's windows. Mrs. deLeon said that is covered under the Nuisance Ordinance. Ms. Stern Goldstein said she thinks the Nuisance Ordinance is dealing with glare. She will come up with performance

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standards which might cover the issues so if it is something that is impacting another persons enjoyment of their property in a way we can quantify, it would be a violation. If there is no neighbor, no one is impacted. Mr. Maxfield said look how far away Polk Valley is from the high school. That was one spotlight and it was eye piercing. We have on the eastern part of the Township people who have homes on top of Granite Hill and have one spotlight which shines down on the whole neighborhood. They have one exterior spotlight which shines down on everybody in the neighborhood. It seems like it's just the same condition at Polk Valley where it goes into someone's living room. Ms. Stern Goldstein said she is sure the one at Polk Valley could be fixed with a minor modification of that angle as soon as they get someone up on the hill with a phone and they can then get it adjusted. It could be done. If someone puts up a new spotlight and its aiming into someone's window and they are not talking to each other, and a complaint comes in, it's part of the public relations of "let's go take a look at it". You have to try that first.

Mrs. deLeon said what about existing street lights? They can be very annoying. She's lived in apartments and houses within the city limits and you look out your window and there's a street light and you put up a curtain. Ms. Stern Goldstein said there are different street lights that could be classified and we could look at the options available from PPL. There are different types of street lights that don't have as much glare. Mrs. deLeon said there's areas of the Township that have street lights and some areas that don't, so you need to have lights. Ms. Stern Goldstein said typically there are intersections in a subdivision; they have the ability to review the plan. Sometimes there are lighting districts. Mrs. deLeon said sometimes the property owner may want to put up a street light. Mr. Maxfield said they have to pay for that. Mrs. deLeon said they have one at the Heller Homestead that was put there and the Township pays for it and it shines in the windows. Ms. Stern Goldstein said street lights are something they can include performance standards for. Mrs. deLeon said she's just making a point, there is lighting everywhere. Ms. Stern Goldstein said some people complain about red traffic lights if you are in the city. If you are on a second floor loft and the traffic light on the corner is red, yellow and green, that's very annoying to some people.

Mr. Maxfield said he got a complaint from a resident where an existing pole was outside of their house and PPL came in and exchanged their transformer and put up one of those transformers with the little green light on it and it shines right in their bedroom window. Ms. Stern Goldstein said as soon as the lighting dialogue is brought up with the general public, it's the littlest thing that drives someone crazy. It's the little things that can be easily fixed. Until they are or unless they are, it's annoying. It impacts you more as you are expecting it.

Mr. Maxfield said if we could get across the idea that more is not necessarily better, that would be great. Ms. Stern Goldstein said that is something they can do. She doesn't know which forum the Township wants to use to get that across, but they can certainly help with that. The perception of safety is important and they have to let people know they have the right to light their properties for their safety and security, but there are ways to do it without alienating your neighbors and impacting them.

Ms. Stern Goldstein said she thinks they can come up with a draft with some performance standards and come up with some talking points and issues and decisions for Council to make.

Mr. Cahalan asked if Mr. Maxfield wanted any input from other Committees as this comes back? Mr. Maxfield said he doesn't see any problem with EAC. They had big discussion about lighting of athletic fields, so it can be passed to the Parks and Recreation Board.

Mr. Kern asked if there was anyone in the audience who had any comments? No one raised their hand.

B. DISCUSSION ON WIND POWER

Mr. Kern said the Township Planner has prepared a summary of issues that are pertinent to any consideration of implementing a Wind Energy Systems ordinance, which she will review and discuss with Council.

Ms. Stern Goldstein said wind is a little more clear cut than lighting. Wind has some very specific issues. Some of the issues were similar with what the issues were on solar. The basic ones are how do you want to permit the use – by right, conditional use, or special exception and then split that into two categories – wind, farm or multiple wind energy facilities on a property and individual and site has to preface it by telling you that they did look at the PA wind map and most of the Township would not support a wind farm. There's a little area has very minimal low to moderate wind, but probably not enough for a major facility to come in and harness the natural wind energy. You'll most likely be seeing the dual wind energy facilities. There are many different wind sources. Some tend to be big. They don't make as much noise now as they did a few years ago. The major wind farms are really loud. Shadow and flicker are a problem when you have multiple wind facilities. Shadow and flicker is the pattern of light that when it hits the blades and, depending on how much there is, it can cause problems with people with epilepsy or other seizure disorders. There have been studies at an individual wind facility with a 15' blade, where it is capable of producing enough shadow and flicker with the current technology. There are studies being done in California where they looked at all the different regions and there are standards you can put in to control that. Most of the facilities going in now have performance standards and they can give you the calculations. She tried to go through the calculations and it was long and tedious, but she did follow them and it seemed correct. Height is another issue. What they've seen in most municipalities is height is limited. Some go 50'; some go 65'. The distance from a property line is usually 1.1 times the height of the facility, so you are not going to get them on your smaller properties as you don't have enough room. Mrs. deLeon said what about cell towers? Ms. Stern Goldstein said cell towers right now, your ordinance is 1.5. Most of them are going down to closer to 1.1 as they are made to implode or collapse upon themselves as opposed to just tipping over. That's the technology now. That technology changes too. It was done when there were mono towers and not poles.

Ms. Stern Goldstein said some of the standards they always include are the redundant braking system. If there's too much wind, it's very dangerous as it starts spinning too much and it could come off so you have redundant braking to slow it down. Some of the manufacturers were balking at that, but it's going through that way as it's a safety feature that needs to be in place especially in areas where there generally isn't a lot of wind. When you do have intense winds, they need to shut down. General standards if it's an accessory to a residential, it could not be selling power back as its primary use. It would be incidental or surplus from the unit. The analogy is your dial goes backwards when you have excess. The ones she needs input on is do you want to regulate wind energy? Do you want to have separate regulations for accessory and primary use of wind energy facilities? How would you like to have the uses permitted? What they did on solar was accessory was permitted by right for all uses and all districts. It was conditional use for solar farms type use. Her recommendation would be you do something similar to wind, but she's not sure you have to write anything for a wind farm. You may want to permit wind energy just as an accessory use. She doesn't think there is a problem not writing a wind farm.

Mr. Maxfield said with the possibility of technology with wind mills needing less and less wind speed to operate, he's wondering if they are becoming that more efficient quickly that we need to worry about something like that in the next decade? Ms. Stern Goldstein said definitely not in the next five years. She can't go out a whole decade, but she can't imagine they are going to become that much more efficient as they are very expensive right now. The way many facilities are being constructed are through tax incentives and grants. Wind and solar don't pay for themselves in a reasonable time. Sometimes you hear a seven year payback or a fifteen year payback, but that doesn't include all the grants that went into it also. Mr. Maxfield said what if someone wanted to

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put in a wind farm, are they becoming efficient enough that they could make a presently unused area usable? Ms. Stern Goldstein said not within five years. There are so many more areas in the region that have better wind. If you look at the PA wind map, and actually go to the site, you can see whole bands which are much more efficient and tend to be in areas of the state when land cost is as not high. When you have areas of higher wind and lower cost for land, that tends to be where they are going to go. She can't tell you that you won't have a wind farm, but she'd say not within at least five years.

Mr. Horiszny said why not have it regulated anyway? Ms. Stern Goldstein said you can. She hates to write an ordinance you are never going to use, but to give you more assurance, they can certainly do that.

Ms. Stern Goldstein said if someone came in now with a wind farm and you didn't have separate regulations, it would fall under your utility use which would not give you that much protection.

Mr. Maxfield said can we agree to look at this in two years and see how things are going. If we decide not to make a wind farm ordinance now, examine it in two or three years. Attorney Treadwell said we might as well do it now that we're doing it. Who knows what's going to happen in two or three years from now. You put it in and your protected now.

Ms. Stern Goldstein said you would do the wind farm by conditional use which is what you did the large solar, so it comes before you as opposed to the Zoning Hearing Board and it's not by right. Mr. Maxfield said if we are going to do that, we should still examine it in a couple of years as the technology is moving quickly. Ms. Stern Goldstein said they are in tune with energy and if they hear anything, they will certainly let Council know. There's always information coming out.

Ms. Stern Goldstein said are you okay with the 65' ultimate height? The 50 plus 15? The 1.1 times the property setback? We didn't deal with minimum lot size. What she tends to do with wind is let all the setbacks deal with it so they don't have minimum lot size. If someone can meet the 1.1 and the distance to occupied dwellings, then they should have the right to do it. Some of the facilities that would attach to a structure, they have to have all the proper engineering and it would be a building permit, so it would have to go through the structural component. Accessory would be by right. Redundant braking, no signs on it; no lighting unless required by the FAA. Mr. Maxfield said installation inspection? Mr. Horiszny said decommissioning? Ms. Stern Goldstein said decommissioning would be in there. Inspections, the design standards, the product specifications in accordance with manufacturer's standards, STM standards. Mr. Maxfield said right now you can go on E-bay and buy yourself a 30' structure. We should definitely have some type of inspection. Ms. Stern Goldstein said they can do that.

Mr. Kern said this is basically for our farms, but not individual lots? Ms. Stern Goldstein said individual lots would have a lot of standards. That would be the accessory use on individual lots and that would be permitted if someone has a residential, commercial, institutional and would be accessory. She always recommends one for accessory. If it's more, it would go into the multiple facilities which would go into the major wind energy facility, so they would have different standards.

Mrs. Yerger said Mr. Maxfield was talking about 30' extensions possibly to add on to a building. Couldn't that exceed the 65' height? Ms. Stern Goldstein said they wouldn't be able to go above the 65 height. If it's an existing building and you are getting an extension, it's really difficult to go too high on that extension because of the stresses on the structural members already. She hasn't seen one successfully meet all the standards to go real high.

Mrs. Yerger said would commercial and residential not be the same as accessory? Ms. Stern Goldstein said if they were accessory, they would be classified the same. If someone has an office building or a car wash and they want to use wind energy, it would be the same procedure as for a

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resident. Mr. Maxfield said if Lehigh wanted to put one up on the mountain. Ms. Stern Goldstein said if they put up five, it would be a wind energy facility. Mr. Maxfield said we are talking about more than one. Ms. Stern Goldstein said she would call it a major wind energy facility. They will work on the definitions.

Mr. Horiszny said will you put comments in about shadow flicker or will that be handled by the lighting ordinance? Ms. Stern Goldstein said shadow and flicker would be in there. It would not be in the lighting ordinance as it's going to be part of the manufacturer's specifications. It's going to be they have to prove they meet the standard. In enforcement terms, there's no way you can measure it once it's up.

Mr. Horiszny said he noticed the comments about 20 hours a year which seem like a low number. Ms. Stern Goldstein said these calculations were done and proved that each manufacturer in each region can give you the calculations, and it's going to be less than 20 hours a year and that's to protect people who have seizure disorders. It's like going into a night club with lights, it can set you off.

Mr. Maxfield said he was amazed that Ms. Stern Goldstein said the wind farms generate a lot of noise. He's been at a couple of them from the highway, and he really couldn't detect sound coming off them at all. Ms. Stern Goldstein said it's a whirring noise. There's one in Somerset County and that one, depending on the type of day, you can hear it from just off the turnpike. If there's a low fog, it travels much more as everything is condensed and bouncing off all the water droplets in the air. Just like a train whistle which could be five miles away, on a foggy morning, you'll hear it. They will come up with something there and will talk to Mr. Cahalan about it and come back with some drafts. If there are any major questions, she'll ask Mr. Cahalan.

Mr. Maxfield said the installation of wind towers on properties where typically you may have a ridge or mountain where you might catch a lot of wind. How's that going to be affected by steep slope ordinances. Is it still going to follow under development of the property? Ms. Stern Goldstein said your steep slope is in your Zoning Ordinance so if someone is going to exceed their steep slope disturbance, it's a zoning issue. If they are regrading and having a driveway go up, they would need to deal with it. Often times there are not much disturbance to get a wind energy facility in. Depending on the methodology and sizes, it could do a lot.

Mrs. deLeon said DEP regulates landfills, so they come and inspect landfills. They determine whether there's a NOV or they are outdated. Is there any mechanism in place with our state or federal government where they come in and inspect these places? Ms. Stern Goldstein said it's not a state or federal guideline. In the ordinance they will draft, there will be a maintenance component where the owner has to maintain them and keep them in working order. If they are not in working order, they need to be repaired or decommissioned, and usually there is a bond posted. There's no governmental agency above the municipality right now that regulates these. Mrs. deLeon said we always put that language in there and they get approved and they are on their merry way. How do we know? They send us a letter, it gets filed away. Attorney Treadwell said nobody regulates cell towers. Mrs. deLeon said just like septic systems, no one regulates them. Ms. Stern Goldstein said some of the alternative energy's do have regulations, like DEP regulates outdoor wood fired boilers from the air pollution standards. Mrs. deLeon said that doesn't make sense. Ms. Stern Goldstein said she understands what they are saying, so she is going to check and see if there is any other governmental oversight. If our Code Enforcement Officer believes there might be an issue, then he contacts the owner and they have to document that there isn't an issue. The owner must document it and then it's the Township's responsibility to review that information to determine whether it's accurate or in compliance. Mrs. Yerger said what about the initial construction like add-ons, and things like that? She's assuming it falls to our regular code inspectors or is it part of the building permit? Ms. Stern Goldstein said it's part of the building permit. Code enforcement reviews the building permit. If it's part of a building, it's the building inspector. If it's not, it's the code enforcement, which could be the same one, or could be different

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as Lower Saucon has different code enforcement. If it's part of a building, and it would fall under the BOCA code, then it's your building inspector. If it's a stand-alone structure that doesn't require a building permit, then she's not sure where the threshold is right now. Often times, there's an electrical component and electrical is required to be inspected and that would be part of what's going on.

Mrs. deLeon said that always bothers her. There should be some kind of regulatory agency. Ms. Stern Goldstein said she wished she had a good answer, but she's going to research it in case there is one out there. She believes there should be something, but as happens in most cases, there's no big umbrella over us.

Mr. Kern asked if there were any questions or comments? No one raised their hand.

VI. MISCELLANEOUS BUSINESS ITEMS – None

VII. PUBLIC COMMENT/CITIZEN NON-AGENDA ITEMS – None

VIII. COUNCIL AND STAFF REPORTS – Reports will be done at regular business meeting at 7:00 P.M.

IX. ADJOURNMENT

MOTION BY: Mr. Horiszny moved for adjournment. The time was 6:15 P.M.

SECOND BY: Mr. Maxfield

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

ROLL CALL: 5-0

Submitted by:

Jack Cahalan
Township Manager

Glenn C. Kern
President of Council

2ND REVISION

I. OPENING

- A. Call to Order
- B. Roll Call
- C. Pledge of Allegiance
- D. Announcement of Executive Session (if applicable)

II. PUBLIC COMMENT PROCEDURE

III. PRESENTATIONS/HEARINGS

IV. DEVELOPER ITEMS

V. TOWNSHIP BUSINESS ITEMS

- A. Approval of Summer Hours Work Schedule for Public Works
- B. Draft Geo-Game/Geocaching Policy and Guidelines
- C. No Mow Areas in Polk Valley Park
- D. PPL Tree Clearing in Township
- E. Saucon Rail Trail Mileage Markers
- F. Ordinance No. 2011-06 - Amending Ordinance Permitting Local Deliveries on Frederick Street – Authorize Advertisement
- G. Northampton County Gaming Revenue and Economic Redevelopment Authority
 - 1. Discussion of Letter to County Council
 - 2. Report on the 2010 Uncommitted Grant Awards and Update on the 2011 Restricted Grant Guidelines & Application Process
- H. Request to Advertise Bids for Road Materials, Pervious Concrete and Equipment Rental

VI. MISCELLANEOUS BUSINESS ITEMS

- A. Approval of May 18, 2011 Minutes

VII. PUBLIC COMMENT/CITIZEN NON-AGENDA ITEMS

VIII. COUNCIL & STAFF REPORTS

- A. Township Manager
- B. Council/Jr. Council Member
- C. Solicitor
- D. Engineer
- E. Planner

IX. ADJOURNMENT

Next Park & Rec Meeting: June 6, 2011
Next EAC Meeting: June 14, 2011
Next Council Meeting: June 15, 2011
Next Planning Commission Meeting: June 16, 2011
Next Zoning Hearing Board Meeting: June 20, 2011

I. OPENING

CALL TO ORDER: The General Business & Developer meeting of Lower Saucon Township Council was called to order on Wednesday, June 1, 2011 at 7:01 P.M., at 3700 Old Philadelphia Pike, Bethlehem, PA, with Mr. Glenn Kern, President, presiding.

ROLL CALL: Present – Glenn Kern, President; Tom Maxfield, Vice President; Sandra Yerger, Ron Horiszny and Priscilla deLeon, Council members; Jack Cahalan, Township Manager; Leslie Huhn, Assistant Township Manager; Linc Treadwell, Township Solicitor; Dan Miller, Township Engineer; Judy Stern-Goldstein, Township Planner; and Jr. Council Member, Eubin Hahn.

PLEDGE OF ALLEGIANCE

ANNOUNCEMENT OF ANY EXECUTIVE SESSION (IF APPLICABLE)

Mr. Kern said Council did not meet in Executive Session between our last meeting and this meeting.

II. PUBLIC COMMENT/CITIZEN AGENDA ITEMS

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

III. PRESENTATION/HEARINGS – None

IV. DEVELOPER ITEMS – None

V. TOWNSHIP BUSINESS ITEMS

A. APPROVAL OF SUMMER HOURS WORK SCHEDULE FOR PUBLIC WORKS

Mr. Kern said the Manager will discuss with Council the summer work hours for the Lower Saucon Township Public Works Department which will begin June 6th and end September 2nd. The hours are Monday through Thursday from 6:00 am to 4:00 pm. One full-time Public Works employee and one part-time summer helper will work a four-day, ten-hour schedule, from Tuesday through Friday, which will allow someone to be in Public Works five days a week and to cover the Compost Center on Friday mornings.

Mr. Cahalan said this is the second year we'll be doing this. We used to do the administration folks, but we stopped as we found out that it wasn't productive and wasn't good customer service for residents. This allows Public Works to get in and mobilize for some of their heavier projects and be more productive. We also ensured there would be somebody manning the Compost Center on Friday mornings. It used to be an overtime requirement. This covers Public Works Monday through Friday during the summer time.

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MOTION BY: Mr. Maxfield moved for approval of summer hours for Public Works as stated above by the Manager.
SECOND BY: Mr. Horiszny
Mr. Kern asked if anyone had any questions or comments? No one raised their hand.
ROLL CALL: 5-0

B. DRAFT GEO-GAME/GEOCACHING POLICY AND GUIDELINES

Mr. Kern said the Township has received several requests from Geocachers to place geocaches in Township Parks and along the Township portion of the Saucon Rail Trail. These requests have been approved by the Manager on a case-by-case basis. Staff is requesting that Council consider adopting a Geo-Game/Geocaching Policy. This draft policy has not been reviewed by the Parks & Recreation Board.

Mr. Cahalan said several years ago, Rett and Priscilla Oren came to Council. They have been at several Parks and Recreation meetings discussing geocaching, which they are involved with. They recommended some guidelines which Mr. Cahalan has been using to review requests. In total, he's only gotten about four requests in the last two years and they complied fully with the guidelines that the geocaching people put out as far as placing the cache in the park. That hasn't been an issue. At a recent Rail Trail Advisory Committee, he did get approached by some people who were interested in putting geocaches on the rail trail. He pulled together a policy, borrowed it liberally from another Township that has the policy, and it would cover both our parks and our portion of the rail trail. On the rail trail under No. 6, we don't want the cache placed in a location which would lead to the creation of a spur trail where people will be walking off the trail into the woods to look for the geocache. This is pretty complete. It has to be reviewed by Parks and Rec before it comes back to Council. He'll run it by the Oren's to see what they think about it and will bring it back to Council.

Mrs. deLeon said people can come up with different ways to do fun things. By having something like this, it exposes the other people that wouldn't normally know about our facilities and use them. Mr. Cahalan said if you do have time, visit the site, www.geocaching.com and you put in our zip code and you'll find that the majority of the caches have a historical kind of connection to them. A lot of the cachers will place it at an area and talk about the significance of that site. It's pretty educational besides being good exercise for people to get out and do it.

Mrs. deLeon said she signed up on for the email when the Oren's were presenting this concept, and they do send emails, and she gets them weekly.

C. NO MOW AREAS IN POLK VALLEY PARK

Mr. Kern said Council has requested that the meadow areas in Polk Valley Park be identified as "No Mow Areas". The Township Planner will discuss several options for delineating these areas.

Ms. Stern Goldstein said their memo of May 26th, they identified three different types of signage and explained the three options they came up with which are fiberglass, rod mowing markers, which are traditionally done in areas for aesthetics, which is not one of the concerns. Big signs can lead to sign pollution. One's a rather small "No Mow" and the other is more descriptive. We have a number of them out explaining what's going on, which is also sign pollution. The third option is a series of posts which would match the posts that are already at the park and every so often, there would be a "No Mow" sign on that. They would still need to be maintained as needed. They would be in here and a little bit more subtle than the fiberglass rods. The other little obvious ones would be spray painting, little flags, but they don't last, and the issue is you don't always have the same person mowing even if you have the same contractor. It's hard to convey that information in a more permanent method.

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Mr. Kern asked if the EAC looked at this? Mr. Cahalan said no, they haven't discussed them at the EAC. The reason being is we have new contractors doing the grass mowing. They have different people on their staff who are mowing. There are annual mows which have to be done up there and last year they encroached a little too much on the "No Mow" areas. They want to make sure that whoever is up there mowing knows the limit of both areas. Ms. Stern Goldstein said part of the recommendations they had, there were a couple of areas which were a little small and they recommended that they be filled in to make the limits more clearer so we don't have fingers of mowed areas in and amongst non-mowed areas. They are indicated with the crosshatch marking. This will make it clearer as there are different contractors and they are not doing it that often. Even if it's the same person once a year, it's a little difficult to remember.

Mrs. Yerger said she's not a big fan of the plastic. She would not like to see plastic lying around. Her question would be have you used both of these options and have you found one to be more successful than the other? Ms. Stern Goldstein said the most successful is the Township crews are doing the mowing and in one of their municipalities, the Dept. of Public Works is headed by someone who is really sensitive to this. He's the biggest enforcer of it and he's the one who does the mowing. The small green and white "No Mow" signs have been effective. It's all about communication and the language of the person who is doing the mowing. You don't want to have five languages on your signs and you hope that "No Mow" is read. You have the bid documents for the mowing and who wins the contract. You have their Superintendent and then you have them directing someone who is at the low end of the totem pole doing it so you have multiple opportunities for the communication to be misconstrued or changed. You need it to be clear and concise, a combination of posts and signage so it's a clear delineation of the sign.

Mr. Maxfield said the posts kind of suggest that you shouldn't be walking there either. He likes the way the posts look. They are attractive. Mrs. Yerger said she's okay with that, but didn't want the first option of the plastic signs. Ms. Stern Goldstein said that's the most cost-effective, but they had to present options.

Mr. Maxfield asked if they came up with the number of posts they will need to do this job? Ms. Stern Goldstein said a total of about 57 to 60. She would recommend that it be the simple "No Mow" instead of the language as you do have the descriptive ones already in the park and she's not a sign of sign pollution. There's a limit.

Mrs. Yerger said are there areas that are more encroached upon? She was wondering if we had to do the whole "No Mow" areas. Mr. Cahalan said the upper meadow, up above the baseball field, is the one that got hit last year by the contractor. Ms. Stern Goldstein said that's the one the untrained eye thinks needs to be maintained. Mrs. Yerger said do we want to consider just doing that one for now as that's the one that was violated and see if it works. Mr. Cahalan said we could do that this year. Mr. Maxfield said that's the only area that has arbitrary boundaries. Mrs. Yerger said the road and the parking lot pretty much define the other areas, and this one is not as clearly defined. Why don't we start with that one? Mr. Cahalan said okay.

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

D. PPL TREE CLEARING IN TOWNSHIP

Mr. Kern said Council expressed concerns at a previous meeting about PPL tree clearing in the Township. The Solicitor has drafted a letter to PPL regarding this issue.

Mr. Cahalan said Attorney Treadwell did draft a letter. We have it addressed to David Schleicher, VP of Transmission at PPL Electric Utilities in Allentown. We also put in your packet some information about PPL's transmission line vegetation management which was downloaded from PPL's website. Chris Garges also enclosed the times PPL contractors, such as Asplundh and Lewis Tree Service, pulled permits from the Township for tree cutting in the right-of-way.

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Mrs. Yerger said she wants to make the Council aware of an incident she found out about over the weekend. Apparently, there are some areas in the Township that have been identified by the Federal Government as sensitive wetlands on a Federal level. They had some agents out there chatting with the landowner and saw what PPL did and were not very happy about it. Not only are they cutting the trees, but they are also going into wetlands to cut these trees. They were pretty upset about it, so there may be some ramifications of that particular type of cutting in the future.

Mrs. deLeon said she'd like to see the draft letter be forwarded to another person above Mr. Schleicher. It could get lost, so other people should be copied and so should the agency Mrs. Yerger talked about. Mr. Kern said send it to the CEO of PPL Electric Utilities Corporation. Mr. Kern said that's a good idea to send it to the agency Mrs. Yerger was talking about. Mr. Maxfield said PPL will allow replanting in certain areas, but unfortunately, it's at the cost of the Township or the non-profit organization. This is a step in the right direction for us.

- MOTION BY:** Mrs. Yerger moved for approval to have Mr. Cahalan send the letter to PPL regarding the tree clearing, and to the agency Mrs. Yerger spoke about.
- SECOND BY:** Mr. Maxfield
- Mr. Kern asked if anyone had any questions or comments? No one raised their hand.
- ROLL CALL:** 5-0

E. SAUCON RAIL TRAIL MILEAGE MARKERS

Mr. Kern said the Saucon Valley Partnership has discussed the need for mileage markers on the Lower Saucon and Hellertown portions of the Saucon Rail Trail to assist Emergency Services who may be responding to an incident on or near the trail. The Manager will discuss two (2) options for these markers.

Mr. Cahalan said mileage markers were always on their "To Do" list at the Saucon Rail Trail Advisory Committee, but they focused on opening the trail sections first. There was an incident that occurred off the rail trail on the Lower Saucon Township – Hellertown border. Emergency Services had to respond on May 8th. A young boy was injured and the victim's parents had some difficulty calling in the location to the responders and pinning down exactly where the child was so they could respond. John Bate, Council member from Hellertown, and the Captain of the Dewey Ambulance came to the Saucon Valley Partnership meeting and said this needed to be fast tracked. Mr. Cahalan said he brought you a quick mock-up of the prototype of the mileage marker at the previous meeting. He put on the logo the Maxfield's had created for the Saucon Rail Trail and indicated it was Lower Saucon Township and put down a mile marker of .5 on it. He asked Keri Maxfield if she could work further on a sample of this, but unfortunately, due to family illness, she was unable to do that. Roger Jurczak has been working on several projects including the kiosk that went up in Hellertown and he did a fabulous job. He's been working on another version of these mileage markers and he's here tonight to go over them with us.

Mr. Jurczak said as Mr. Cahalan outlined, when they discussed the method of identifying the mile markers, the concept of a metal pole and an aluminum sign sort of rubbed them the wrong way in terms of not being as natural as they feel the trail is now and will be in the future. In discussion with a number of the members on the Advisory Committee, they talked about using wooden posts and routing into the post identification with regard to where they were. The post itself was determined to be of a 6'x4' dimension and have the top angled for water shedding and some attractiveness. He showed a dark tung oil stain which protects it and also gives it color. They envision that the information will be routed in the face and the routed characters will be in filled with a bright yellow paint. They talked about how often and with what information. They put together a cost estimate on the posts. In working with one of the professors from NCC, they have a computer generated machine which can route into any material. They received a price on that and the cost of the posts and when he spoke with Steve LaBrake from Hellertown, he and one of his neighboring businesses, Advanced Optics, said at that number and quantity, they will pay for the

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costs of the posts. What the cost is to the municipalities, right now it stands at zero. They were talking about putting them in as mile markers and half mile markers. That comes to six posts and it would mark the trail from just south of Bingen Road and we'd put the last marker at Bachman Street. They pretty much covered the trail, which is in Northampton County. In the conversations at the meetings, they felt that Hellertown and Lower Saucon were a little more focused on this sort of thing as compared to Upper Saucon, so all they did was focus on what's in Lower Saucon and Hellertown. The concept is pretty generic and could be picked up and they'd certainly pass along and help them if they wanted to continue this. The amount of time to get this accomplished, if they had your vote and Hellertown's vote, they could get the posts cut, stained, routed and delivered to the respective Public Works group to install them within thirty days time. The other question that came up was how do we mark the trail. It's roughly a four mile trail, there are six markers. Where's number one, where's number three, is that enough? At the onset, when the trail was in its initial concept, SEPTA provided Lower Saucon with a 1916 map with about 1/4th mile of the rail trail. What they determined was that in the brilliance of their engineers at the time, they used a scale which was helpful and easy for them to work. What they did is they used the maps to be a measure of the distance from the center of Philadelphia out. Where they end up at, mile marker 53 would be at Bachman Street. What that means is it's 53 miles from wherever they started in Philadelphia, which is a great historical, great connection. Lower Saucon and Upper Saucon are looking at this in different fashions and we said our trail starts at Bachman Street and it goes south. People down there are saying it starts down there. They figured if they started and used the historical designations that the rails actually used when they mapped it out and designated it, at any point, as the trail gets filled in, you have your marker. Mrs. deLeon said that makes perfect sense and you're going back to history. It's a conversation piece and it can be used when you are telling history of the trail and will make it more exciting. Mr. Jurczak said in referencing these maps, you find out an awful lot of history, which is exciting. Using this as a guide, it was such a large scale that it was very difficult to see the overall concept so in working this through, using Google as a source, he traced a lot of Google's maps and put together a map of our trail from Preston Road to Bachman Street with a few streets identified. Using the scales of the larger official maps, he converted it back to where the streets and so forth appeared on the smaller map and defined where the numbers actually fall into place. Not wanting to waste anyone's time, he figured he should go talk to someone who really has to implement this, so he spent a half an hour with Chief Guy Lesser from Lower Saucon Township and explained the concept to him and asked him if he had a problem of not having a one or a three, but rather a 53, a 52, a 51, etc. He liked the concept. He liked the fact that it ties in to the history of the trail. He did make some recommendations and they've had some going back and forth through the emails. He was on Route 22 today and looked at how their mileage markers are designated. He showed Council the PA format on Route 22 and being it's a divided highway, it had west on the top; the route number second line down; mileage marker in larger designation; and below that it had the tenth of a mile. The numbers are fairly large. He judged the size of the metal post, they are about 12" wide and we're limited. The cost could be prohibitive to make a 12" post and it wouldn't look that nice. We're going to have to consider the largest font possible on the face, but yet get the information down. Based on Chief Lesser's input, he felt that the different municipalities should be designated with their initials at the top, and then using the 52 or 53, being a part of it. The "SRT" for the route. The mile marker number as the third digit down, and then that would be it. When they go from Lower Saucon to Hellertown, it would just change to an H. If our partners chose to go along with us, then their posts would have their designations for their towns. To the best of his knowledge, this corresponds with the concept that Chief Lesser gave his approval on. He listed the streets, the mile markers and the sights that might be of interest. Bachman Street, Water Street, Walnut Street, Meadows Road, Old Mill Road, Bingen Road, and then we're at the Lower Saucon – Upper Saucon border. In between Bachman and Water Street, we have mile marker 53, 52 ½ and there's still the remnants of the Hellertown Station. We're at Water Street Park at that point, then we're at Water Street. Between Water Street and Walnut, you have mile marker 52. If you visit Facebook, there's a picture appears that shows mile marker 52 still in existence. That will help with the connections. Then you have Walnut Street, and 51 ½ and Meadows Road and then you have 51. Old Mill Road, the 51, which identifies Old Mill Road is dead on the road itself. You have the Bingen Station which is adjacent

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to the property we're trying to acquire. Then you're at the Lower Saucon – Upper Saucon borderline.

Mrs. deLeon said that the Farmer's Market could advertise they are such and such a mile marker. Mrs. Yerger said are you planning on putting the information in the kiosk? It would be a great rationale explaining why you are doing what you are doing. Mr. Jurczak said they will tell everyone once they get some guidelines. Mrs. deLeon said the County 9-1-1 is going to have to know about this also. Mr. Cahalan said Roger contacted the Chief but this has to be run by all the emergency responders, fire, rescue, and County 9-1-1. Mrs. Yerger said it's great, and a wonderful idea as long as the responders agree with it. Mr. Cahalan said the sponsors would also have a little plaque and that would be Saucon Valley Bikes and Advanced Optics. Mr. Jurczak showed the 2'x4' stainless steel plaque that they had a sample made up. Our friends at NCC have equipment in their fab lab which allows for a ceramic ink to actually be burned into the plate. They were challenged. If you can deface it let them know. It will stand up to the elements. They talked about possibly a larger plate, but then it becomes massive. The Committee said it's just going to be printed and indicate who put up the money.

Mr. Maxfield said how high above ground will the post protrude? Mr. Jurczak said they did it out as an 8' post which would go in the ground 2'. Mr. Cahalan came up with a sample from San Jose, CA. Their posts stood 36" above ground and were made of steel with a powder coated surface, but they were doing 57 miles of various trails in their location. Our thinking was if it were that tall and at some point, ten or twenty years down the road when all these trails in fill, and the numbering system doesn't make sense, it would be a simple operation to cut off the 2'. That was how they arrived at the posts. They will be made out of red oak, the same material the kiosk is made of. It's a material that is readily available from their sources. It's a very durable material.

Mr. Horiszny said while talking signage, he was thinking possibly somewhere along the way we should have service that says it's a "leave no trace" facility or "carry in, carry out". We don't have litter facilities like Upper Saucon does. Mr. Cahalan said they will have trash receptacles at the trail heads. They will be in Hellertown and at LST's future trailhead site. The emergency responders also asked them if they could identify the crossings streets. They will work on some sort of a street marker. They will work along the lines of the sign that Roger has, not a PennDOT aluminum sheet sign. They will bring it back to Council. Mr. Jurczak has been a great help to the committee for volunteering his help.

Mr. Jurczak said the one thing the Chief did mention was that the familiarity of the patrolmen as they are moving in and around the streets, it would be helpful if a mileage marker designation could go on the street posts. Like on Meadows Road, we would have on the post 53.333 or whatever that mileage marker would be. Not only would you have trail and the cross street, but the mileage marker designation. He felt when the patrol people are going by that location, they are associating that street name with the mileage marker. Then if a problem is called in, they kind of know if they go Meadows, they could get to that point faster than going to Water Street. That was a good suggestion and will certainly keep that in the game street. He will be going to Hellertown Council on Monday, June 6th.

MOTION BY: Mr. Maxfield moved for approval to give support for the Saucon Rail Trail Mile Markers, as discussed above, and subject that it is approved by the emergency services.

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

Mr. Kern said he wanted to suggest, in an extreme emergency situation, when someone is desperate, they may not be aware of what mileage marker they are at, so he was intrigued by a suggestion earlier about color coding. He thought the easiest way to color code would be to spray paint red between Old Mill Road and Meadows Road, every so often in the rock bed, maybe every 20 feet. Spray paint a red dot along the trail. When you get to Meadows Road to Water Street, you

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make it blue, so then the emergency responder says look at the rocks, what color do you see, as the person is panicking. They'll know exactly where they are and can respond. Mr. Cahalan said that was Roger's idea and they did run it by the emergency responders, and they didn't think it would work. He's not sure if it would get translated correctly from the 9-1-1 center to the emergency responder. That was the first response they got. They can give it another shot. Mr. Kern said he would like to give it another shot. There's no way in panic situation, they'd have to run a half of a mile to see what mile marker they are at. Mr. Jurczak said as this is evolving, there are good ideas and they have to assess the ideas. When the Chief said he'd like to see the municipalities identified on the posts, that wasn't on their game plan, but from a viewpoint of an emergency responder. Mr. Cahalan said that came from a mock up he had from Lower Saucon Township. Mr. Jurczak said maybe because of the size of our trail and the municipalities, there would be four colors and what he was using each street had a color code in between. He can understand how it got complicated, and that was the general census. They were going to mark the remaining telegraph poles with a color as there are enough of them. One of the recommendations the Chief made, and it boils down to effort and money, was to have more mile marker increments. They figured let's get the miles and half miles up. Putting up a quarter mile marker narrows it down more. Ms. Stern Goldstein mentioned pollution of signs, and then when we get the benches and testimonials, it's going to be full. It would be very simple to do the colors - Hellertown is red, Lower Saucon is blue; Coopersburg is yellow; and Upper Saucon is another color.

Mrs. Yerger said the Perkiomen Trail is really heavily used. She wonders what their solution is to this. Ms. Stern Goldstein said part of it is every quarter mile in the more populated areas, then every half mile on the less populated areas. They incorporated their mile markers in with the general signage. You can really do that. She loves the posts and you can incorporate the posts, and route the crossing route name right in the post, you can use the same material for the sign. Part of sign pollution is all the signs are different, but if you use the same sign material, then you combine that with branding for the trail. For the color, you could wrap a band of the color around the post each time there's a post, so you are combining it all together. That's what the most successful trails do. You brand your trail with your signage package. You can use the post with the branding and repetition of the color, so it's a subtle thing. Mr. Maxfield said when you embed the color in the numbers, if we're only talking four sections, all the routed depressions could be of their own color. The actual routing itself could change colors. Ms. Stern Goldstein said something simple, which becomes your branding. Council said that was a great idea.

ROLL CALL: 5-0

F. ORDINANCE NO. 2011-06 – AMENDING ORDINANCE PERMITTING LOCAL DELIVERIES ON FREDERICK STREET – AUTHORIZE ADVERTISEMENT

Mr. Kern said Ordinance No. 2010-07 was adopted on November 3, 2010 to restrict truck traffic from using Frederick Street as a shortcut between Fountain Hill and Route 378. Recently, a resident from this area asked whether local deliveries would be permitted under this restriction.

Mr. Cahalan said they received an email from a resident of Frederick Street who said she agreed whole heartedly with the truck restriction signs, but she had an issue with delivery of some furniture. She said if everyone obeyed this signage, they would not be able to get any deliveries. We discussed this and spoke to the Solicitor and he has a solution to this.

Attorney Treadwell said the Pennsylvania Vehicle Code section that authorizes the Township to place a "No Truck Traffic" restriction on Frederick Street also contains exceptions for school busses, emergency vehicles and vehicles making local deliveries. You don't technically need it in your ordinance as well as it's in the statute, but if you don't know to go to the statute to look for it, then you wouldn't know it's there. The simple solution is to authorize advertisement of an amendment to that section and it will just be one sentence that says "except for school busses, emergency vehicles, and vehicles making local deliveries".

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MOTION BY: Mrs. Yerger moved for advertisement of Ordinance No. 2011-06.
SECOND BY: Mrs. deLeon
Mr. Kern asked if anyone had any questions or comments? No one raised their hand.
ROLL CALL: 5-0

G. NORTHAMPTON COUNTY GAMING REVENUE AND ECONOMIC REDEVELOPMENT AUTHORITY

1. DISCUSSION OF LETTER TO COUNTY COUNCIL

Mr. Kern said Vice President Maxfield would like to discuss the letter to Northampton County Council regarding the Northampton County Gaming Authority.

Mr. Maxfield said he made the motion last time to send the letter and due to some self-investigation. He would like to revisit this issue. He said he'd like to read a statement dated May 29, 2011. At the May 18th meeting of Lower Saucon Township Council, a motion was approved by a majority vote to address a letter to Northampton County Council members petitioning them to abolish the Gaming Authority. This motion was in response to information provided at the May 4th meeting to Lower Saucon Council by Councilperson Priscilla deLeon, member of the Gaming Authority Board. Lower Saucon's recent submission for the grant process was determined by Ms. deLeon to be in conflict with the policies of the Gaming Authority, specifically regarding amending a grant application and asking for acquisition of land as part of a grant. Subsequent information gathering consisting of viewing Gaming Authority tapes, conversations with other Gaming Authority Board members and their solicitor, and examining the application materials applied by the Gaming Authority, has revealed that the information provided to Lower Saucon Township Council by Ms. deLeon was inaccurate, and misrepresented the actual conditions of application. The Gaming Authority is presently an appointed board of nine individuals who represent the five contiguous municipalities to the Sands Casino and four at-large members. Lower Saucon Township is represented by Councilperson Priscilla deLeon. Admittedly, the position of Gaming Authority Board members is a hard and difficult role to serve, as both representative and judge. However, misrepresentation of non-existent policies and conditions is not acceptable. Ms. deLeon stated that "the policy has been that we really don't allow applicants to re-submit an application, but this instance was because there was a delay in the funding of the money and these things were changed". Staff had requested consideration of the Gaming Authority of added items because the process was extended. Because of the length of time to review our application, Manager Jack Cahalan, said "90% of the items on the application had either been spent or eliminated. We were asking to substitute other items. The Authority found the project worthy and it has value to the community. We were asking to be able to spend the money on other items in other applications." Ms. deLeon then stated "one thing that wasn't on this chart that was at the meeting was the acquisition of property with part of this money. The project is for projects, not for acquiring property. Later on after further Council discussion, Ms. deLeon stated all the conversations were had from September 2009 formulating the by-laws, formulating the criteria for restricted and uncommitted, there's nine members on this Authority, unless you can find on this sheet, land acquisition, let me know." When attempting to determine a further course of action, and faced with the information that Lower Saucon Township could not amend its application, Ms. deLeon said "we can cure it. Attorney Treadwell can explain that". In response, Attorney Treadwell said he had no idea what cure meant in reference to the application process. In his opinion, cure is the same as amend. During a phone conversation with Stephanie Kovacs, Hellertown Borough's representative, she stated "Priscilla and I are not in favor of land acquisition". This conversation followed the May 4th meeting in which the majority of Lower Saucon Township Council expressed the support for land acquisition. When the opportunity arose at the May 23rd Gaming Authority meeting for Ms. deLeon to address the

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Gaming Authority Board and express Lower Saucon's Councils wishes, she failed to do so. After questioning Graham Simmons, the Gaming Authority solicitor, Mr. Simmons said no policy existed dealing with land acquisition or amending a grant application. He stated he was going to propose that a no amending policy be adopted that evening, which was May 23rd. Mr. John Finnegan, Chairman of the Gaming Authority, confirmed this. Based on two independent sources, no policy existed regarding either land acquisition or amending a grant application at the time of the May 4th meeting and other than the amending policy adopted May 23rd by the Gaming Authority, still do not. In summary, I am asking to rescind the motion for a letter to be sent to Northampton County Council. The issue was a communication problem from our Lower Saucon representative and not to follow the Gaming Authority. Lower Saucon Township Council was presented with a set of erroneous criteria and policies explained to us by our own representative and was forced to eliminate Gaming Authority application items with conflicted and nonexistent policies. These policies and criteria were offered by Ms. deLeon as conditions and must be met in order for Lower Saucon Township's application to be viable. In fact, they were not accurate and not representative of the stated and documented desire of Lower Saucon Township Council that Ms. deLeon was representing. These actions also may have cost Lower Saucon Township thousands of dollars of awards. These actions neither serve Lower Saucon Township well nor present Lower Saucon Township in a favorable light to our surrounding neighbors. The above information should prompt Lower Saucon Township Council to re-examine its representation on the Gaming Authority Board.

MOTION BY: Mr. Maxfield moved to rescind the motion he made earlier at the May 18th Lower Saucon Township Council meeting.

SECOND BY: Mr. Horiszny
Mr. Kern asked if anyone had any questions or comments? Attorney Treadwell said is that a motion to rescind the letter to the County Council? Mr. Maxfield said yes.

ROLL CALL: 4-0 (Mrs. deLeon abstained)

MOTION BY: Mr. Maxfield moved to attach the letter he read to the minutes.

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

ROLL CALL: 5-0

Mrs. deLeon said she repeatedly showed you criteria for the application. She's talked about this. We talked about the act, and everybody is entitled to their opinion. If this is yours, so be it. She stands by what she's done and what can she say.

Mr. Kern said that's the beauty of having a five member Council. When he does things that are off track, he hears it from his other four Council members. He thinks four of us think it was a little off track and feedback is there for whatever you want to do with it.

Mrs. deLeon said at the Gaming meeting the night of they awarded the funds, the application for the Rail Trail, Jack had asked to change it. She was there. Nobody wanted to change the application, it was what it was. Cathy Kichline asked to go back to the original application and that was supported by the Gaming Authority. Had she not done that, you wouldn't have gotten any money for the Rail Trail. That's just her opinion. Attorney Treadwell was there. Attorney Treadwell said he remembers all of the discussions from the Gaming Authority meeting. Mrs. deLeon said she stands by what she said.

2. **REPORT ON THE 2010 UNCOMMITTED GRANT AWARDS AND UPDATE ON THE 2011 RESTRICTED GRANT GUIDELINES & APPLICATION PROCESS**

Mr. Kern said Councilwoman Priscilla deLeon, Lower Saucon Township's representative on the NCGR & ERA, would like to report on the 2010 Uncommitted Grant awards and give an update on the 2011 Restricted Grant Guidelines & Application process.

Mrs. deLeon said the 2010 uncommitted grant applications, the Gaming Authority received 54 applications. Some of them were already awarded under restricted, so they were withdrawn. Some other municipalities withdrew and brought the number down to 45. A sub-committee was appointed to score the applications according to the criteria. Each of the items were given a scoring number and the sub-committee was directed to review the applications and score them according to the matrix that was attached to the applications so all the municipalities could read the requirements. The committee came back and there was much confusion over direction on the number of points to score the application. Stephanie reported back in a month like she was asked and the other two members did not. It took a couple of months to finally get their scoring matrix back so they could identify the top 20 projects. Sometime in March, that happened. They came up with 20 applications that totaled \$1,287,643.00. At the last Gaming meeting, it was determined that we could only fund \$712,641. Obviously, some projects could not be funded. They went over each of them for deficiencies or questions the Authority had. They came up with Bushkill Township, Keller Bridge got funded; Bethlehem Township, new ambulance; Lower Saucon, one police vehicle (they asked for two, but the Authority voted to only fund one); Hellertown Borough, police tasers; Stockertown police vehicle; Bethlehem Township, one police car (they also asked for two); Hellertown AED's, Northampton County Training for Volunteers; Stockertown Police investigative operator, East Bangor municipal building conversion; Hellertown and Lower Saucon for a joint Dewey Ambulance Life Stat; joint Hellertown and Lower Saucon for Dewey Ambulance Life-Pak upgrade; and Lower Saucon, a spill response trailer; Hanover Township, pedestrian safety signage; Hellertown-Lower Saucon joint application, funding for the Saucon Rail Trail project. All together, there were 15 applications totaled \$712,641.00 which meant that Hellertown added together got \$14,490.00. Hellertown and Lower Saucon joint applications totaled \$66,413.00; and Lower Saucon by themselves got \$35,000.00. She asked if anyone had any questions? No one raised their hand.

Mrs. deLeon said the Gaming Authority came up with a little bit of revision to the criteria and grant process. They voted to combine the criteria with the grant process because it would be a lot easier for those filling out the applications to follow directions. Tomorrow on the website, it should be there. The process application deadline would be August 1, 2011. Grant presentations are August 22nd and September 16th; and hopefully, a decision at the October 24th meeting. Mr. Cahalan will report back to the Council on what he is going to apply for.

H. **REQUEST TO ADVERTISE BIDS FOR ROAD MATERIALS, PERVIOUS CONCRETE AND EQUIPMENT RENTAL**

Mr. Kern said staff would like to permission to advertise for the summer road materials - pervious concrete to complete Kingston Park and equipment rental for the connector trail.

- MOTION BY:** Mrs. Yerger for moved for approval to advertise bids for road materials, pervious concrete and equipment rental.
- SECOND BY:** Mr. Maxfield
- Mr. Kern asked if anyone had any questions or comments? No one raised their hand.
- ROLL CALL:** 5-0

VI. MISCELLANEOUS BUSINESS ITEMS

A. APPROVAL OF MAY 18, 2011 MINUTES

Mr. Kern said the minutes of the May 18, 2011 Council meeting have been prepared and are ready for Council's review and approval. He asked if anyone had any changes or corrections?

Mr. Horiszny said page 6, line 42, it should report "Lower Saucon Authority started the Walters Street main replacement".

MOTION BY: Mr. Maxfield moved for approval of May 18, 2011 minutes, with revisions.

SECOND BY: Mr. Kern

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

ROLL CALL: 3-1-1 (Mr. Horiszny – No; Mrs. Yerger – Abstained as she wasn't at the meeting)

VII. PUBLIC COMMENT/CITIZEN NON-AGENDA ITEMS – None

VIII. COUNCIL AND STAFF REPORTS

A. TOWNSHIP MANAGER

➤ Mr. Cahalan said he received a request from a resident on Springtown Hill Road, Beverly Craul, who lives at 2203 Springtown Hill Road. She had reported to the Public Works Department that a "Hidden Driveway" sign that was on Springtown Hill Road was stolen, and she requested that the Public Works Department replace it. She was advised, per our Road Maintenance Policy, that this type of a sign was a special purpose sign which says "Special purposes signs that are not required by the Township or PennDOT for general traffic purposes to provide for the general safe and efficient movement of traffic. These signs are usually requested by individuals or groups and benefit only a limited number or group of residents. Examples of special purpose signs are: Crime Watch, Drug Free Zone, Special Events, Deaf Child Area, Children Playing, Duck Crossing. If the request comes in for that type of a sign and it is approved by the Council, the Public Works would order the sign, install it and they would bill the cost to the requested party. Ms. Craul was not happy with hearing about that policy. She indicated that the "Hidden Driveway" sign alerts westbound drivers that they are approaching four hidden driveways on a blind curve. She felt the signage is necessary, not only to alert these drivers for what is ahead, but to encourage them to slow down and to avoid ramming into residents leaving their driveways. The curve is totally blind for westbound drivers and residents pulling onto Springtown Hill Road west of the curve. She indicated the Township had replaced the sign about eight years ago when it was knocked down. He also heard from John Ortwein, and Mr. Ortwein also indicated he felt the sign was necessary. The Director of Public Works and the Police Chief feel it is a special purpose sign and the Township should not pay to replace it. He spoke to Brien Kocher this afternoon and he agrees that it is a special purpose sign since the sign would not be needed if the driveways were not there. He did indicate that he agrees with Ms. Craul that the roadway is hazardous and if anyone has been on that stretch, you know what we are talking about. The cost of the sign would be about \$50.00 and about \$30.00 to install it. If we go by the policy, Ms. Craul would get the bill unless Council wants to waive that and have the Township pay for the cost of the sign. Mr. Kern said he thinks we should waive it. Mr. Maxfield said he's been up and down John Ortwein's driveway and he thinks it's a service we should do.

MOTION BY: Mr. Kern moved for approval to pay for the special purpose sign "Hidden Driveway".

SECOND BY: Mr. Maxfield

ROLL CALL: 5-0

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- Mr. Cahalan said he sent out an email about replacing thermostats in the Administration and Police wing of the Town Hall. The staff, with our HVAC company, TruComfort, had recommended that we replace the 28 outdated thermostats in those two wings, primarily because they are analog units with mercury switches. They are no longer sold or installed due to the State and Federal restrictions. The newer ones are digitally controlled. We can program them and they do a better job of regulating the temperatures just like the Council room when it's unoccupied and results in a savings on energy of up to 33%. The cost of these units is \$50.45 each. The total cost to replace them would be \$1,347.60. We have funding in the General Building Repair to fund that cost. It can be done by Public Works. PPL has a rebate program which will rebate up to \$50.00 for each of these units, so the total cost for the installation would ultimately be under \$10.00 for all of these units. The only catch was they had to be purchased by May 31, 2011, so he went ahead after notifying Council and made a purchase.

MOTION BY: Mr. Horiszny moved for approval to replace the thermostats in the Administration and Police wing of Town Hall.
SECOND BY: Mr. Maxfield
ROLL CALL: 5-0

- Mr. Cahalan said the Volunteer Recognition picnic is on Monday, June 13th at 6:00 p.m. at Town Hall Park Pavilion. Diane has indicated we have 35 volunteers that are coming. Mrs. deLeon asked if it included Rail Trail people? Mr. Cahalan said if they are on a committee, they were invited. Mrs. deLeon said she thinks we should invite Roger Jurczak to the picnic as he's a volunteer. Council agreed to invite Mr. Jurczak.
- Mr. Cahalan said the Relay for Life event will be held at Dimmick Park on Saturday, June 4, 2011. We have the resolution if one of the Council members can read it. Mr. Kern said he will read the resolution.
- Mr. Cahalan said the Upper Saucon Rail Trail ribbon cutting is on Saturday, June 11th at 10:00 am at their community park, rain or shine, followed by your choice of a 4-mile bike ride led by the Upper Saucon Township Police Bike Patrol or a half mile walk of the trail. Upper Saucon did send out post cards, but Council members did not get a post card. The Rail Trail Advisory Committee members got them.

B. COUNCIL/JR. COUNCIL MEMBER

Eubin Hahn – No report

Mr. Maxfield – No report

Mrs. Yerger

- She said she would like Attorney Treadwell and staff to give an update on Phoebe Homes before the next meeting. She would like staff to compile a chronology of the events and the actions that have taken place by Council and other bodies up to, and including next week. She's had some questions by residents and wants to make sure everything is factual so she can give them an accurate response. Attorney Treadwell said there was a question at the Council meeting, after the last Planning Commission meeting, that anybody from Phoebe Homes attended. He stated at that meeting that the Township Council was under no obligation to take any further action because it was merely a request to change the language in your zoning ordinance. He doesn't think he did a chronological chart, but he can do that. Mrs. Yerger said that would be great. Mrs. deLeon said she is also always getting questions about Phoebe also from residents.

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Mr. Horiszny

- He said he has a wildlife report. He was at the landfill a week ago and saw a bald eagle there. It was pretty impressive. Last Saturday morning, he saw a huge snapping turtle crossing the road just down the block from Town Hall.

Mr. Kern – No report

Mrs. deLeon

- She said on Monday, June 6th, from 7 pm to 9 pm at the Heller Homestead, you are invited to the Wendy Wolf Artist Reception. Her exhibit is to the end of July.
- She said last Wednesday, the Hellertown Lower Saucon Chamber had a mixer at the Sagra Restaurant and it was nicely attended. It was a very nice event.
- She asked Mr. Cahalan to update us on Form D for the landfill. Mr. Cahalan said there is no update. They are still compiling the information.
- Mrs. deLeon said they did have a Landfill Meeting and talked to Sam Donato about Form D. Mr. Cahalan said Hanover's email was distributed to Council. Mrs. deLeon said someone printed the Form D off the internet and the format has changed since they did their last expansion. They do write to the other agencies for information and it says these are not construed to be inclusive of all available information sources, so they told Sam it was very important for Lower Saucon to list all of our resources, not just the one sentence that Rick Bodner requested in the letter. She still doesn't know if there's a date to respond. Mr. Cahalan said he has no idea when the date is. Mrs. deLeon said she wouldn't take too long in responding.

D. SOLICITOR – No report

E. ENGINEER – No report

F. PLANNER – No report

IX. ADJOURNMENT

MOTION BY: Mrs. Yerger moved for adjournment. The time was 8:26 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 C. Kern
President of Council