

I. OPENING

CALL TO ORDER: The General Business & Developer meeting of Lower Saucon Township Council was called to order on Wednesday, June 3, 2009 at 7:22 P.M., at 3700 Old Philadelphia Pike, Bethlehem, PA, with Mr. Glenn Kern, Council President, presiding.

ROLL CALL: Present – Glenn Kern, President; Tom Maxfield, Vice President, Sandra Yerger, Ron Horiszny, Priscilla deLeon, Council members; Jack Cahalan, Township Manager; Leslie Huhn, Assistant Township Manager; Judy Stern Goldstein, Township Planner; Brien Kocher, Township Engineer; Linc Treadwell, Township Solicitor and Stephen Prager, Jr. Council member.

PLEDGE OF ALLEGIANCE

ANNOUNCEMENT OF ANY EXECUTIVE SESSION (IF APPLICABLE)

Mr. Kern said Council met this evening prior to this meeting to discuss personnel issues and also potential property acquisition. As a result of the potential property acquisition, Mr. Kern will make a motion.

MOTION BY: Mr. Kern moved to proceed with an appraisal on the Vanscavage property located on Martins Lane, property ID Q8-11-14.
SECOND BY: Mr. Maxfield
Mr. Kern asked if anyone had any questions or comments? No one raised their hand.
ROLL CALL: 5-0

Mr. Kern said also as a result of the executive session, he'd like to make another motion:

MOTION BY: Mr. Kern moved to direct the Manager and Solicitor to draft a letter to Mr. Maier, residents, homeowners, explaining to them the township's position.
SECOND BY: Mrs. Yerger
Mr. Kern asked if anyone had any questions or comments? No one raised their hand.
ROLL CALL: 5-0

II. PUBLIC COMMENT/CITIZEN AGENDA ITEMS

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

III. PRESENTATIONS/HEARINGS

A. ORDINANCE NO. 2009-03 – CODIFICATION AMENDMENT – PUBLIC HEARING AND CONSIDERATION OF ADOPTION

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Mr. Kern said Ordinance No. 2009-03 has been advertised for a public hearing and consideration of adoption to amend and revise various sections of the Code of Lower Saucon that were found to be inconsistent or revised by other amendments.

MOTION BY: Mr. Maxfield moved to open the public hearing.
SECOND BY: Mrs. Yerger
ROLL CALL: 5-0

Mr. Kern asked if there was any comment regarding Ordinance 2009-03? Attorney Treadwell said this is an ordinance that basically cleans up some errors that were present when the codification was adopted a few years ago. As an example, there are some places where it referred to a Mayor, and obviously we don't have a Mayor anymore. Some places where Township Supervisors still existed and now it has been changed to Council. It's basically cleaning up items like those.

MOTION BY: Mrs. Yerger moved to close the public hearing.
SECOND BY: Mr. Maxfield
Mr. Kern asked if anyone had any questions?
ROLL CALL: 5-0

MOTION BY: Mrs. deLeon moved for approval of Ordinance 2009-03.
SECOND BY: Mrs. Yerger
Mr. Kern asked if anyone had any questions?
ROLL CALL: 5-0

IV. DEVELOPER ITEMS

A. ZONING HEARING BOARD VARIANCES – PATRICK & SANDY ROONEY – 2247 POLK VALLEY ROAD – REQUEST VARIANCE OF FRONT YARD SETBACK TO CONSTRUCT PORCH

Mr. Kern said the applicant is requesting a variance of the front yard setback to construct a porch.

Present – Mr. Michael Cygan, the owner of Lewis Brothers, general contracting firm in Quakertown. He said he is here on behalf of Patrick and Sandra Rooney in their request for a front yard setback, township requirement. The Rooney's currently have a front porch, which is difficult to use for the following reasons. He has pictures in your packets. He said the pictures show a porch that the existing treads are made of stone, and they are rough and uneven. The riser heights vary and exceed maximum code requirements. The mortar has eroded and the stones are becoming loose. All these factors combine to create a potential trip/fall hazard in the use. The Rooney's have applied for a variance to expand the front porch. The porch would be expanded from 55" to 84" in depth and a length of 24' to 27'. This would allow them to have code compliant stairs and also to have a covered access to their front door, which would give them a protected way of getting into their house. It would give them an opportunity to put a couple of pieces of furniture out there and walk around it. The actual expansion of the porch would bring the porch 3' closer to the center of the road. The front setback requirement is 40'. There is a drawing in your packet that shows the plan of the property. That plan shows that the house and the cottage are very close to the road with a stone retaining wall. The stone retaining wall is 12' to the center of the road and the cottage is 15' to the center of the road. This porch expansion would bring the porch 3' closer to the road, but it would still be 5' from the retaining wall and would not intrude on traffic at all. The proposed improvement would allow Mr. and Mrs. Rooney to have a safe and protected access to their front door.

Mr. Kern asked if Council had any questions? Mr. Maxfield said in the narrative, it says the construction will include installation of glass panels to provide code compliant railing protection. Can you explain exactly what that is? Mr. Cygan said there's been a change to the drawing in the rail structure. The current drawing shows balusters which should be placed at 4" on center, in a typical way. The Rooney's have asked for a change on that. They have asked for horizontal rails similar to the ones shown in the picture. In order to be code compliant, we would provide a glass panel so that you would have them meet the minimum requirements as far as a 4" space. Mr. Maxfield said okay.

Mr. Kern said before it goes to the Zoning Hearing Board, it appears before Council and we can support, oppose or take no action.

Council took no action. Mr. Horiszny said the staff did ask us to remind them that with three bedrooms, a sewage permit might be at its maximum, so if that's a fourth bedroom, you need to check with the LS Authority on a sewage permit. Mr. Cygan said okay. Mrs. deLeon said would they have to check with the SEO? Mr. Cahalan said yes. Mrs. deLeon said then it would be the SEO, not the Authority. They would contact the SEO and get the information through the Township.

B. MEADOWS SUBDIVISION – TOLL BROS. – MEADOWS ROAD – REQUEST EXTENSION TO COMPLETE IMPROVEMENTS

Mr. Kern said the developer is requesting a one year extension to complete the improvements associated with this subdivision.

THE MEADOWS SUBDIVISION (TOLL BROS.) EXTENSION

The Lower Saucon Township staff recommends that Township Council approve an extension until August 16, 2010 for completion of improvements at the Meadow Subdivision. This approval is subject to the following conditions:

1. The owners/developer shall enter into an Extension Agreement with the Township satisfactory to the Township Solicitor and Township Council.
2. The Improvements Security shall remain in full force and effect until project completion, 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.

Mrs. deLeon said do we have any issues besides the fourth one? Mr. Kocher said there are ongoing issues and complaints we hear. There isn't anything from the Township that he's jumping up and down for, but we ought to at least send them a letter with some things to address, but it's nothing to hold this up.

MOTION BY: Mr. Maxfield moved for approval of the request for extension to complete improvements for the Meadows Subdivision, per the draft motion.
SECOND BY: Mr. Horiszny
Mr. Kern asked if anyone had any questions? No one raised their hand.
ROLL CALL: 5-0

C. IESI BETHLEHEM LANDFILL – REQUEST EXTENSION TO COMPLETE IMPROVEMENTS

Mr. Kern said the applicant is requesting a one-year extension to complete the improvements associated with their land development.

IESI BETHLEHEM LANDFILL EXTENSION

The Lower Saucon Township staff recommends that Township Council approve an extension until June 11, 2010 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, 2010, 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.

MOTION BY: Mrs. deLeon moved for approval of request for extension to complete improvements for IESI Bethlehem landfill, per staff recommendation.

SECOND BY: Mrs. Yerger
Mr. Kern asked if anyone had any questions? Mr. Lee Weidner, resident asked if the members of the Council would speak into the microphones so we can hear.

ROLL CALL: 5-0

D. ESTATES AT STONEHURST – LOWER SAUCON ROAD – REQUEST EXTENSION TO COMPLETE CONDITIONS OF APPROVAL

Mr. Kern said the applicant is requesting a one-year extension of time to complete the conditions of approval.

ESTATES AT STONEHURST

The Lower Saucon Township Staff recommends that Township Council approve the request for an extension of time to June 30, 2010 to complete the conditions of approval for the above-referenced subdivision.

This approval is also conditioned upon the Developer paying any outstanding escrow account invoices.

Mr. Kocher said there are no outstanding issues.

MOTION BY: Mrs. Yerger moved for approval for request extension to complete conditions of approval for Estates at Stonehurst, per staff recommendation.

SECOND BY: Mrs. Yerger
Mr. Kern asked if anyone had any questions? Mr. Maxfield said has anything been done on that site? Mr. Kocher said no. Attorney Treadwell said that's a plan that had received approval and then was sold and there are conditions that they need to meet before they can do anything out there and that's what the extension is for.

ROLL CALL: 5-0

E. GUS'S CROSSROADS – OLD PHILADELPHIA PIKE – PROPOSED BUILDING ADDITION

Mr. Kern said the applicant is proposing to erect a deck on the existing structure. Since the parcel is in the VC Village Center zoning district, Section 180-65.1 of the Zoning Ordinance requires the applicant to submit architectural drawings for review and obtain an architectural approval from Council. The applicant has already received approval from the Planning Commission.

Mrs. Yerger said the Environmental Advisory Council (EAC) had no comment on this. Bob Arhontoulis, nephew of Gus Zannakis was present. He said he is hoping this will be the final meeting they will be having about this and hopes it gets an approval. It's a 10' x 48' deck they are putting on the side of the building to accommodate a different type of dining and there are pictures he has showing exactly where it's going to go. There was an issue last time because it was misplaced on the drawings. It was showing it was taking a parking spot away. We discussed that at the last meeting, which is not so. We are not losing any parking. We're not adding any new seating. We are actually losing seating inside the restaurant because of the way the doors are going to go. This is seasonal.

Mrs. deLeon said she'd like to see photographs of the patio deck. Mr. Kern said is there any other comment from Council or anyone in the audience? Mrs. deLeon said how many people will sit outside? Mr. Arhontoulis said twenty. Mrs. deLeon said this was approved by the Planning Commission (PC) and the EAC? Mrs. Yerger said yes, and the EAC had no comment on it.

MOTION BY: Mrs. Yerger moved for approval on the proposed building addition at Gus's Crossroads.
SECOND BY: Mrs. deLeon
Mr. Kern asked if anyone had any questions? No one raised their hand.
ROLL CALL: 5-0

F. PIERPONT SLATER – ROUTE 378 – REQUEST FOR SECURITY AND CHANGE ORDER REQUEST

Mr. Kern said the applicant is requesting a security reduction for improvements completed to date. Hanover Engineering has done an inspection and is recommending a reduction in the amount of \$95,091.17. The applicant is also requesting to change the concrete curbing to granite block curbing.

Mr. Kocher said the security reduction is fine. The change in curbing was brought about for aesthetic reasons by the owner. They looked at another bank that had belgium block. It's not along Township streets. We had not recommended you switch that to public streets because the size of your plows, but he would like to use it internally and we believe that it does officially require a waiver from Council. If you are willing to grant the waiver, we should direct the Solicitor to appropriately notify them that he's completely responsible for maintenance on site.

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

MOTION BY: Mrs. Yerger moved for approval of the change order request to change the concrete curbing to granite block curbing for Pierpont Slater.

Attorney Treadwell said it's technically a subdivision waiver. Mr. Kocher said it's appendix A, 3A and G of the SALDO. Those are the sections and this is for only on site curbing. Mrs. Yerger will restate the motion.

SECOND BY:

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- MOTION BY:** Mrs. Yerger moved for approval to grant a waiver for Pierpont Slater on Route 378 to change the concrete curbing to granite block curbing, on site only, for SALDO appendix A, section 3A and G, as per the township Solicitor's recommendation.
- SECOND BY:** Mr. Maxfield
- Mr. Kern asked if anyone had any questions? No one raised their hand.
- ROLL CALL:** 5-0

Mr. Maxfield said we got a copy of the letter from County Conservation District indicating that they failed to use BMP's on the site, what exactly is going on there that they didn't do? Mr. Kocher said they are technically not following some of the provisions of their erosion control construction sequence. There's no sediment leaving the site, but the every development in the Township and every Township get the same sort of letter. There isn't anything leaving the site, but the County does note that they are technically not in compliance.

V. TOWNSHIP BUSINESS ITEMS

A. KINGSTON PARK – REVIEW OF CONCEPTUAL PLAN

Mr. Kern said the Township Planner will review the three (3) conceptual sketch plans that have been prepared for the Kingston Park development.

Ms. Stern Goldstein said you should have three sketches. They are all essentially the same sketch plan. This is the plan that we had talked about previously with Council. It incorporated all of the elements that had been requested. The only difference was the placement of Ella's Garden and we wanted to come back and talk to Council to see which of the three locations were preferred by Council for Ella's Garden and talk about a couple of options. They know it's an integral part of the park. As you look at the plan, to the right is the Lutz-Franklin Schoolhouse. Towards the left is Kingston Park. They are all together because they relate to one another and many of the park improvements are to work together with the use of the schoolhouse. For instance, there is access with the parking for ten spaces, an area for busses to turn around, load and unload school children or others taking a tour of the schoolhouse. There's an area toward the bottom center of the plan for proposed future restrooms. There's an area for a trail crossing from the schoolhouse to a future pavilion. That would be an open air pavilion which would support school children in activities while their classmates are in the schoolhouse. We can run environmental programs there and that's part of the future of the park. The integral part of the park that was talked about for construction immediately was the trails and the parking areas. Together with Brien Kocher and Hanover Engineering, we are looking at the trails being made of a porous material. We're looking at infiltration and best management practices on this site because we think, not only is it the right thing to do, but it's an economical thing to do, and it can serve as a future environmental and awareness education area for these types of improvements, which leads her to the placemat of Ella's Garden.

Ms. Stern Goldstein said in sketch 4, Ella's Garden is near the center of the plan. It's really sort of the crossroads of the two trails and very visible. Sketch Plan 5 has Ella's Garden over to the left of the plan sitting in the curve of the perimeter trail, again close to the drop off area, a focal point, but uphill. Sketch Plan 6 has Ella's Garden situated in the curve of the trail downhill and closer to the pavilion. In looking at the three options from an environmental storm water management perspective, she is a person that likes to make everything functional and attractive, so she likes option 6. It would give us the ability to turn Ella's Garden into a rain garden also and sort of keep the memory of Ella Kingston alive in both the garden and in the usefulness of the garden serving as a storm water management, best management practice. This could then also be used for educational purposes and to mitigate the effects of the improvements on the land. Option 5, is one where visitors to the park would see that right away and it would be a focal point. It would be

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uphill. It's in the large open area. In order to get a lot of the flowers that would thrive in a more native type mix, it would take a little more care in that area as it would at the crossroads of the two trails, which was Sketch Plan 4, the first one near the center of the site.

Ms. Stern Goldstein said all three have excellent access, excellent visibility, ease of maintenance for the gardeners to attend, and all could be absolutely beautiful once fully designed. Right now we are going with the areas because the first part of the park was the skeleton part of the park, which are the trails, the parking, and the garden will come when the skeleton is built.

Mr. Kern said what is your definition of rain garden? Ms. Stern Goldstein said a rain garden is an area that functions as a collection for storm water, but not as a traditional basin would. It does not have steep slopes at all. It just has a slight depression of land, like if you scoop something out with a spoon, and it would be planted with native plants that could tolerate wetness, but would still be chosen for their aesthetic qualities and seasonal blooming. There would be more perennials and shrubs. Annuals really wouldn't have much of a place in a rain garden, but perennials and shrubs, we would pick them for color, shape, function and form to always have something blooming in the summer and it would be the type of garden that you would see more naturalistic. You would not see a formal clipped cutting garden – you wouldn't see roses. You might see iris, as there are purple and yellow in the preferences for the Kingston family. If it's okay with the group, you can go a little more native as there's less of a chance of the garden remaining as a garden and give it a fighting chance so it doesn't need a whole lot of care constantly.

Mr. Kern said one of the issues earlier was how are we going to water it. Ms. Stern Goldstein said when something is first planted, it will need to be watered. Once a rain garden is established, it should not need rain because those plants that are the most tolerant of wetness, but not actual pond plants, are also very tolerable of drought. The hardiest of the plants in there would be wet and drought tolerant.

Mrs. deLeon said has Dr. Kingston reviewed this plan? Which is his preference? Ms. Stern Goldstein said he has reviewed it. Mr. Cahalan said they sent copies awhile back to Mr. Kingston. He was emailed that this was going to be discussed tonight. Mrs. deLeon said she's very sensitive to Ella's Garden, and out of respect for Dr. Kingston, she would like his input on where the garden should be. Looking at this plan, the only thing different is the garden? Ms. Stern Goldstein said yes.

Mrs. deLeon said what is the concept of putting in a well and have one of the frost free pump things you would have access to, how much would that cost? At least there would be water out there. Mr. Kocher said that could be \$3,000 to \$5,000, but it's getting the water out of the well that is the trick because you'd need a pump down in there, and you'd need to figure out where to put the tanks.

Mrs. Yerger said she happens to like No. 6. She likes the rain garden idea, but also just likes the proximity of Ella's Garden to the pavilion where it can sort of have the maximum enjoyment. It becomes a destination along with the pavilion. Some of the plans for the children to utilize the pavilion once it is built, for educational purposes, and the garden would be close proximity and they can enjoy the view of the garden. The position of it was the first thing that hit her and it was the location where the people would have the maximum enjoyment of the garden.

Mr. Maxfield said what would be the conveyance system for the water? How would it feed the rainwater to the garden? Ms. Stern Goldstein said it's the natural low point of that area. If you look at the paving area of the parking and most of the trail, it goes downhill towards that area. Mr. Maxfield said that will be enough to keep that garden supplied? Ms. Stern Goldstein said if it's designed properly – yes. A rain garden isn't one that is depended on having constant water in it. It's one that just is lower lying and will collect some water when it's coming down, but it's not

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meant to hold water permanently. Mr. Horiszny said would you channel water off the pavilion to the garden? Ms. Stern Goldstein said she will have to work with Brien on that one. Her theory is that every problem has two or three engineering answers and her job is to work with the engineer to make sure it's the best answer. Mr. Maxfield said we have rain barrels. Ms. Stern Goldstein said rain barrels would be great. Mrs. Yerger said the proximity of it would allow for the most enjoyment of the garden. Mr. Kocher said they have done testing in case they have to infiltrate the roof water of the pavilion, so they are covered there. The rain garden will serve to treat the run off mainly from the parking area since the trails are going to be pervious anyway, so any three of those will be able to get the parking lot into even the one that it's uphill. Ms. Stern Goldstein said the preference she had is the one she can fit the most naturally into the landscape and that's the only one that can fit most naturally into the landscape and not look like its alien if we are going to put in a depressed area as it's the lowest area. The trail would almost act as the upper berm. If we did one of the other two, we would have to create more of a unnatural shape on the landscape, which certainly can be done, but she looks at shape, form, function, and expense and there would be much less earth moving with the third option.

Mrs. deLeon asked if the proposed pavilion could be described. Ms. Stern Goldstein said the proposed pavilion has not yet been designed, and that was not going to be the first part of the phase of the park. What is envisioned is it would be a gathering place for students while their classmates are in the schoolhouse as the schoolhouse can only accommodate so many. When they spoke with Parks and Rec and Historical Society, it was envisioned there would be simultaneous programs or different programs being offered in the schoolhouse and the pavilion, and possibly even at times when the schoolhouse isn't being used for classes, the outdoor pavilion could be used for environmental education, historical preservation education and simply parties and other functions that people rent parties for. Mrs. deLeon said how large would it be? Ms. Stern Goldstein said it's envisioned to be about 25' x 40'. It's more of a pavilion with picnic tables. That's not part of the first phase, and it wasn't even included in the budget for the first phase. They did provide information on different types of gazebos and pavilions to the Township awhile ago to start looking at. Those are great questions as one of the things she's been trying to work with is to impress upon all of her municipalities, that it's great to start picking out a type of pavilion that a township would want to have and the parks are all similar so that when parks need to be replaced, you have them.

Mrs. deLeon said when we approved the budget last fall, there's only \$150,000 in there, and we really didn't assign anything to that money. Mr. Cahalan said it was put in for construction. Mrs. Stern Goldstein said and that was excluding the pavilion. Mrs. deLeon said what would be considered for that amount of money, then once that is spent, where are we going to get the other money from? Mr. Cahalan said that's something you have to decide for next year. Where we are with this by the time it gets finally approved and into a design plan, we're probably looking at the fall if we are fortunate in getting this completed. The decision on the pavilion is something for future. It could be next year's budget discussion for Kingston and Polk Valley Park. We deferred a decision on that and the tot lot at Polk Valley Park. Mrs. deLeon said looking at that, she doesn't know what we have money for and what we don't have money for. What's prioritized and what isn't? Mr. Cahalan said the priority was to get the parking lot in and then the trails so the access would be to the schoolhouse. Those would be the priorities, plus the engineering and design work to get us there. Ms. Stern Goldstein said the things that would come later would be additional landscaping, pavilion, and site amenities. Mrs. deLeon said when would Ella's Garden be a reality for Dr. Kingston? Mr. Cahalan said he didn't know if the planning, envisioned any budget for the garden. What we were primarily asking Judy to do was to come up with a location and a designated spot for the garden. Council wasn't into the nuts and bolts of what was going into the garden. Mr. Cahalan said there were color schemes, but they didn't assign Judy the task of designing the garden. Ms. Stern Goldstein said the thing with the garden is, once the garden is established for what you would envision for the garden, the design can be done to accommodate that budget, but as you saw early on, a garden such as what has been discussed can be anything from a couple hundred dollars to several tens of thousands of dollars depending on what's in it.

Mrs. deLeon said wasn't there a commitment from Dr. Kingston as far as donating for the garden as it was supposed to be in memory of his mother? The last time we met there were different concepts presented and he was supposed to meet with the township. Mr. Cahalan said he's been staying in touch with Dr. Kingston by email. Ms. Stern Goldstein said he had one early concept with stone paving and steps, similar to something that was outside of an institutional use. He had pictures he came in with one time and that was the extent of it. There were no more discussions on that. Mrs. Yerger said can we get a preliminary budget on the hard costs like the parking lot and where that takes us. Mr. Cahalan said if you are okay with this concept, then it would move to an actual design plan, and Judy and Brien would come up with the estimated probable costs. We would then come back and discuss that with you and then you would decide what you want to cover and what you want to defer.

Mrs. deLeon said she would like to have Dr. Kingston look at the three designs and at least have his opinion rather than saying here's what we picked. Mrs. Yerger said if you look at the hard cost, in general, she can't imagine the garden is by far the largest and biggest component expense wise. Since the design is the same except for the placement of the garden, Brien can obviously move forward with the parking lot. Mrs. deLeon said what you are saying is we are technically not approving this tonight, we can wait and at least work with Dr. Kingston so he has the opportunity to look at this. Mrs. Yerger said since the layout is the same, we can work towards getting prices on the layout. Mr. Cahalan said we would like to move ahead with the final design so we can start doing some of the planting that goes with that, which could take most of the summer and he needs to mobilize Roger and Public Works if we are going to be doing the pervious concrete paving. He is going to bring up a recommendation to award a bid for pervious concrete, which takes into account what we need for Kingston Park and we want to finish Polk Valley Park, so we are trying to get this done this summer. If it is pushed off any further, we are in danger of having this go probably into next year before we have any parking lot and trails down at Kingston. Mrs. deLeon said to her the priority is parking lot. We always said we wanted this additional land for parking so buses can safely enter the school.

Ms. Stern Goldstein said one of the issues is as we turn the design over to Brien and his staff of engineers, we will have to do an erosion and sedimentation plan and get permits from the County to do that work. Since it is June now, that was our hurry. The hurry wasn't to make a decision on the location of Ella's Garden, it was just so we could keep the time schedule. Mrs. Yerger said the parking lots and the trails, if we are happy with that, how much will it affect your grading? Mr. Kocher said if we go with No. 5, we'd have to raise the right end of the parking lot anyway as it's a little steeper there, it's close to 7% and we'd like it at 4%, so we are going to bring the parking lot up anyway. If we have to get the storm water from there into Option 5, we might bring it up a little higher so we are surer to get it over there. Ms. Stern Goldstein said if it's either No. 4 or 6, he doesn't have to do that. Mrs. deLeon said the restrooms are port-a-potties? Ms. Stern Goldstein said yes, they will be in an enclosure. Mrs. deLeon said would that eliminate the port-a-potties over by the schoolhouse or would you have both? Ms. Stern Goldstein said that was discussed early on with the group, and the decision was to move them all, and then there was discussion if someone was in the schoolhouse, it's farther to go to the restroom. Mr. Cahalan said on all three plans, the restrooms are over by the parking area. Mrs. deLeon said they also show existing port-a-johns on the plan. Ms. Stern Goldstein said it was existing at that point. Mrs. deLeon said how does the Society feel about that? If someone wants to go to the bathroom, they have to walk all the way up?

Mr. Horiszny asked about composting toilets? Ms. Stern Goldstein said composting toilets are something they would love to have. They were just a bit more expensive than having the port-a-potties there. Mr. Horiszny said could they be in the same place if you started out with the port-a-johns and then change? Ms. Stern Goldstein said yes, they could be changed. Mr. Horiszny said what about the trail material? Ms. Stern Goldstein said we were looking at the previous concrete.

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The same as at Polk Valley Park. They were looking for something totally ADA accessible, low maintenance and appropriate in different types of weather for people using the parks. Mr. Horiszny said can the trails go behind the schoolhouse too? Mr. Cahalan said that proposal was previously rejected. Mrs. Yerger said it's kind of low and wet. Ms. Stern Goldstein said all the options behind the schoolhouse were rejected.

Mrs. Sue Horiszny said she was going to ask about compost bathrooms, and the second thing was we wouldn't keep the ones behind the schoolhouse, but just keep the new ones in the new areas. If it's a port-a-potty, it has to be along that road? Ms. Stern Goldstein said it has to be accessible so the people who come to clean it out can get to it. Mrs. Horiszny said she was concerned about a night time activity and somebody in the dark needing to walk all the way over to that area, it's kind of far. As far as the school children go, the teachers don't even let them go individually in the backyard, they usually go in groups and the teacher walks with them, so she's sure the same thing will happen when school groups are there, so that will work. Ms. Stern Goldstein said at this point, we were not trying to impose any other design options on to the school property to the south, she's always envisioned that the port-a-potties would be consolidated at one place, but there's nothing in this plan that would preclude keeping the port-a-potty that exists right now and adding the additional ones on the other side. That's something that is really up to the Township and Historical Society. Mr. Maxfield said if the port-a-potty, where it exists right now, were to be converted to composting toilets and then where you have the proposed site now for restrooms, if that were to remain as port-a-potties, he's not sure if composting toilets can be overused and not become functional, but at least the port-a-potty we would know would be serviced out by the bus where a lot of people would use it when they get off the bus. Mr. Cahalan said the other thing is the accessibility. Ms. Stern Goldstein said if we are going to propose a new element on the schoolhouse such as a composting toilet, which she happens to love the concept, we would need to have an accessible route from the schoolhouse to the composting toilet or area, and that would add another element to the plan and she knows that there was great reluctance to add any other trails or formal structure in that area, so she just wants to caution you. Leaving the current condition that you have now is not a problem, but once you start adding new elements, you need to make them accessible, which would be a trail and then the ramifications on that. Mr. Horiszny said the only thing with that, historically, if there was not a trail to the outhouse, then people are going to have to traverse on the grass. Ms. Stern Goldstein said people do traverse on the grass to get there now. Mr. Horiszny said even if they went to composting back where they are now, you wouldn't necessarily need to have a path. Ms. Stern Goldstein said you would if it's a public facility and it has to be ADA compliant.

Mrs. deLeon said are we exceeding any impervious surface? Ms. Stern Goldstein said you are in compliance with the zoning ordinance. You do not exceed the impervious surface. They checked it twice on the individual parcels, the Lutz-Franklin Schoolhouse and the Kingston Park and they checked it on the whole thing together and it met both ways, not with a whole lot to spare, but it met it. Your fairly close the max. If you wanted to do anything significant, you might be in a position needing to deal with a variance. Mrs. deLeon said did you ever identify the spring that was there originally? Mrs. Yerger said it's across the street.

Ms. Barb Ryan was present. She said she wants to share some history with the composting toilets. It was around 2004, 2005, she wrote a grant for a composting toilet to be put on the site and the grant was for \$10,000 at the time and it was rejected by the organization we sent the grant to. She still has the grant, nothing has really changed. It would be great if we could find an organization to submit it to again and try that once again as it was the sentiment of the Historical Society to bring the composting toilets to the site. When she researched that, she calculated the number of uses it would get per the number of school children that they would expect for tours, so all that would still be up-to-date because the equipment itself hasn't changed a lot. Ms. Stern Goldstein asked how many stalls did that have? Ms. Ryan thinks it was two. Ms. Stern Goldstein said two stalls and it was only \$10,000? Ms. Ryan said yes. She was working with a company and they really liked the

project and the price has probably changed now as it's five years later. Ms. Stern Goldstein said if you can get them for \$10,000, that's a great price. Ms. Ryan said she would be willing to look into that again. Mrs. deLeon said can you use the composting toilets in the wintertime? Ms. Ryan said yes. There were several types. They were going with the one that didn't require any water. At the same time, they had looked into putting in a well. Mrs. deLeon said she still likes the well idea. There should be water out there. Mr. Maxfield said did it require power? Ms. Ryan said it requires a fan, but it came with its own little generator to operate the fan. She doesn't think it was solar powered, but it was an option. Also, it does require a lot of maintenance. Mrs. deLeon said who is going to maintain it then? Ms. Stern Goldstein said that would be the big question. She's not a big proponent of port-a-potties, but they are usually maintained because you have a service that comes and cleans them and when they are vandalized they are replaced, as that's part of your contract. With a composting toilet, a great environmental answer to outdoor facilities, it's a wonderful gesture, it's just the right thing to do, but then you are stuck with the issue of maintenance and vandalism. Mr. Kern asked if Ms. Ryan remembered what the maintenance was because composting toilets, if you churn the peat, that's pretty much all you have to do. Ms. Ryan said correct, and the gentlemen she spoke to was really trying to promote it as low maintenance and it seemed kind of overwhelming to her as someone has to get in there and turn it. Mr. Kern said that's what the electric motor would do. Ms. Ryan said she didn't know what model they were getting. She has to go back into the paperwork and look. Mr. Kern said it would be set on a timer. Mr. Maxfield said the other thing he really likes about them, unlike a port-a-potty, they don't tend to smell very badly. That would allow us to put it closer to the pavilion. He wanted to know what she thought about the idea that walkway that comes in front of the school that goes over towards the pavilion, would that be an area where something like a composting toilet would be accessible by trail? If he's reading the scale right, you could get it about 30 feet away from the pavilion. Would it be intrusive in anyway? Ms. Stern Goldstein said the area between the schoolhouse and the pavilion has that small water conveyance in it, the tree line has a little water course in there. The stream goes perpendicular along the corridor in the middle of the tree row. It's probably intermittent at best, but there is a low lying area in there. Mr. Maxfield said he was thinking more outside of the Kingston Park, outside of the trees. Ms. Stern Goldstein said you can do that, as a rule of thumb, when you are looking at park design and use of facilities, you don't want the restroom facilities to be really close to the pavilion. It tends to be a major distraction and tends to separate your uses. It's also creating one more element in the middle of things. You want facilities like that to be closer to that where they can be easily seen and patrolled. If anything is going to go wrong, it's going to go wrong in an enclosed building, and that's essentially what the restrooms are. Mr. Maxfield said if we have to provide some sort of infrastructure to make it accessible, then he doesn't know how else we'd be talking about anything but an additional trail of some kind. Ms. Stern Goldstein said you could put them where the port-a-potties were proposed. Mr. Maxfield said that is quite a distance to the school house? Ms. Stern Goldstein said yes, that is a quite a distance from the schoolhouse. Mr. Maxfield said that's a hike at night. Ms. Stern Goldstein said that's why they weren't deleting the port-a-potty on the schoolhouse property. They met with the Historical Society two years ago, and they didn't want to change that. Lorraine Torrella was very adamant that they didn't want to change the current system they had. She liked having that close by and that's what she wanted. That was only one person expressing it. Ms. Ryan said if you put a port-a-potty near the pavilion, and you have a catered event, you are in violation of a health permit as you cannot have a port-a-potty within a hundred feet of food. Mr. Horiszny said what is the possibility of moving the pavilion? Ms. Stern Goldstein said since nothing is built yet, there are endless possibilities.

Mr. Fran Robb said he doesn't know why we are discussing this again. We were going to put the port-a-potties over there where people are getting off the bus. Secondly, this is a public park, it's not just for the use of the Historic Society. Other people will be going to there. For now, this is the solution we agreed on some time ago; to have the port-a-potties by the parking area. Mr. Horiszny asked if he remembered what the pricing was on the composting privy? Mr. Robb said he doesn't recall what the price was.

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Mr. Maxfield said an ADA question, if we were to stick what Fran is talking about, and that became useable only by members of the society, members that were working there, and the general public would have to use the one that is accessible by trail, does that make us ADA compliant? Ms. Stern Goldstein said no. She'll give you the analogy. An office building that is only being used by the employees of an office still needs to be ADA compliant for the restrooms. Mr. Kern said you can't have an ADA compliant and a non-ADA compliant restroom? Ms. Stern Goldstein said certainly you can. Mr. Horiszny said that was Tom's question. Ms. Stern Goldstein said you are saying you are having one that is for the employees. If something is for the employees or volunteers, it has to be accessible.

Mrs. deLeon said she wants to jump back to the maintenance issue. She likes the composting toilet and it makes sense, but we're talking about churning and all that stuff, but there's one step beyond and that is cleaning it. Churning it and doing the composting is one thing. Mr. Kern said the idea of the composting toilet, when it's done, it's done. Mrs. deLeon said she's not talking about that cleaning, what about the exterior cleaning – the walls, the floors, all that other stuff. Right now the maintenance company for the port-a-potty just comes in and sprays it. It's sanitized. How do you sanitize a composting toilet – somebody is going to have to physically do that. It's going to have to be done on a regular basis. You want it to be clean. Mr. Cahalan said the Public Works staff cleans the Town Hall and Southeastern Park restrooms. Mrs. deLeon said it's an additional expense now for the Township. She just wants to be aware of all the hidden costs. Ms. Stern Goldstein said every amenity has a lifetime cost and that is usually more than the construction. Mrs. deLeon said if there is a schoolhouse function, the restroom should be there. You shouldn't have to walk through to go up there to use them. There should be one by the busses as that makes sense. Ms. Stern Goldstein said the port-a-potty that is out there now could stay. She just cautions the Township with the responsibilities that she is aware of as it's the accessible route from the schoolhouse to the port-a-potty. Grass is not acceptable.

Ms. Ryan said regarding Ella's Garden, she did get a chance to speak to Dr. Kingston. He asked her to represent him tonight. Somehow there was an email glitch and he did not get notification of the meeting ahead of time prior to today and he had another commitment. She emailed him some diagrams, that Priscilla emailed him, and copied Ms. Ryan on, which he got about 5:00 PM, and they went over them. He's very excited to see the plan. He was really ecstatic to see it in print and he thought they were beautiful. He studied them for a little while, and even though he did say he would go with any plan, he preferred No. 6. He said please don't wait on his opinion. He wanted Council to know his preference was Plan 6, but that whatever Council decided, he was okay with. He just wants to see it happen and he doesn't want to hold it up. He wanted to make sure you know that he was very grateful for the plan and excited to see it happen. As far as funding, he said again, that when it was time to design the garden, he would throw some money at it. If there were benches that were not included in the budget or something like that, he would be willing to help out.

Mr. Maxfield said just so we can move along with this, he would like to formally recognize the trails and parking lots as Phase I so we can authorize the beginning of Phase I to start whenever. We can approve the entire concept of conceptual sketch plan 6.

MOTION BY: Mr. Kern moved for approval of conceptual plan No. 6
SECOND BY: Mr. Maxfield
Mr. Kern asked if anyone had any questions? No one raised their hand.
ROLL CALL: 5-0

Mr. Cahalan said they will come back with the costs. Mr. Maxfield said he doesn't have to make a motion as to the phasing as long as we recognize that as Phase I, that will be fine.

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Mr. Lee Weidner, resident was present. He said this may be premature, but have you taken into consideration that all of the pathways need to be handicapped accessible and will the material you chose have that under consideration? Mrs. Yerger said yes, it's all taken care of. Mr. Weidner said thank you.

Mrs. deLeon said you talked about that intermittent stream, where was that again? Ms. Stern Goldstein said it's in the hedgerow area that separates the Kingston Park parcel from the Lutz-Franklin schoolhouse. Mrs. deLeon said it should be depicted on the plan. Ms. Stern Goldstein said it's under the wooded area. You don't see it as it's rendered in green. Mrs. deLeon asked if the colors could be changed. Ms. Stern Goldstein said on the construction plans you will see it. They can put it on the sketch plan.

Mrs. deLeon said did we ever figure out who owned the little triangle? Mr. Cahalan said we own that now. Mrs. deLeon said why isn't it merged into the property? Mr. Cahalan said we never consolidated it. Mrs. deLeon said if a developer would have come before us, we would have asked them to do that. Mr. Cahalan said to go back to direction for the planner on Ella's Garden, maybe we can clarify what we are going to ask Ms. Stern Goldstein to come back with. Is Council asking her to design a concept for a garden and bring that back with suggested plantings and estimated cost and other amenities? Mrs. deLeon said she'd like to see that as Phase II. Mr. Cahalan said she can come back with a concept plan, but you can hold off on it until Phase II. Mr. Maxfield said you said Phase I was going to take most of the summer, why not aim for some type of design towards the end of summer. Mr. Cahalan said he would like direction. Ms. Stern Goldstein said the detailed grading and plantings they will be working out with Hanover Engineering as part of the Phase I for the grading as you don't want to come in and grade that area twice. The actual planting of it and what the structure of plants will be is not going to be a significant expense for the plan to design it. She can come back with some estimates and rough costs for you. Mr. Kern said that was the general idea of the motion above. Ms. Stern Goldstein said for the grading, Brien will do that and they will bring plans and costs back to you on costs of plantings.

- MOTION BY:** Mr. Maxfield moved for approval to have Ms. Stern Goldstein come back with plans and costs, with specifics, for Ella's Garden.
- SECOND BY:** Mr. Horiszny
- Mr. Kern asked if anyone had any questions? No one raised their hand.
- ROLL CALL:** 5-0

B. HELLER HOMESTEAD – APPROVAL OF FINAL PAYMENT TO SOBRINSKI PAINTING

Mr. Kern said Sobrinski Painting has completed the painting work on the interior and exterior of the Heller Homestead House and the Manager will make recommendations regarding the sill restoration work and their final payment.

Mr. Cahalan said at the last meeting, he reported that Sobrinski Painting had come back out this Spring to complete the unfinished and missed items on the exterior portion of the Heller Homestead, which had to do with the glazing and missed areas that needed to be painted. We reported at the last meeting that he and Glenn Kern went out there and Sobrinski was doing some work on the sills. It was Glenn's recommendation, after observing them, that we stop them working on the sills and have them just complete the rest of the missing items. Council directed him to get estimates from other contractors for the restoration work on the two bottom windowsills on the Friedensville road side of the building. He instructed Sobrinski to finish the job on everything but the sills and he contacted Bob Doerr and Brett Lee. The Bob Doerr estimate is in your packet. The Brett Lee proposal is in your red folder. He asked Sobrinski to confirm that they had finished all the rest of the items, and they have, but he doesn't have written confirmation from them. Mrs. deLeon, at the last meeting, pointed out there was a broken window in the house and

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that there was work that needed to be done in the interior on the sill up in the bathroom. He passed that on to Sobrinski and had the impression they were going to take care of that as they said they needed access to the interior. He followed up as Mrs. deLeon mentioned it hadn't been done. He got an answer that basically said they were finished and they were not going to do any more work. They are asking for the remaining payment of \$6,600.00 of the \$9,900.00 contract. We did make a one-third payment and Sobrinski reminded him today that we are not in compliance with our contract because we were supposed to pay them additional money upfront.

Mrs. deLeon said the second floor bathroom, when you rub your hand across the windowsill, they definitely did not sand it, and her understanding was they were supposed to do light sanding so it would be smooth that if paint was chipped off from a previous paint job, they just didn't paint over it. That's what they did upstairs. They were supposed to replace all broken window panes, and obviously, there is still one broken. That wasn't done.

Mr. Kern said his understanding they were supposed to do the sill repair work and we were very specific about the materials they were supposed to use to do that work, which was Abatron, which is very expensive, and he doesn't think they used Abatron to repair the sills based on his screwdriver test. Mr. Kern's suggestion is we deduct the \$1,672.00 from what we owe them and that's what we pay them. Mr. Cahalan said the Bob Doerr estimate also includes some carpentry work. On the sill restoration, we had asked them to avoid doing any carpentry work. We told them PHMC would not approve that. Mrs. deLeon said one window was beyond repair on the Abatron treatment. Mr. Cahalan said Bob Doerr said the better job would be done by adding carpentry, so there is difference between his cost and the other contractor. Attorney Treadwell said if the idea is to pay Sobrinski whatever the remainder is that is owed to them, if you are going to withhold an amount, then it should probably be the lesser amount, the \$695.00 that it would take for Brett Lee to finish the work that Sobrinski was supposed to do. It seems that what Mr. Cahalan just said, the \$1,672.00 includes work that may not have been included originally. Mr. Kern said however, on the other hand, Sobrinski quoted us a price of \$900.00 to just do the sill work repair work without the carpentry work. Mr. Maxfield said do that and cite their estimate. Mr. Cahalan said Sobrinski submitted an estimate of \$970 for the extra work and materials to repair the two sills. Mr. Kern said that was work they should have been doing anyway and should have included it in the contract and they are now charging us extra for. Attorney Treadwell said take the \$970.00 off, which is what they were going to charge us for doing the two windows.

- MOTION BY:** Mr. Horiszny moved that we pay Sobrinski the amount requested less \$970.00 for what they didn't do.
SECOND BY: Mrs. deLeon
Mr. Kern asked if anyone had any questions? No one raised their hand.
ROLL CALL: 5-0

Mrs. deLeon said we have to now figure out who will fix the window sills. Mr. Cahalan said Public Works will take care of the bathroom window and the sanding. Mrs. deLeon questioned the paint. Mr. Cahalan said we can match that. We don't have to pick one of the two bids as the Township is going to do the work.

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

Mr. Kern said the Manager will discuss with Council Wise Preservation's response to the questions discussed at the last Council meeting.

Mr. Cahalan said Priscilla had put together her questions that were raised at the last meeting and those were sent to Bob Wise and Seth Henshaw at Wise Preservation. This afternoon at about 4:30 PM, they got in the response from them which actually was just another submission of the National

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Register of Historic Places registration form with a narrative attached to it and there was no indication in there showing what revisions they had made based on Priscilla's questions. Ms. Huhn was good enough to go through this fairly quickly and on the copy you have, she indicated answers corresponding to the numbers on Priscilla's email, 1 to 14. If you go to the narrative, she has the reference in there to help you find those. After going through it several times, she concluded there are a couple of things they did not address. You may see them if you go through it item by item.

Ms. Huhn said No. 4, the last bullet change "owners raise funds" to "funds are available", she couldn't find that. Mrs. deLeon said Section 4, page 5? Ms. Huhn said right. Mrs. deLeon said Widow's house interior, second sentence, the interior is being restored as funds become available, so they can fix that. Ms. Huhn said everything else in 4 was addressed in that paragraph. Mrs. deLeon said does Council have any questions on Widow's House, Tenant's House, if so, just let her know. Mr. Maxfield said did one of those questions address the windows or doorways that have been moved? Mrs. deLeon said he had a sentence in here before that was part of the Colonial Revival, and she didn't like that as it wasn't, just because you moved a window to a door, or whatever, so he deleted that sentence out of there. Her issue was, and you were there Tom, when we named it the Widow's House and we called it the Tenant's House previously and Ken had written an article in our newsletter and said we named it the Widow's House because Anna Stever was the widow that lived there. They never called it a Widow's House and if you look up the wills over the years, they called it the house, not the Widow's House. They never called it that back then. We figured it out.

Ms. Huhn said No. 2, you provided that information from the Library of Congress, she doesn't see where that's at? Mrs. deLeon said they didn't mention Library of Congress, and they weren't real specific and maybe it should be more specific. They might not have put it in that paragraph, but they did put it somewhere else. Ms. Huhn said No. 11 is where they did add it. Mrs. deLeon said we did get the Dendrochronology report on the barn, and it's definitely now 1790. She doesn't know if that should be in here anywhere. Barbara Ryan said Section 7, page 6. Mrs. deLeon said on the bottom of the page, "the barn was photographed by Charles Dornbush and John Heil for their typology of Pennsylvania barns, photographed in their book and also documented in it for the historic America building survey in 1941". It doesn't say that those pictures are in the Library of Congress. Should it be in here? To her, it's significant that it's in the Library of Congress. Mr. Kern said why not include it, it would be a good cross reference.

Ms. Huhn said No. 5, they addressed the barn ruins, but the last sentence should read, "before it was razed by the Township in 1998", they did kind of touch on that in No. 6. Mrs. deLeon said are you okay with No. 6 or are you questioning that? Ms. Huhn said she's okay with that, and she's thinking that is addressing No. 6 for No. 5 for your third bullet. Mrs. deLeon said if you look on Section 7, page 6, where you have circled "the arch was filled in", keep going past and the next sentence, "The original barn was professionally documented before it was razed by the Township." Ms. Huhn said okay.

Mr. Maxfield said in No. 6, is there a day associated with that like in No. 5? Mrs. deLeon said it should have a date in both of them, page 6 and page 7, so we should add a date. Ms. Huhn said the sentence starts out, "In 1998, the barn was". Mrs. deLeon said okay, it's in there. Ms. Huhn said on your comments, section 8, page 1, she doesn't know if they answered your question. You were just asking a question. Mrs. deLeon said Seth said the 1798 tax reference doesn't really say it's assumed it's one story, but back then they did a loft, so there was a loft inside the room, and there were steps going up to it, so he feels that's probably what it was. Ms. Huhn said that's all she had.

Mrs. deLeon said she had a couple of things he fixed. Saucon River should be changed to Saucon Creek. On section 7, page 5, when they talk about the Widow's House, the last paragraph, "Widow's House interior in 2002, 2003, the heating system and electricity were upgraded and the plumbing removed". That was when we got the grant, and he didn't have it right. He has it right

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now because they replaced the furnace with a heat pump, and the electricity was upgraded. There was an upstairs bathroom and the plumbing pipes were removed. She thinks that is accurate now. She doesn't know how anybody else feels, but the reference to the founding of Hellertown reads better now and it gives you both options now. It's also important to stress the importance of Michael Heller to Hellertown and Lower Saucon area and we now have the reference points that he was one of the first people to join the calvary that went to Lehigh Gap for the massacre of the Moravians and he also went to Valley Forge to give food to Washington's men. That's now documented with the references and that's significant. That's pretty much it. Maybe it wouldn't hurt to put when they talk about the barn, circa 1790 in there as we know that and maybe use this as a bibliography now. That should be an added sentence to the barn.

Mrs. deLeon said if no one has any questions or additions, she would ask Council, on behalf of the Heller Homestead to send a letter to Carol Lee in support of this application that we support preserving the Saucon Valley history because it tells a story of the early life in Hellertown and Lower Saucon and that we recognize historic preservation and would like this property listed on the register. If that could happen, she would appreciate. This would be conditioned with the two changes we have.

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

Mr. Lee Weidner would like to bring everyone up to the significance of this tract that's been prepared and he's proud of it and wants to thank all volunteers from the foundation of the Conservancy, and all the way up to today, in support of Council and wanted to let you know the Michael Heller Homestead has become an unbelievable active place for historical discussions. For example, Christina Fish from Hellertown has dropped by to discuss the Hess family. Richard Wade, a member of the Kentucky Rifle Association, is working with the Conservancy and Hellertown Historical Society on the research of the Moll family, who invented and produced the Moll Rifle. Barb Farlough called Mr. Weidner two months ago. She is leader of one of the Quester groups. The Questers are a group of old ladies who love to talk about history, and we did that a couple of weeks ago. Robert Cremmins, CEO, from the Ivyland Foundation, has come by for advice on putting a book together similar to Saucon's Secrets. Jim Heller, one of the descendants from Pine Grove, has been to the Homestead a couple of times and he's coming back tomorrow for more information. Some other Heller descendants, Billy Ulgergren from Lumberton, NJ; Milt & Geneva Crane from Southampton, NJ; Patty Gaskel from Tabernacle, NJ; and Ned Kelchner from Hellertown; has stopped by, he's 90 years old and originally from Hellertown, and he has provided Mr. Weidner with plenty of information that will be published about Bingen ninety years ago. Finally, Ernie Deitz, will be coming down with Melissa Hugh, who is the President of the Slatebelt Heritage Center, in Pen Argyl. Ernie is a direct descendant of the Heller's and is providing a great deal of information. Mr. Weidner is going to give them a tour on the 13th at 1:30 PM of the Heller Homestead, all the way down to the quarry and then north to the Thomas Iron area on the Hellertown side. Ernie is very knowledgeable about the Simon Heller family who removed to Plainfield Township, so there's a great deal of communication going on and recording of history and he just wants to thank all of you for the support and the publicity has helped also.

D. AWARD OF BIDS FOR PERVIOUS PAVING MATERIAL, E3M EMULSIFIED ASPHALT AND TOPSOIL

Mr. Kern said bid openings were held on May 29, 2009 and the Manager will provide Council with the results and recommendation of bid award for the pervious paving material for Polk Valley Park and Kingston Park, the E3M Emulsified Asphalt for paving work and topsoil to edge the trail at Polk Valley Park.

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Mr. Cahalan said the pervious concrete bid, we had three bids submitted and Frank Casilio and Sons was the low bidder. The costs are \$84.00 for front discharge mixer, \$71.00 for triaxle dump truck, and \$65.00 per yard FOB. He is recommending the bid award to Frank Casilio in those amounts.

MOTION BY: Mr. Maxfield moved for approval of Frank Casilio for the pervious concrete bids with the amounts as stated above.
SECOND BY: Mrs. Yerger
Mr. Kern asked if anyone had any questions? No one raised their hand.
ROLL CALL: 5-0

Mr. Cahalan said the E3M Emulsified Asphalt, there were two bidders, Garden State Asphalt Materials was the low bidder at a price of \$1.99/gallon, an estimated total of \$29,850.00.

MOTION BY: Mr. Horiszny moved for approval of Garden State Asphalt Materials for the E3M Emulsified Asphalt with the prices as stated above.
SECOND BY: Mr. Maxfield
Mr. Kern asked if anyone had any questions? No one raised their hand.
ROLL CALL: 5-0

Mr. Cahalan said there was one bidder for the topsoil for Polk Valley Park and Kingston, to Jafo Development for a price of \$22.00/yard delivered – screened, and \$14.00/yard delivered – unscreened.

MOTION BY: Mr. Maxfield moved for approval of Jafo Development for the topsoil with the price as stated above.
SECOND BY: Mr. Horiszny
Mr. Kern asked if anyone had any questions? No one raised their hand.
ROLL CALL: 5-0

E. REVIEW OF REVISED ARBORIST PROPOSAL

Mr. Kern said Boucher & James has reviewed the revised Arborist proposed for the scope of services for the trees on the Herman property in association with the Polk Valley Park connector trail.

Ms. Stern Goldstein said you are seeing this again. Although Mrs. Herman had expressed a great desire to have the Spruce tree removed when the site meeting was held, Mr. Herman apparently felt differently, and since it is a significant old tree, so we are respecting his wishes and having that tree remain. Ms. Stern Goldstein she thought the cost would be greater to keep the tree, but she was surprised that the cost is less to keep the tree and do tree protection than it was to take the tree down. They are coming back to Council tonight with the revised proposals to grant that award to Joshua Tree in the amount of \$4,025.00.

MOTION BY: Mrs. Yerger moved for approval of Joshua Tree in the amount of \$4,025.00.
SECOND BY: Mr. Maxfield
Mr. Kern asked if anyone had any questions? No one raised their hand.
ROLL CALL: 5-0

VI. MISCELLANEOUS BUSINESS ITEMS

A. APPROVAL OF MAY 20, 2009 MINUTES

Mr. Kern said the minutes of the May 20, 2009 Council meeting have been prepared and are ready for Council's review and approval.

Mr. Horiszny said page 9, line 33, Tom changed his motion and it said Tom changed his second. We need to change the word "second" to "motion".

MOTION BY: Mrs. Yerger moved for approval of the May 20, 2009 minutes, with corrections.

SECOND BY: Mrs. deLeon

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

ROLL CALL: 4-1 (Mr. Horiszny – No)

B. APPROVAL OF APRIL 2009 FINANCIAL REPORTS

Mr. Kern said the April 2009 Financial Reports have been prepared and are ready for Council's review and approval.

MOTION BY: Mrs. Yerger moved for approval of the April 2009 financial reports.

SECOND BY: Mr. Horiszny

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

ROLL CALL: 5-0

VII. PUBLIC COMMENT/CITIZEN NON-AGENDA ITEMS

- Stephanie Brown, resident, was present. She said Saturday morning, she called the police because there was construction going on behind her about 6:30 AM. She said she made a mistake of calling them because they didn't seem interested at all with her complaint and they argued with her that it wasn't that loud. She pointed out the fact that she thought there was an ordinance that construction wasn't supposed to start until about 7:00AM. The officer went back and talked to the party doing the construction and it was already past 7:00 AM when the officer got there, and they claimed they had started at 7:00 AM, which wasn't true as she drove back there and saw them working at 6:45 AM. The officer said they told him it was 7:00 AM and that was it. She is a little disturbed about that. Mr. Kern said you have to catch them a little earlier next time. Ms. Brown said she's upset with the officer's attitude that it wasn't a big problem and he didn't seem informed about the ordinance and didn't relay the information to the contractors. The last time she was here with construction problems regarding Toll Bros. was when the concrete was being poured and being worked on until midnight. At that time, she was told the Township was going to send a letter to Toll Bros, was that ever sent? Mr. Cahalan said he doesn't recall there was any direction to send a letter. His recollection was from the P\police report that they handled it at the scene, and it was taken care of. They were handling concrete late in the evening, and the police report also indicated that when he came back to your house he couldn't hear the noise from the generator. Ms. Brown said the issue is not that specific incident. The issue is when she was here, she was told a letter was going to be sent to Toll Bros. Mr. Cahalan said he doesn't recall that. Ms. Brown said she does and she'll get out the minutes if she has to. It's a problem this time of year, so she's asking the Township to address it. Mr. Kern said if you catch them at 6:30 AM, you have a better chance with the police getting there. Mrs. deLeon asked if it was a private person or Toll Bros.? Ms. Brown said it was Toll Bros. Mrs. deLeon said what she's saying is this is a repeat problem. Mr. Cahalan said last time it was a subcontractor laying a floor. Ms. Brown said it was for a house under construction. Mr. Cahalan said he will have to report back to

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Council and look back about this letter. Mrs. deLeon said even if it's not in the minutes, Toll Bros. needs to be reminded they shouldn't be doing their work before 7:00 AM, especially on a weekend. Mr. Cahalan said he will get in contact and remind Toll Bros. about the time they can start construction and the time they must end. Mr. Maxfield said if Toll Bros. has subcontractors, it is their responsibility to send that information to the subcontractor and it wouldn't hurt, to send them a letter reminding them of Township rules. If they don't want to listen to it, then we should take some action. We need to just remind them with a letter to let them know the times. Mr. Cahalan said regarding the generator and the concrete, the officer asked the subcontractor to move the generator in the garage which he did, and the officer went back to Ms. Brown's home and could not hear the generator. Mrs. deLeon said the officer has to use his discretion. Ms. Brown said the bigger point is that Toll Bros. is working beyond the hours of the ordinance. Mrs. deLeon said we are in agreement the Manager should send Toll Bros. a letter. Mr. Cahalan said he will take care of that.

- Ms. Brown said she has to bring up the website again. There was a meeting regarding the Watershed last week and the only reason she knew about it was because it was on TV. It wasn't on the Township website, and she doesn't understand why. Mr. Cahalan said an email notice was sent out following the last Township meeting as Council directed us to send out notice to as many parties as we could. We worked on putting that together and came up with about 30 to 40 people. We did not put anything on the website as time was of the essence. There wasn't enough time to get it on the website. Mr. Maxfield said the watershed group didn't expect it to be on the website. They were happy with the notification as it's a private group. It's not a Township group. Ms. Brown said didn't the Township pay money for this report? Mr. Maxfield said no, it was grants from DEP. The money came out of applications from Lehigh County. They were kind of removed from it, as a Township. They provided the place to hold the meeting. Ms. Brown said she finds the website to be highly annoying. She can't find information in a timely manner and doesn't understand why it isn't being used to its fullest potential because she lives ½ mile from the creek. Because she's not a property owner on the creek, she shouldn't know about this meeting? Mrs. Yerger said to be perfectly honest, she is a property owner on the creek and it was designated that all the tributary property owners were going to be notified, and she didn't receive notification. The only reason she found out about it was through here. It was a select group of mailings that went to to a select group of property owners and that was determined by the conservation district. Ms. Brown said she wanted to go to the Lutz Franklin schoolhouse and couldn't find out information about that. Mr. Cahalan said he's glad she brought that up because he had mentioned at the last meeting that the information should have been on the website of the Lutz-Franklin Schoolhouse and he checked and it was on their website. Ms. Brown said she was on the website the Friday before and it wasn't on there. Mr. Cahalan said it was on their website Saturday, May 16 that there will be a dedication ceremony, and they were inviting people to a morning ceremony, so he stands corrected as it was on their website. Mr. Horiszny said he's sure it was on their website early. Mr. Maxfield said he saw colored flyers of that page and he knows the info was out there. Mr. Cahalan said the information you are looking for is available, but at different sources, and you seem to be singling out the Township's website. Ms. Brown said that's what she uses. Mr. Cahalan said there are other sources of information.
- Ms. Stephanie Brown asked where we were with getting a stop sign up at the Meadows? Mr. Cahalan said we have an update on that. The historic marker, we are in discussion with the Meadow's catering facility on the site plan and we will be showing the location for the historic marker on that site plan and then the Solicitor will be discussing that with the property owner as far as the necessary sign off easements. For the stop sign at the Meadows driveway, we do have an okay from the property owner to locate the sign at the end of the driveway and what we have to do is bring it back to Council and decide what type of enforcement authority we are going to have behind that, ordinance or what have

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you. They will be working on that and it will be taken care of. Ms. Brown said the reason she brings it up again as it's at the point of urgent that it needs to be put up. It's very dangerous down there. Since the stop signs were put in, she sees no advantage for them being put up. She is getting more and more close calls coming out of the Meadows and she's not the only person. This is the time of year the Meadows is heavily used. She keeps seeing ads in various newspapers and publications that they have a five day restaurant starting at 11:00 AM. She was not aware that the area was zoned for a restaurant. Mr. Cahalan said you are correct. That's being taken care of by the Zoning Officer.

➤ Ms. Brown said recently she was at the Heller Homestead and she overheard a member of the Historic Committee talking to a woman who was inquiring about different historical things in the Township. This woman wanted to learn all she could as she was new to the area. Ms. Brown has a painting down at the Homestead that belongs to her and there is some information up about it, and she was disappointed to hear basically what amounted to "the bridge is it's a wreck, and it's going to fall down at any minute, so it's going to end up getting torn down". She was amazed to hear that. Those weren't the exact words, but sums up to what she heard. She's a little upset with that. She was happy when she came to the Watershed meeting and heard what they said about the bridge. She's just at a point where we don't see anyone other than her getting the bridge saved. She was confused by what she read in the watershed report, it had future projects the Township wanted to do and one of the things was to restore the Meadows Bridge at an estimated cost of \$250,000. She was not aware of that, but you can't restore something that's not there. It was an estimated cost towards the back of the book. Mrs. Yerger said that needs to be tracked down as that figure is not accurate. Mr. Cahalan said was it to improve flood control? Mr. Maxfield said there were recommendations in it as there's actually a possibility of purchasing some property adjacent to the bridge in the floodplain. There were statements in there about the bridge itself that it was not the problem with the flooding, but the narrowness of channel downstream and the absence of anywhere for the water to go. It may have been mentioned as a cultural artifact, but he doesn't recall those details, but he will look into it. Mr. Cahalan said he doesn't think it talked about the restoration of the bridge, it was saying the bridge would remain and this would act as restoration as a floodplain. Ms. Brown said she's talking about two different things, the bridge not causing the flooding and one of the project was listed cleaning up flooding problem on Easton Road. It was proposed or things the township wanted to do. Mr. Maxfield said the Township has a prioritized of problem roads. He will look into it. Ms. Brown said it was a table several pages long.

➤ Ms. Brown had asked whether something could be put up about the bridge on the website? Mr. Cahalan said they have some draft information that has been provided to the Historic Committee on the Meadows Bridge and the Ehrhart's Mill area, and the Redington Chapel. As soon as those get cleared, they will be put on the website. Mr. Horiszny said he saw an article recently about bridge repairs, did anyone else see that? Some Township had a guy that was good at it and repaired the bridges. He'll try to look for the article. Ms. Brown said when she read what was in the watershed report about the flooding and the Meadows bridge, and the bridge not being the source of the flooding, it became important to her once this report gets published and shared with the public, that information needs to be shared with Northampton County as they have the belief the bridge is causing the flooding. Mr. Maxfield said it's already been sent to County agencies and LVPC for review. The County itself, he doesn't know if it was sent to them, but that's a good idea. Mr. Cahalan looked up the Saucon Creek Watershed Management Plan and said the reference is to the bridge by Mr. Kern's house, the Iron truss bridge on Old Mill Road, and it says \$250,000. Ms. Brown said that's not it. Mr. Kern said it doesn't matter as you know Council is in support of the bridge, but our hands are tied until the County makes a move and then we have to react. We are proactive but have to wait until the County does something. We generated all the reports we have to let the County know we want to preserve the bridge. Ms. Brown

said there seems to be some historic sites in this township that are more important than others and she put a lot of work into this bridge and it's not going anywhere. Mr. Horiszny said you should be encouraged that this Smart Transportation thing that the DOT supposedly is undertaking is always going to ask what the Community wants, what's the smartest, what's the cheapest, what's the overall benefit of all transportation problems, supposedly. Mr. Kern said when it comes down to it and the County does make a move, it may be most cost effective to preserve the bridge because there are bridge preservationists that can do it for less than a new bridge would cost. All the money that has been put into Old Mill Bridge, that bridge is never going to be used again. The Meadows is still a viable bridge and the township says they don't have money to take over the Meadows bridge. Mr. Kern said it's part of what has been designated as a national historic landmark. It happens to be a unique bridge. Mrs. Yerger said we could not get the Meadows Bridge as a national historic landmark. Mr. Maxfield said we should be happy the bridge is still up and we're doing what we can do. Ms. Brown would like the watershed report be sent to County Council. Mr. Maxfield said it can be sent to the people who we talked to before. Mrs. deLeon said when she reads information about the stimulus package, and the money being spent for roads and bridges, she thinks they are talking more PennDOT than County. Does the County get a piece of that pie, do we have to apply for that? Is there any way we can light a match? Mr. Maxfield said we can apply for it almost like a developer puts out a bid in on a piece of land. We could say if we get this, we'll take the bridge over from the County and restore it. Anybody can apply for those funds. Mr. Kocher said the bridge funds are a little tricky because they are for minimum work of \$5 million so you have to have more than one bridge on the list. You can lump bridges together, but you'd have a five bridge project. PennDOT is paying for the bridge out on Lower Saucon Road.

- Ms. Brown said with the piece of land for sale down at the bridge by the Meadow's, has the township ever looked into purchasing that? Mr. Cahalan said Council did review that. It was very expensive.

- Tom McCormick asked about the status of Giant's application for the gas station and ask if anyone knows what the next pending action would be. Ms. Stern Goldstein said the initial land development plans were in. Reviews were issued by Boucher & James and HEA, one from the Police Department and the Authority. At this point, the ball is in the applicant's court and they need to revise the plans and resubmit. They have not resubmitted. The next action will occur if and when they submit. New reviews will be issued and they will be schedule for a PC meeting. There will be a site meeting to look at some of the issues. Kevin Kochanski has looked at some storm water issues and so has Dan from Hanover. Chris Garges is looking at conditions from the original land development to see what has been satisfied and what may or may not still be an open issue. The landscaping that was designed by Wildlands Conservancy has not been installed and the township is aware of it and money is being held in maintenance. As far as the new application, it's in their court now. Mr. McCormick said he would hope there would be some legal review. Attorney Treadwell said he is involved to a certain extent and is working with Chris Garges. The ball is in their court, however, we do have a limited amount of time. If they don't resubmit, we will vote to deny it.

VI. COUNCIL AND STAFF REPORTS

A. TOWNSHIP MANAGER

- Mr. Cahalan said he has some dates for PennDOT meeting. Bob Mack was in touch with Dennis Toomey, who is the acting County Manager and he suggested the following dates, June 23 after 10 AM, June 25 between 10 and noon, and June 29 after 1:00 PM. Mr. Maxfield and Mrs. deLeon said they'd like to go to the meeting. They decided that June 25

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would work for both of them. You will meet with Dennis Toomey and his boss, Chuck Enoch, the Assistant District Executive. Mr. Cahalan said they will notify Bob and he can notify Dennis Toomey.

B. COUNCIL/JR. COUNCIL

Stephen Prager - None

Mr. Maxfield

- He said he had one question – last meeting he asked that we contact the PHMC about the archeological resources – have we made any progress or heard anything? Mr. Cahalan said he hasn't done that yet. He will send a letter.

Mrs. Yerger

- She said she has three recommendations from the EAC. No. 1 they are requesting that the township Council approve their recommendation that the Sr. Girl Scout by the name of Mary Elizabeth Anthony be allowed to adopt the Native Plant Garden as her Silver Award project. You have copies of the motions.

MOTION BY: Mrs. Yerger moved for approval as she stated above.

SECOND BY: Mr. Horiszny

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

ROLL CALL: 5-0

- She said the second motion was to ask Council to officially include addendum I and II to the NRI section of the LST Open Space Action Plan.

MOTION BY: Mrs. Yerger moved for approval as she stated above.

SECOND BY: Mrs. deLeon

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

ROLL CALL: 5-0

- She said the third motion has two sections. A motion was made and approved 5-0 (2 absent) that the Township staff send a letter to both DEP and the LST Sportsman's Club notifying both entities that the DEP application for removal of the dam along the east branch of the Saucon Creek has numerous errors with regard to the questions about the township conservation plan and the county comprehensive plan and the joint municipal plan. They answered the questions incorrectly. They said we are requesting that the Township hold Lower Saucon Sportsman's Club to the most environmentally protective compliance of the Township regulations with regard to the clubs dam removal project. We asked that it be reviewed vigorously by both the Township Planner and the Engineers with compliance to our environmental ordinances because what they have in that plan is probably not very environmentally sound or at least we need to make sure of that by review of that from our consultants. Mrs. Yerger said the first one will be a motion and the second one will be direction for Mr. Cahalan.

MOTION BY: Mrs. Yerger moved for the Township staff to send a letter to DEP and Lower Saucon Sportsman's Club notifying them that they have answered these questions incorrectly.

SECOND BY: Mr. Maxfield

ROLL CALL: 5-0

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Mr. Horiszny

- He had a request regarding the PA Highlands Trail Committee and he thinks Jennifer talked to us about the Highland Trail, and he wondered if anyone was interested in being on that committee? If so, he will respond to her, or else he might just accept the possibility on being on the committee. Did anyone go to the trail meeting they had in Springtown?

Mrs. Yerger left the meeting – the time was 10:01 PM.

Mr. Johnson said he attended the meeting, but it was in Quakertown. They had three meetings, and he didn't make the one in Springtown. Mr. Horiszny said would you be interested in being on that Committee? Mr. Johnson said initially he was, but when he found out some of the things they want to do, he thought he didn't want to be involved with it. One of the things they want is an easement across each person's property where their trail is going to run, and you can imagine how much difficulty there is going to be to get that. He thought in the current times when we have all these economic problems, he just didn't think he wanted to be using his efforts to try to push something through like that so initially he told Tom he was interested, then send him an email telling him he wasn't. If you want to go for it, fine. Mr. Horiszny said he'll investigate it further.

- He said he will not be at the next Council meeting.

Mr. Kern - None

Mrs. deLeon

- She said last Thursday the Heller Homestead held an Artist Reception for Vivian Fitzsimons and it was very well attended. Everyone had a good time.
- On Tuesday, June 16, 2009, the Hellertown Lower Saucon Chamber of Commerce is having their annual Phyllis Schnaible merit award dinner at the Meadows and it's \$30 per person. They will be honoring Ryan Cawley who will be studying construction management in the fall at Northampton CC. He's also a Jr. Fire Fighter in the community. Every year the Chamber awards \$1,000 scholarship to a graduating senior.

E. ENGINEER - None

F. SOLICITOR - None

G. PLANNER - None

VII. ADJOURNMENT

MOTION BY: Mrs. deLeon moved for adjournment. The time was 10:04 PM.

SECOND BY: Mr. Horiszny

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

ROLL CALL: 5-0

Submitted by:

Jack Cahalan
Township Manager

Glenn Kern
President of Council