General Business & Developer	Lower Saucon Township Council Agenda	June 2, 2010 7:00 p.m.

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

- **A.** Resolution #49-2010 – Recognizing Stanley (Bud) Prosser for his Service to the Community
- **B.** Resolution #50-2010 – Recognizing Kimberly Kelly – Jr. Council Member
- **C.** Resolution #51-2010 – Recognizing Eubin Hahn – Jr. Council Member to Planning Commission
- **D.** Resolution #52-2010 – Recognizing Jameson Packer – Jr. Council Member to Planning Commission
- **E.** Resolution #53 -2010 – Recognizing Sara Cote – Jr. Council Member to Environmental Advisory Council
- **F.** Resolution #54-2010 – Recognizing Stephen Prager – Jr. Council Member to Park & Rec. Board

IV. DEVELOPER ITEMS

- **A.** IESI Bethlehem Landfill – Applebutter Road – Request Extension to Complete Improvements

V. TOWNSHIP BUSINESS ITEMS

- **A.** Meadows Road Truck Restriction and Traffic Study
- **B.** Recommendation to Remove Except Right Turn from Stop Sign at Meadows/Skibo Road Intersection
- **C.** Review Final Draft of Integrated Pest Management (IPM) Policy
- **D.** Review Final Draft Changes to Riparian Buffer Ordinance
- **E.** Approval of Dravecz Subdivision Plan – 2388 Apple Street – for Purchase of Conservation Easement

VI. MISCELLANEOUS BUSINESS ITEMS

- **A.** Approval of May 5 & May 19, 2010 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 7, 2010
Next EAC Meeting: June 8, 2010
Next Council Meeting: June 16, 2010
Next Planning Commission Meeting: June 17, 2010
Next Zoning Hearing Board Meeting: June 21, 2010

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I. OPENING

CALL TO ORDER: The General Business & Developer meeting of Lower Saucon Township Council was called to order on Wednesday, June 2, 2010 at 7:00 P.M., at 3700 Old Philadelphia Pike, Bethlehem, PA, with Mr. Thomas Maxfield Vice President, presiding.

ROLL CALL: Present – Tom Maxfield, Vice President; Sandra Yerger and Ron Horiszny, Council members; Jack Cahalan, Township Manager; Leslie Huhn, Assistant Township Manager; Brien Kocher, Township Engineer; Linc Treadwell, Township Solicitor; Judy Stern-Goldstein, Township Planner; and Kimberly Kelly, Jr. Council member. Absent: Glenn Kern, President and Priscilla deLeon, Council member. Mr. Kern arrived at 7:20 PM.

PLEDGE OF ALLEGIANCE

ANNOUNCEMENT OF ANY EXECUTIVE SESSION (IF APPLICABLE)

Mr. Maxfield said Council will be having an Executive Session after the meeting this evening.

II. PUBLIC COMMENT/CITIZEN AGENDA ITEMS

Mr. Maxfield said he would ask if anyone would like to speak on an agenda item, you use the microphone and please state your name for the record.

III. PRESENTATION/HEARINGS

A. RESOLUTION #49-2010 – RECOGNIZING STANLEY (BUD) PROSSER FOR HIS SERVICE TO THE COMMUNITY

Mr. Maxfield said Resolution #49-2010 has been prepared recognizing Bud Prosser for his years of dedication and service to the community. Bud will be honored by the Saucon Valley Community Center banquet on June 4, 2010.

A RESOLUTION RECOGNIZING THE COMMUNITY SERVICE OF STANLEY (BUD) PROSSER

WHEREAS, Bud Prosser has unselfishly served the residents of the Saucon Valley in various capacities for more than four decades; and

WHEREAS, Bud had a forty-four (44) year career at Prosser's Drug Store on Main Street in Hellertown, beginning work at age 14 as a stock boy for his father, and then later as a co-owner of the business until it closed in 1995; and

WHEREAS, Bud was the first President of the Hellertown Jaycees and was the organizer of the successful Sidewalk Sales in Hellertown, which later evolved into the annual Hellertown – Lower Saucon Community Day celebration; and

WHEREAS, Bud served as a Board Member and President of SauconFest, was the first President of the Hellertown Historical Society, and headed the committee responsible for Hellertown's Centennial celebration in 1972; and

WHEREAS, Bud has devoted countless hours to activities in the Saucon Valley: as an umpire at baseball games, an emcee at numerous local events, and as a weekly columnist in the Valley Voice; and

WHEREAS, Bud has been very active with the Mountainview Moravian Church over the years, serving as a trustee, elder and youth director, and starting the church's Annual Christmas Putz display; and

WHEREAS, Bud has kept up this devotion to the Saucon Valley with his current service on the Board of the Hellertown – Lower Saucon Chamber of Commerce; with the annual Community Day, where his Cemetery Tours are a highlight of the celebration, and with the Saucon Valley Farmers Market; and

WHEREAS, Bud Prosser has earned the title "Mr. Saucon Valley" and Lower Saucon Township is justifiably proud that one of our residents will be recognized for this outstanding service by the Saucon Valley Community Center on June 4, 2010.

MOTION BY: Mrs. Yerger moved for approval of Resolution #49-2010.
SECOND BY: Mr. Horiszny
Mr. Maxfield asked if anyone had any questions? No one raised their hand
ROLL CALL: 3-0 (Mr. Kern & Mrs. deLeon - Absent)

B. <u>RESOLUTION #50-2010 – RECOGNIZING KIMBERLYKELLY – JR. COUNCIL MEMBER</u>

Mr. Maxfield said Resolution #50-2010 has been prepared recognizing Kimberly Kelly for serving as a Jr. Council member to Township Council.

PROCLAMATION HONORING KIMBERLY KELLY,JUNIOR COUNCIL MEMBER

WHEREAS, the Lower Saucon Township Council appointed Kimberly Kelly to serve on Lower Saucon Council; and

WHEREAS, Kimberly participated in the meetings of the Township Council during the 2009-2010 school year and provided input from a student's point of view; and

WHEREAS, Kimberly has done a great job and brought with her the eagerness of learning more about local government in her community.

NOW, THEREFORE, the Council of Lower Saucon Township, Glenn Kern, President; Tom Maxfield, Vice President; Priscilla deLeon, Ronald Horiszny; and Sandra Yerger do hereby commend Kimberly for her exemplary performance on behalf of the Lower Saucon Township and Saucon Valley School District.

MOTION BY: Mrs. Yerger moved for approval of Resolution #50-2010.
SECOND BY: Mr. Horiszny
Mr. Maxfield asked if anyone had any questions? No one raised their hand
ROLL CALL: 3-0 (Mr. Kern & Mrs. deLeon - Absent)

C. RESOLUTION #51-2010 – RECOGNIZING EUBIN HAHN – JR. COUNCIL MEMBER TO PLANNING COMMISSION

Mr. Maxfield said Resolution #51-2010 has been prepared recognizing Eubin Hahn for serving as a Jr. Council member to the Planning Commission.

PROCLAMATION HONORING EUBIN HAHN,JUNIOR COUNCIL MEMBER

WHEREAS, the Lower Saucon Township Council appointed Eubin Hahn to serve on Lower Saucon Planning Commission; and

WHEREAS, Eubin participated in the meetings of the Planning Commission during the 2009-2010 school year and provided input from a student's point of view; and

WHEREAS, Eubin has done a great job and brought with her the eagerness of learning more about local government in her community.

NOW, THEREFORE, the Council of Lower Saucon Township, Glenn Kern, President; Tom Maxfield, Vice President; Priscilla deLeon, Ronald Horiszny; and Sandra Yerger do hereby commend Eubin for her exemplary performance on behalf of the Lower Saucon Township and the Moravian Academy.

MOTION BY: Mrs. Yerger moved for approval of Resolution #51-2010.
SECOND BY: Mr. Horiszny
Mr. Maxfield asked if anyone had any questions? No one raised their hand
ROLL CALL: 3-0 (Mr. Kern & Mrs. deLeon - Absent)

D. RESOLUTION #52-2010 – RECOGNIZING JAMESON PACKER – JR. COUNCIL MEMBER TO PLANNING COMMISSION

Mr. Maxfield said Resolution #52-2010 has been prepared recognizing Jameson Packer for serving as a Jr. Council member to the Planning Commission.

PROCLAMATION HONORING JAMESON PACKER, JUNIOR COUNCIL MEMBER

WHEREAS, the Lower Saucon Township Council appointed Jameson Packer to serve on Lower Saucon Planning Commission; and

WHEREAS, Jameson participated in the meetings of the Planning Commission during the 2009-2010 school year and provided input from a student's point of view; and

WHEREAS, Jameson has done a great job and brought with him the eagerness of learning more about local government in his community.

NOW, THEREFORE, the Council of Lower Saucon Township, Glenn Kern, President; Tom Maxfield, Vice President; Priscilla deLeon, Ronald Horiszny; and Sandra Yerger do hereby commend Jameson for his exemplary performance on behalf of the Lower Saucon Township and Saucon Valley School District.

MOTION BY: Mr. Horiszny moved for approval of Resolution #52-2010.
SECOND BY: Mrs. Yerger
Mr. Maxfield asked if anyone had any questions? No one raised their hand
ROLL CALL: 3-0 (Mr. Kern & Mrs. deLeon - Absent)

E. RESOLUTION #53-2010 – RECOGNIZING SARA COTE – JR. COUNCIL MEMBER TO ENVIRONMENTAL ADVISORY COUNCIL

Mr. Maxfield said Resolution #53-2010 has been prepared recognizing Sara Cote for serving as a Jr. Council member to the EAC.

PROCLAMATION HONORING SARA COTE, JUNIOR COUNCIL MEMBER

WHEREAS, the Lower Saucon Township Council appointed Sara Cote to serve on Lower Saucon Environmental Advisory Council (EAC); and

WHEREAS, Sara participated in the meetings of the EAC during the 2009-2010 school year and provided input from a student's point of view; and

WHEREAS, Sara has done a great job and brought with her the eagerness of learning more about local government in her community.

NOW, THEREFORE, the Council of Lower Saucon Township, Glenn Kern, President; Tom Maxfield, Vice President; Priscilla deLeon, Ronald Horiszny; and Sandra Yerger do hereby commend Sara for her exemplary performance on behalf of the Lower Saucon Township and Saucon Valley School District.

MOTION BY: Mrs. Yerger moved for approval of #53-2010.
SECOND BY: Mr. Horiszny
Mr. Maxfield asked if anyone had any questions? No one raised their hand
ROLL CALL: 3-0 (Mr. Kern & Mrs. deLeon - Absent)

F. RESOLUTION #54-2010 – RECOGNIZING STEPHEN PRAGER – JR. COUNCIL MEMBER TO PARK & RECREATION BOARD

Mr. Maxfield said Resolution #54-2010 has been prepared recognizing Stephen Prager for serving as a Jr. Council member to the Parks & Rec Board.

PROCLAMATION HONORING STEPHEN PRAGER, JUNIOR COUNCIL MEMBER

WHEREAS, the Lower Saucon Township Council appointed Stephen Prager to serve on Lower Saucon Parks & Recreation Board; and

WHEREAS, Stephen participated in the meetings of the Park & Recreation Board during the 2009-2010 school year and provided input from a student's point of view; and

WHEREAS, Stephen has done a great job and brought with him the eagerness of learning more about local government in his community.

NOW, THEREFORE, the Council of Lower Saucon Township, Glenn Kern, President; Tom Maxfield, Vice President; Priscilla deLeon, Ronald Horiszny; and Sandra Yerger do hereby commend Stephen for his exemplary performance on behalf of the Lower Saucon Township and Notre Dame High School.

MOTION BY: Mrs. Yerger moved for approval of Resolution #54-2010.
SECOND BY: Mr. Horiszny
Mr. Maxfield asked if anyone had any questions? No one raised their hand
ROLL CALL: 3-0 (Mr. Kern & Mrs. deLeon - Absent)

IV. DEVELOPER ITEMS

A. IESI BETHLEHEM LANDFILL – APPLEBUTTER ROAD – REQUEST EXTENSION TO COMPLETE IMPROVEMENTS

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

Mr. Cahalan said there is a staff recommendation that sets down the conditions of the extension until July 11, 2011.

IESI BETHLEHEM LANDFILL EXTENSION FOR THE JUNE 2, 2010 LOWER SAUCON TOWNSHIP COUNCIL MEETING

The Lower Saucon Township staff recommends that Township Council approve an extension until June 11, 2011 for completion of improvements at the IESI Bethlehem Landfill. This approval is subject to the following conditions:

1. The owner/developer shall enter into an Extension Agreement with the Township satisfactory to the Township Solicitor and Township Council.

2. The Improvements Security shall be extended to at least July 11, 2011, to the satisfaction of the Township Solicitor.

3. The owner shall pay any outstanding plans and appeals account invoices owed to the Township.

4. The Township Engineer is hereby directed to inspect the erosion and sedimentation controls for the project and notify the developer of any deficiencies. The developer must correct any deficiencies noted by the Township Engineer within 60 days of receipt of his report.

Mr. Kocher said the most basic issue is the Basin #7 outflow pipe which is being addressed by new plans.

MOTION BY: Mr. Horiszny moved for approval of the staff recommendation.
SECOND BY: Mrs. Yerger
Mr. Maxfield asked if anyone had any questions? No one raised their hand
ROLL CALL: 3-0 (Mr. Kern & Mrs. deLeon - Absent)

V. TOWNSHIP BUSINESS ITEMS

A. MEADOWS ROAD TRUCK RESTRICTIONS AND TRAFFIC STUDY

Mr. Maxfield said the Township Engineer has completed an Engineering and Traffic Study on Meadows Road between Skibo Road and Route 412 and has concluded that trucks may be prohibited from this section of the roadway with the exception of trucks making local deliveries.

Mr. Kocher said they think it meets four criteria to allow the Township to restrict truck traffic, in general. The first is the curves in the road. The second is the bridge itself. The third are the intersections and residential driveways that are pretty common on that road. The fourth is the traffic is predominantly residential and truck traffic is not compatible with that in this area. If you wanted to restrict it, you could based on the above points.

Attorney Treadwell said we would need to do an ordinance restricting and prohibiting truck traffic on that portion of Meadows Road and then post it. We have to advertise it the same as any of our other ordinances, then come back and authorize the advertisement. After that, we have to hold a hearing and adopt the ordinance that prohibits it. Mrs. Yerger said the stage we are at is if we want to advertise it. Attorney Treadwell said this is if you want us to prepare an ordinance that prohibits it.

Mr. Cahalan asked Mr. Kocher to explain the local deliveries on Meadows Road. Mr. Kocher said in the rather uncommon event that you live on that road and you order something that has to come by tractor trailer delivery, that truck is allowed to come on that road. It excludes any trucks going to the Giant.

MOTION BY: Mr. Horiszny moved for approval to prepare the ordinance as stated above by Attorney Treadwell.

SECOND BY: Mrs. Yerger

Mr. Maxfield asked if anyone had any questions?

Mr. Beardsley said if they are not allowed to go right at the stop sign at Skibo, they are going to go straight ahead, which is also a 10 ton bridge. He doesn't know what impact that has on that bridge. He can see that although the Chief says going to the Giant would not be a local delivery, there are going to be arguments that it is a local delivery and it might be better than saying "except local deliveries", to say "no trucks to Route 412". That means they can still come down and go to the Meadows and make their deliveries there or anywhere west of the Meadows, but they can't go over the bridge. That's what we want. Attorney Treadwell said if he remembers correctly, it's actually the statute that allows us to prohibit trucks that says "except local deliveries". It's the state statute that says you can prohibit trucks with the caveat except local deliveries. He's not sure we can change that part of it. Maybe we can define further in the ordinance what local delivery means so that it's for any property owner living on that portion or off of that portion of Meadows Road, which would be by definition, exclude the Giant. Mr. Maxfield said part of the explanation we got from Mr. Kocher was that if it could be accessed from some other road, then it would not qualify, which he thought was pretty clear. He likes the explanation along with it if we are going to write an ordinance.

Ms. Stephanie Brown said when was the last time anyone in the Township or the County did a traffic count of Meadows Road? The last time a specific count was done on the bridge from the County goes back to 1980. Mr. Kocher and Mr. Cahalan said they were not aware of any. Chief Lesser said he didn't know of any either. Ms. Brown said is there any way we can have one done sometime in the future as she thinks it's important. Mr. Maxfield said what would be the concern? Ms. Brown said because of the amount of traffic on Meadows Road. She's been asking for this for a couple of years. Mrs. Yerger said what's your goal for that, what would a count change? Ms. Brown said she didn't know, but she's interested in traffic going to the Meadows and knowing how much more traffic is using the bridge. Maybe you could ask the County to do it. It's important, 1980 was a long time ago. Traffic has changed on Meadows Road over the years. She said she's not sure of the road, but when you go over to Bethlehem Township where the Bethlehem Vo-Tech is, the road that goes out to the Northampton Community College is restricted from trucks three ways. She's been trying to get a picture of it. She wonders if there is more than one restriction that could be put on the road. One of the restrictions has to do with the number of axles on the truck. If she can get a picture, she'd like to submit it to the Township. Everything possible that can be done to keep trucks off of Meadows Road will help. There are so many trucks that go down Meadows Road and she doesn't have time to chase them anymore. The bridge is important. The excuse last time the Township didn't cite someone for going over the bridge was the fact that the dispatcher from the truck company told him to go that way and that is inexcusable and the Township allowed that to happen.

Mr. Kocher said the restriction they are recommending is the most restricted restriction. Those other restrictions are okay, but this one is better. Mr. Maxfield said maybe we should just take it one step at a time and see how this one works. He would like to recommend that we prepare an ordinance for this.

Mr. Kern arrived. The time was 7:20 PM.

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

B. RECOMMENDATION TO REMOVE "EXCEPT RIGHT TURN" FROM STOP SIGN AT MEADOWS/SKIBO ROAD INTERSECTION

Mr. Kern said based on increases in development and traffic in the area along Meadows Road, the Township Police Chief is recommending that the "Except Right Turn" sign be removed from the stop sign at the intersection of Meadows and Skibo Roads, making this a 3-way stop intersection.

Mr. Cahalan said this was something that Ms. Brown had requested some time back and we turned it over to the Police Department. You have a memo from Chief Guy Lesser in which he states as per previous communications, they recommend removal of the sign stating "Right Turn Keeping Moving" attached to the stop sign channel bar which controls traffic southeast bound on Meadows Road at the intersection with Skibo Road. Since its placement many, many years ago, development and traffic have increased dramatically in this area of Meadows Road and removal of this sign would improve control of the intersection in addition to slowing traffic in an area where we have received numerous speeding complaints. The Chief is recommending the "Except Right Turn" portion of the stop sign be removed. You'd have a three way stop intersection.

Mr. Horiszny said don't you need an ordinance? Attorney Treadwell said he's not positive of the answer. Mr. Maxfield said how do we let the public know of the change and how do we deal with the next couple of weeks afterwards? Mr. Cahalan said they will give them advance warning of the change by having a lighted sign out there. We did that at Kohas and Springtown Hill Road and gave them several weeks of notice of that change. Chief Lesser said initially they would issue warnings. Mrs. Yerger said what about the sign coming the other way? Mr. Horiszny said it says opposing traffic does not stop, so that has to be removed also. Mr. Cahalan said that will be removed. Mr. Kocher said your Vehicle Code, Chapter 170 does specify except right turn on the stop restriction, so you would have to amend Chapter 170 of the code. Mr. Kern said what about the other stop sign coming towards Friedensville Road? Mr. Cahalan said we aren't talking about the one going westbound. Mr. Horiszny said would it require we put three way stop signs on each of the poles? Mr. Kern said down by Deer Run Road, that sign is unaffected. Chief Lesser said they haven't had any problems there at that stop sign. Mr. Cahalan said we would have to authorize the change to the ordinance to put the three way stop intersection in place. Mr. Kern said is there a motion to make a change to the ordinance? Attorney Treadwell said if Council makes that motion, we'll do it as part of the truck restriction and do them all at once. They will bring it back to the next meeting prepared and then you can advertise it and move as quickly as we can.

MOTION BY: Mr. Maxfield moved for approval to amend the ordinance and bring it back to the next meeting for advertisement.

Mr. Horiszny said he thinks we should include in there something about whether or not we're going to announce that it's a three way stop intersection, and that may be part of the code already. He knows at a lot of places if you are at a four way intersection, they will say four way stop. He doesn't know if that's even required. Mr. Kocher said he doesn't think that's something that has to go in the ordinance. It's more advisory on PennDOT's designs, but they will check that.

SECOND BY: Mr. Horiszny
Mr. Kern asked if anyone had any questions? No one raised their hand
ROLL CALL: 4-0 (Mrs. deLeon - Absent)

C. REVIEW FINAL DRAFT OF INTEGRATED PEST MANAGEMENT (IPM) POLICY

Mr. Kern said the draft Integrated Pest Management (IPM) Policy prepared by the Township Planner, which integrates a range of biological, organic, cultural, mechanical, and chemical options for pest problems, has been reviewed and has incorporated changes recommended by the Environmental Advisory Council (EAC) and the Parks & Recreation Board and is being presented to Council for their consideration of adoption.

Mrs. Yerger said we have the recommendations from the EAC and she doesn't see them. We've seen it change, but it was not an official recommendation. Do you have an objection? Ms. Stern Goldstein said she doesn't have an objection. Mrs. Yerger said the closest thing we have to that is a reference to Integrated Pest Management Coordinator should be changed to Pest Management Coordinator. Mr. Cahalan said wouldn't it be easier if it remained IPM? That's more common.

Mrs. Yerger said the sub titles are going to stay. She apologizes as she just took it as a blanket. They had a Chemical Engineer on the EAC review it. They also have a physician on the EAC, so he knew the other chemical name. He actually did the one definition. The only question is we have the blanks on who will be designated. It says insert position here, Township Manager or Director of Public Works. In order to bring this to fruition, do we have to make that change tonight? Ms. Stern Goldstein said she recommends that the Township Manager be designated as the Pest Management Coordinator. That way, he or she would be able to delegate any specific tasks to the staff member that he or she feels it be most qualified. Mr. Maxfield said he likes that idea and the ability to designate the appropriate individuals and that's the Manager's job. Ms. Stern Goldstein said that this is what many municipalities do with similar situations and it would allow the control and flexibility for the Township. Mr. Maxfield said we have other functions in the Township that are very much like that where the Manager is in control of it and that's a great idea. Mrs. Yerger said then her only other question is we have in the one section, No. 2, if the Pest Management Coordinator cannot respond to the application in a timely manner, then the it's left blank (Township Manager of Assistant Township Manager) and she's assuming in this instance we would want to insert Assistant Manger may authorize the one time emergency use. It's on the top of page 10 of the Pest Management Policy. She's recommending Assistant Manager be put in there.

Mrs. Yerger said she and Jack were talking about this before the meeting and this has been brought up. The sustainable bus tour is being done by Northampton County and one of the partners is DCNR. One of their requests was that we have either copies of this available once it's authorized and/or available on line and Leslie has already agreed to put it on the Township website as they are very excited about it. She thinks we are the only ones in Northampton County. We are probably the only ones in the Lehigh Valley and one of the few in Pennsylvania. They were very pleased to see this policy come forward. She's very proud of the work that everyone's done, Jack, the EAC and our Planner. It's been a long time coming and it's a great thing. Ms. Stern Goldstein said that the Township Staff, EAC and Park and Recreation board also deserve thanks because they have worked so hard bringing this document and policy to fruition. She also wanted to thank Council because none of this could have happened without the spirit of cooperation from all involved, including the Township Director of Public Works. Many municipalities have discussed policies such as this, and many have attempted to start enacting IPM policies and procedures, but very few have succeeded to date, and mostly because of lack of cooperation or "buy-in" from Public Works and/or elected officials. Lower Saucon Township and its staff are to be commended for this action tonight. Mrs. Yerger said she agrees.

MOTION BY: Mrs. Yerger moved for approval of the Pest Management Policy.
SECOND BY: Mr. Maxfield
Mr. Kern asked if anyone had any questions? No one raised their hand
ROLL CALL: 4-0 (Mrs. deLeon - Absent)

Mrs. Yerger said thank Kevin as he put a lot of work into this. Mr. Maxfield said if we can get good copies for the sustainable bus tour, they can distribute them on June 22nd. Mrs. Yerger said it is a somewhat lengthy document to make 80 copies of it. They thought it would be more environmentally sensitive to reference it in a one page handout with maybe a summary and then we can give them the link on the website and they can access it that way.

D. REVIEW FINAL DRAFT CHANGES TO RIPARIAN BUFFER ORDINANCE

Mr. Kern said as a follow-up to the discussion at the May 5, 2010 Council meeting, the Township Planner has prepared a final draft of the changes staff is recommending be made to the Riparian Buffer Ordinance. If Council is satisfied with these recommendations, they should authorize staff to advertise the ordinance incorporating these changes.

Ms. Stern Goldstein said that the draft in front of Council tonight contains some minor "tweaks", based upon the discussion from the May 5th meeting. She also said that she had a discussion with Chris Garges earlier this afternoon and wanted to share the information with Council. The issue is that, as written, both the current ordinance and the draft amendment would permit certain uses by right within the riparian corridor, as long as the disturbance to the riparian corridor is not more that 15% and that the construction meet the parameters of the ordinance. For instance, a building or structure could be constructed. Mr. Maxfield said one of the things we talked about in the past was the amount of riparian corridor percentage used for the yield and how through proper planning it kept things out of the riparian corridors anyway. We were probably assuming that was going to happen all the time. Here we are prohibiting a car to be parked there or any vehicle to be parked there for thirty minutes, but at the same point, if we had a structure that was actually permitted to be built there, you might say someone could live in the structure, but you couldn't park your car at the structure. Ms. Stern Goldstein said based upon the ordinance language, that is correct, but the reason why motor vehicles are more stringently regulated is the potential for pollutants to travel into the riparian corridor from the petroleum hydrocarbons and other fluids in or on the vehicles. Mr. Maxfield said you are still saying someone can't park their vehicle at their own house if it's built in the riparian corridor. With that kind of limit, you couldn't even park your vehicle overnight. He's not pushing here for us to park in the riparian corridor, he wants to go the other way. Mrs. Yerger said what do you suggest – eliminate structures completely? Ms. Stern Goldstein said she is concerned that such a regulation could be considered a "taking" issue. The PA MPC permits 100% protection of a floodplain, if specific items, such as road/driveway crossing were to be permitted with specific conditions, such as by conditional use or special exception. A riparian corridor is not the same as a floodplain. Mr. Maxfield said that was going to be the other point he asked about, driveways are listed here under conditional use. He's wondering if driveways would be something we could prohibit in the riparian corridor and deal with it on a waiver, but then that would be for the Zoning Hearing Board. Ms. Stern Goldstein said uses can only be permitted by right, by conditional use, or by special exception. Anything else would require a variance from the Zoning Hearing Board. Mr. Maxfield said forget that one. Back to the taking issue, if we have enough permitted uses within the riparian corridor, there wouldn't be a taking, would it? You wouldn't be protecting the riparian corridor 100%. We could say no structures in the riparian corridor. Ms. Stern Goldstein said she is concerned that this would be going too far with the protection and that she cautions that it may cross the line into a taking issue. She asked Attorney Treadwell if he has had a chance to review the draft ordinance. Attorney Treadwell he has the existing ordinance in front of him and No. 10 says the following uses are permitted by conditional use within the buffer. Does Section No. 9 have permitted uses, just plain permitted uses? Ms. Stern Goldstein said the permitted uses are not listed in this section; they are listed in each of the actual zoning districts. Attorney Treadwell said the only time you can do

anything in the riparian corridor is by conditional use. Ms. Stern Goldstein said no, you can also do things by right, as long as you meet the 85% protection ratio and the other ordinance requirements. Attorney Treadwell said but he thinks maybe he's off from what Council was looking for at the beginning, but you can't build anything within a riparian corridor without a permit from the Township. So you still have that level of protection. First the use has to be permitted at that zoning district and second, whoever is going to build it has to come get a permit. You're not going to have a situation where all of a sudden a shed pops up in the riparian corridor without the Township knowing about it. Mr. Maxfield said what would be the reason for the Township to say no, you can't put a shed in the riparian corridor and not to issue the permit. Ms. Stern Goldstein said the Township could deny the permit if the ordinance requirements were not all met. Mr. Maxfield said what other avenues could we take to discourage that type of proposal? Ms. Stern Goldstein said the ordinance is already very stringent, but that it is possible that a few lots in the Township could meet the requirements, essentially large lots with a large area of riparian corridor. Mr. Maxfield said it makes him uncomfortable. Attorney Treadwell said he understands that. If you look at it from the other side of the equation, if it is done correctly, what is the danger of having a shed in the riparian corridor if it meets all the regulations and it's done correctly? Mrs. Yerger said how would you have a house on the riparian corridor without being in a flood plain anyway? Mr. Maxfield said we have them all over. Attorney Treadwell said his understanding of the riparian corridor is it's a more extensive distance from the stream bank and bed than a flood plain could be. Mr. Maxfield said it's a linear distance. For instance, Old Mill Road, the houses that went up there, it has a steep bank to it, so the flood plain isn't going to be very far in. He thinks we have quite a few houses already that are out of the flood plain but in the riparian corridor. Mrs. Yerger said she understands now. She wasn't thinking of steep slopes and banks. Ms. Stern Goldstein said usually, if there are steep slopes adjacent to a stream, the riparian corridor could be much wider than the floodplain. Mr. Maxfield said for instance, someone comes in with a proposal and meets all the parameters to build a portion of a house in the riparian corridor and that portion is their garage. They have a driveway going into the garage and their cars parked inside the garage all night long or outside the garage all night long. How would that be addressed by the Township per these new things? Could you park your car in your driveway all night long? Ms. Stern Goldstein said technically, no, according to the draft ordinance amendment. Mr. Maxfield said according to this, if the garage was in the riparian corridor, you couldn't even park your car in your garage. Ms. Stern Goldstein said if the car was in the garage, that section of the ordinance would not apply. Mr. Maxfield said he was just saying per the letter of the law here, the way it's written the car would not be able to be parked there. Attorney Treadwell said we can fix that fairly easy by saying at the end of the first sentence in subsection E, unless it is in a driveway approved under subsection 10, where we need a conditional use approval to put a driveway in or enclosed in a garage. You can't put a driveway in the riparian corridor unless you get conditional use approval, so if an applicant comes in front of Council and gets conditional use approval to put a driveway in, then it would follow logically that they are going to be cars in the driveway. Mr. Maxfield said cars traveling in the driveway, but not parked on that specific part of the driveway. Attorney Treadwell said we are going to have a tough time telling somebody we approved their driveway, but they can't park their car on it. Mr. Maxfield said the intent here with the driveway is to have somebody that has a chunk of property that has to go through the riparian corridor to get to their house and to permit them to have a driveway going through the riparian corridor. If someone builds a house in the riparian corridor and puts a garage there and has a driveway, that could be a real problem and an interpretation problem for Chris Garges. Ms. Stern Goldstein said that is why she is bringing up these philosophical issues now, before the ordinance is adopted, and before Chris is faced with enforcing the ordinance. Mr. Maxfield said since his intent is to not have anything occur there unless it absolutely has to be, like if there's no other place to put that garage or no other place to put that driveway than to do it in the riparian corridor, then that is okay. You can't deprive somebody the use of their property, but as a desirable place to be, to have 15 acres and they want their house nearer to the stream and they are still meeting their 15%, that we should be discouraging as that can cause bigger problems. Ms. Stern Goldstein said we don't have the option to "discourage" a land use. We have the option to permit it by right, by conditional use, or by special exception, or to prohibit it. If permitted by conditional use, or special exception, the use is essentially permitted by right, as long as the applicant meets the

specified conditions, which must be outlined in the ordinance. Mr. Maxfield said and those conditions would be what? Attorney Treadwell said you have lists of them in your ordinance now that any application for a conditional use has to be in conformance with the character of the neighborhood, a, b, c, d, e, f, g. Mr. Maxfield said is that how we do other things though? Like infiltration, they have to prove they can't do infiltration. Ms. Stern Goldstein said infiltration is not a land use. Attorney Treadwell said he thinks the answer is what you have in front of you now, and maybe we need to add the items he talked about that you can obviously park your car in your driveway if your driveway has been permitted by Council and going through the process, but he thinks we are being pretty close to being restrictive as we can get. It's not going to be perfect. You may have some instances where you will get some things being located in that 15% allowed disturbed area of the riparian corridor, but you're as close as you can get.

Mr. Kern said in the Adirondacks, you used to be able to build a structure right up on the lakefront, but they have a 75 foot setback so you can't put any structure within 75 feet of high water. Is there anything we can do like that? Mr. Maxfield said that's floodplain. Mr. Kern said it's not really floodplain in the lake. Ms. Stern Goldstein said we have required setback from lake and ponds, but not stream setbacks. Mr. Maxfield said that would be under zoning? Ms. Stern Goldstein said yes. Mr. Maxfield said he doesn't think we ever talked about stream setback, but always relied on floodplain. Mrs. Yerger said we have riparian buffer. Mr. Maxfield said riparian buffers allow for that 15% encroachment, which doesn't allow for absolute protection. Ms. Stern Goldstein said that is correct, but absolute protection may be a considered a taking of a property owner's rights.

Mr. Maxfield said what he is looking for is an assurance that this is going to be the odd case as we are not going to be able to prohibit it. How odd is this going to be, that's what he wants to know. If it's odd enough, then if this is the best we can do, then he'd rather not even write the part about parking your car on your driveway and just see what happens with it. He doesn't think there is much of a conflict with that one? Ms. Stern Goldstein said that she can assure him that it would not be common, but that there may be a handful of such cases. The problem is that we cannot predict when or if any of these applications would come in and it is conceivable, but not probable, that they could all come in a relatively short span of time. Mr. Maxfield said he doesn't want to have it sit longer and not have those protections. Attorney Treadwell said would it help to show the areas of the riparian buffer that we will now have or a map that shows the riparian buffers? Ms. Stern Goldstein said there is no map, the area is determined as a distance. Mr. Maxfield said we have streams that aren't even on the chart. On that note, he's going to take your advice and he thinks it's really good advice.

Attorney Treadwell said we have to put it in the form of an amendment to your code and zoning ordinance and come back and have a hearing. You can make a motion to advertise it once it's ready. We have to put it in the correct format.

MOTION BY: Mr. Maxfield moved for approval to start the process and advertise as stated above by Attorney Treadwell.
SECOND BY: Mrs. Yerger
Mr. Kern asked if anyone had any questions? No one raised their hand
ROLL CALL: 4-0 (Mrs. deLeon - Absent)

E. <u>APPROVAL OF DRAVECZ SUBDIVISION PLAN – 2388 APPLE STREET – FOR PURCHASE OF CONSERVATION EASEMENT</u>

Mr. Kern said as a follow-up to the discussion at the May 5, 2010 Council meeting, the Township Planner has prepared a final draft of the changes staff is recommending be made to the Riparian Buffer Ordinance. If Council is satisfied with these recommendations, they should authorize staff to advertise the ordinance incorporating these changes.

Mr. Kocher said this has you purchasing several of Joe's parcels in the back. This plan takes the front parcel that you are buying seven acres of, and out of his remaining 27 acres, 17 will be encumbered by a conservation easement.

Mr. Kern said we have the staff recommendation.

DRAVECZ MINOR SUBDIVISION 2388 APPLE STREET TAX MAP PARCEL P8-14-1 PRELIMINARY/FINAL SUBDIVISION PLAN APPROVAL FOR JUNE 2, 2010 LOWER SAUCON TOWNSHIP COUNCIL MEETING

The Lower Saucon Township Staff recommends that the Township Council approve the "Preliminary/Final Minor Subdivision – Joseph & Dorothy Dravecz," as prepared by Hanover Engineering Associates, Inc., consisting of one (1) sheet, dated February 11, 2010, with no revision date. Subject, however, to the following conditions:

1. Lot pins and survey monuments shall be set within 90 days of this approval.
2. The Applicant shall provide two (2) Mylars and two (2) prints of the Plans with original signatures, notarizations, and seals.
3. The Access Easement and Conservation Easement shall be recorded with Agreements acceptable to the Township Solicitor with descriptions acceptable to the Township Engineer.
4. The Applicant shall satisfy all these conditions within one (1) year of the date of the conditional approval unless an extension is granted by the Township Council**.**

MOTION BY: Mrs. Yerger moved for approval of the Dravecz Subdivision plan.
SECOND BY: Mr. Maxfield
Mr. Kern asked if anyone had any questions? No one raised their hand
ROLL CALL: 4-0 (Mrs. deLeon - Absent)

Mr. Kocher said he would also ask that you approve the non building planning module. They did alternate testing on Joe's residual and did find the site, but they have to officially file the non building waiver for the Township's piece.

MOTION BY: Mr. Maxfield moved to approve the non building planning module for the Dravecz subdivision.
SECOND BY: Mrs. Yerger
Mr. Kern asked if anyone had any questions? No one raised their hand
ROLL CALL: 4-0 (Mrs. deLeon – Absent)

VI. MISCELLANEOUS BUSINESS ITEMS

A. APPROVAL OF MAY 5 & MAY 19, 2010 MINUTES

Mr. Kern said the minutes of the May 5 and May 19, 2010 Council meeting have been prepared and are ready for Council's review and approval

May 5, 2010 Minutes: No corrections.

May 19, 2010 Minutes:

Mr. Horiszny said on page 17, line 13, we talked about payment thereof, and it says thereon. He's not sure that is a big difference, unless you are paying the whole thing at once. It said payment therefore, and we changed it, he thought to payment thereof, but when it came out in this, it says payment thereon. Mrs. Yerger said we can change it to thereof.

Mr. Horiszny said page 31, line 11, he thought it was Sandy's motion and his second. Mrs. Yerger said she doesn't remember.

Mr. Horiszny said on page 32, line 5, it should be town crew instead of Tom Cruise.

MOTION BY: Mrs. Yerger moved for approval on the May 5, 2010 minutes and the May 19, 2010 minutes, with corrections.
SECOND BY: Mr. Maxfield
Mr. Kern asked if anyone had any questions? No one raised their hand
ROLL CALL: 3-1 (Mr. Horiszny – No; Mrs. deLeon – Absent)

VII. PUBLIC COMMENT/CITIZEN NON-AGENDA ITEMS

- Ms. Stephanie Brown, 1830 Meadows Road, said Ted Beardsley keeps saying the Walnut Street Bridge, Northampton County Bridge 14, is rated at 10 tons like the Meadows Road. She doesn't think that is correct. There is only one sign that she knows of and it's in the Township and is on Skibo Road that indicates it might be. There's nothing posted in Hellertown that she knows of. She doubts it is because of when it was built and how it was built. Has anyone contacted the County about that? Mr. Cahalan said we can find out and will come back at the next meeting with the answers. Ms. Brown said it's a concrete bridge and was built around 1970 and it may be more modern and may not have the restrictions like the Meadows Bridge. She knows there is a sign after you cross the Meadows Road intersection after Skibo. She doesn't know if that is meant to be there.
- Ms. Stephanie Brown said there are several properties on Meadows Road along the actual roadway where there are weeds growing in excess of five feet. All these weeds are in the right-of-way. Whose responsibility is it to be cut? Mr. Cahalan said you asked us last year, and the response was we mow twice in the summer. He had reported that they had been mowed and it was mowed later on in the summer time. If the weeds did grow up, that is something we do take care of but it's not done on a weekly basis. Ms. Brown said there are actually weeds growing up on some of the road signs in these areas. That's a problem. She'd like to see it taken care of. Last year when she brought this to Council, she was told it was too late in the season to be cut. She's wondering when the cutting season starts? Mr. Cahalan said it started. Ms. Brown said down by the creek, one area of the bridge is cleared, but the other area is all overgrown. The one area where it's cleared, there is this marker that is a wooden stake that the Township put in when you were going to originally put in the marker for the Meadows Bridge on the opposite side. She was wondering if anyone was planning on removing that any time soon? Brien and Roger put that in, and it's still sitting there. It's on the side of the road that the Meadows is on and it's as you are coming off of 412, right in the area of the bridge in that right-of-way. It's the spot where the original historical marker was supposed to go. Mr. Cahalan said Public Works wouldn't have put that there as the discussions with the property owner were just discussions. Ms. Brown said she'll get a picture and send it to Mr. Cahalan. Mr. Cahalan said he will check on it. Maybe it's a county survey stake. Mr. Horiszny said it's not on the Meadows property? Ms. Brown said no.
- Mr. Horiszny said did your photographers come? Ms. Brown said yes, they did and shot some pictures and they were very friendly. They were on a mission. She doesn't know how many other bridges they looked at in the State of PA. They came all the way from Michigan. The guy is in his 20's or 30's, but just a wealth of knowledge about bridges and he loves the old metal truss bridges. She and Jerry Holum met him down by the Meadows Road Bridge and they hadn't been out to see either of the metal truss bridges in the area, but they were excited about that. They told her they appreciated the fact that the Township knew they were coming as they had some problems in the past. They got up Sunday morning and did their thing and were onto their next set of bridges. They saw the one railroad bridge behind Jerry's property and said it was fascinating. They were also interested in the bridge in Hellertown on High Street. All in all it was a pretty good trip for them and when she knows more, she'll pass it on. Mr. Horiszny thanked Ms. Brown for alerting us that they were coming.

VIII. COUNCIL AND STAFF REPORTS

A. TOWNSHIP MANAGER

- Mr. Cahalan said Lee Weidner stopped by this week and he has generously donated copies of his book "Saucon Secrets" to staff and Council, so there's a copy for everyone. Mr. Cahalan will be sending a letter thanking him for his kind gesture.

B. COUNCIL/JR. COUNCIL

Kimberly Kelly

- She thanked Council for the time she has spent at the meetings. She really enjoyed herself. Mr. Kern said last night at Saucon Valley High School was the sports award banquet, and not only is Kimberly a scholar, but also an athlete. Ms. Kelly said she received the most improved for Track and Field. She set a record on the 4x8 relay team who broke the District 11 record by 14 seconds. Mr. Cahalan said what position are you on the team? Ms. Kelly said she's the anchor and it's a lot of fun.

Mr. Maxfield

- He asked if we have to do we have regarding PennDOT and the speed limit change on Easton Road. What do we do next? Do they just go and change it or do we have to enact it? Mr. Cahalan said we have to do an ordinance change on that. They are going to put the signage up and we will do an ordinance to back that up. He brought it up as an update, so it needs to be prepared and be brought to Council and they have to authorize advertisement.

MOTION BY: Mr. Maxfield moved for approval to prepare and authorize the speed limit change on Easton Road.
SECOND BY: Mrs. Yerger
ROLL CALL: 4-0 (Mrs. deLeon – Absent)

Mrs. Yerger

- She said on June 22, there is going to be a "Sustainable Landscapes" bus tour that is being sponsored by the Department of Conservation and Natural Resources, the Watershed Association, and local conservation organizations. Polk Valley Park is going to be one of the featured sites because of its sustainability as a park. They are very proud to feature it. There are still seats available on the bus, so come join us.

Mr. Horiszny

- He said he thinks the Historical Society was the first "Adopt-a-Road" crew out. They went on the 21st and he's seen the Pagoda family has also done a road cleanup. Mr. Cahalan said they will be giving a report on that shortly. There is a picture on the website under the Adopt-a-Road program.
- He said the Saucon Creek Watershed Plan Advisory Committee met May 28th and meet again tomorrow. They are asking that the Township provide stormwater problem area listings. He will check with the Watershed Association to see if there is additional data already gathered. Mr. Kocher said he has the same copy and if Mr. Cahalan can check with Roger to see if he's okay with that list, then Mr. Kocher will check the list from his perspective and send one list in. It's due on the 28th.

Mr. Kern

- He said he wanted to update Council on the meeting that he and Jack attended last week with the Fire Chief's. He's pleased to announce, that on their own, they came to the realization of the need to consolidate so they are very, very serious about the process and very dedicated to it. They met with Hellertown and Hellertown is on board as well. The

next step in the process is that the fire companies are going to be doing an equipment analysis in determining what equipment is duplicated and what is absolutely necessary. That's really an important part in the process.

Mrs. deLeon – Absent

D. **SOLICITOR** – No report

E. **ENGINEER** – No report

F. **PLANNER**

- Ms. Stern Goldstein said she was recently interviewed by PSAT's magazine and an article will be coming out soon on sustainable parks and sustainability in general. She mentioned a lot of items about Lower Saucon Township and Polk Valley Park so they might be calling to interview some of you. They are getting pictures from the presentation she did at PSAT's where there are some nice pictures of Polk Valley Park

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Council recessed and went into Executive Session to discuss the Patullo zoning variance and open space land acquisition. The time was 8:30 PM.
Council reconvened. The time was 8:53 PM.

MOTION BY: Mr. Maxfield moved to not intervene in the Alex Patullo Zoning Hearing Board variance appeal.
SECOND BY: Mr. Horiszny
ROLL CALL: 4-0 (Mrs. deLeon- Absent)

IX. **ADJOURNMENT**

MOTION BY: Mrs. Yerger moved for adjournment. The time was 8:58 PM.
SECOND BY: Mr. Maxfield
Mr. Kern asked if anyone had any questions? No one raised their hand.
ROLL CALL: 4-0 (Mrs. deLeon - Absent)

Submitted by:

Jack Cahalan	Glenn Kern
Township Manager	President of Council