

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. Update on Leithsville Station 61 Fire
- B. Resolution #49-2012 – Honoring Carol Schneider

IV. DEVELOPER ITEMS

- A. Zoning Hearing Board Variances
 - 1. Verizon Wireless – Hickory Hill Road – Seidersville Substation – Request Variance to Construct a Wireless Communications Facility
 - 2. Pamela G. Samuels – 1380 Clearfield Avenue – Request Variance of Rear Yard Setback to Install a Swimming Pool
- B. Estates at Stonehurst – Lower Saucon Road – Request for Extension to Complete Conditions of Approval
- C. Ranch Holdings, LLC – 3725 Old Philadelphia Pike – Preliminary/Final Approval

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- A. Se-Wy-Co - Leithsville Fire Company Merger
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- C. Kingston Park Lighting
- D. Saucon Valley Community Center – Approval of 2012 Summer Recreation Program Agreements
- E. Results of Road Material Bid

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VII. PUBLIC COMMENT/CITIZEN NON-AGENDA ITEMS

VIII. COUNCIL & STAFF REPORTS

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

IX. ADJOURNMENT

Next EAC Meeting: June 12, 2012
Next Saucon Valley Partnership: June 13, 2012 @ SVSD
Next Zoning Hearing Board Meeting: June 18, 2012
Next Council Meeting: June 20, 2012
Next Planning Commission Meeting: June 28, 2012
Next Park & Rec Meeting: July 2, 2012

I. OPENING

CALL TO ORDER: The General Business & Developer meeting of Lower Saucon Township Council was called to order on Wednesday, June 6, 2012 at 7:01 P.M., at Lower Saucon Township, 3700 Old Philadelphia Pike, Bethlehem, PA with Mr. Glenn Kern, President, presiding.

ROLL CALL: Present: Glenn Kern, President; Tom Maxfield, Vice President; Dave Willard and Priscilla deLeon, Council members; Jack Cahalan, Township Manager; Leslie Huhn, Assistant Township Manager; Linc Treadwell, Township Solicitor; Judy Stern Goldstein, Township Planner; Dan Miller, Township Engineer; and Jameson Packer, Jr. Council Member. Absent: Ron Horiszny, Council member.

PLEDGE OF ALLEGIANCE

ANNOUNCEMENT OF ANY EXECUTIVE SESSION (IF APPLICABLE)

Mr. Kern said Council did meet in Executive Session just prior to this meeting to discuss personnel issues and he will defer to our Solicitor to describe the details.
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Attorney Treadwell said there were three separate issues. The first was contract negotiations with the non-uniform employees. The second discussion item was the Neighborhood Improvement Zone (NIZ) legislation litigation. The third item was a personnel issue regarding a Township employee. As a result of those discussions, there are two possible things for Council to consider taking action on. The first would be the personnel issue, which is in regard to an employee who has been on worker's compensation and is resigning and resolving his worker's compensation claims and for unused vacation time and a couple other things. The amount due to that individual would be \$6,386.92. If you want to approve that, we would need a motion to do so.

MOTION BY: Mrs. deLeon moved for approval to pay worker's compensation and unused vacation time of \$6,396.92 to a Township employee, as stated above by the Solicitor.

SECOND BY: Mr. Maxfield

ROLL CALL: 4-0 (Mr. Horiszny – Absent)

Attorney Treadwell said the second item for Council to take possible action on is a Position Statement regarding the NIZ legislation litigation. This was put up on the screen in Council chambers. He said this is a Position Statement by the Council of Lower Saucon regarding the NIZ petition for review. There are eleven (11) items in this statement as we discussed and the action for Council, if you so choose, would be a motion to approve that Position Statement.

MOTION BY: Mr. Maxfield moved for approval for the Position Statement on the NIZ, as stated above by the Solicitor.

SECOND BY: Mrs. deLeon

Mr. Kern asked if there was any public comment? Copies were handed out of the Position Statement. Mr. Kern said if anything comes up later after you have read this, you can discuss it under Public Comment/Citizen Non-Agenda items.

ROLL CALL: 4-0 (Mr. Horiszny – Absent)

II. PUBLIC COMMENT/CITIZEN AGENDA ITEMS

Mr. Kern said if you are on the agenda, you have Council's undivided attention. We will address you thoroughly and completely at the end of each agenda item. We do open it up to the public for public comment. If you are here for a non-agenda item, that would fall under Item VII. Public Comment/Non-Agenda Items. That would be your opportunity to speak at that point. If you do speak, we ask that you use the microphones as we transcribe the minutes are transcribed verbatim and we want to make sure we get every word and please state your name for the record for the transcriptionist.

III. PRESENTATION/HEARINGS

A. UPDATE ON LEITHSVILLE STATION 61 FIRE

Mr. Kern said Se-Wy-Co Fire Company, Chief Tom Barndt, will update Council on the May 24, 2012 fire that destroyed the Leithsville Fire Station. Personally, Ken Luybli invited Mr. Kern over to the station the night of the tragedy and he had seen the pictures on the website of what had happened, but being the first person was a whole other deal. It was quite impactful and quite shocking, and his heart goes out to the first responders because seeing it first-hand, as this is the first time he's seen anything of this magnitude, was just incredible. To have you guys and girls in our Township to do this on a volunteer basis to go in there and do what you do, just amazes him and he thanks you from the bottom of his heart. It's just incredible. Mrs. deLeon said that goes from all of Council.

Mr. Kern said on a lighter note, he did hear that night that Lynn Keck happened to be in the station just prior to the impact and he noticed there was a bee's nest outside and went in to get a can of bee spray and as soon as he went to spray the bees, that's when the impact happened, so we have to thank God that we have bees and a bees nest at the Leithsville Fire Station. Also, thank God that Lynn didn't know you are supposed to spray bees at sunset. We're glad to have Lynn still with us. He said let's all take a moment of silence for all those involved in this tragedy.

Chief Tom Barndt said he's the Fire Chief at the Se-Wy-Co Fire Department. First of all, he'd like to thank Glenn and Council for having him here. He'd like to bring everyone up to date as there are a lot of rumors going around and the rumors will always continue. He'd be more than willing to come back on a regular basis to give you an update. As far as the fire update, they are currently working with their insurance company to get through everything. As you can imagine, it's pretty tedious. They had to go through an inventory of all the trucks, all the equipment, everything in the station that they lost. There really wasn't much there, and they had stuff that was melted and it was just incredible. The devastation he saw in his third years in the fire department and twenty-two in the police department was just unbelievable. They've been making good progress with the insurance companies. They started the demolition yesterday and started tearing down the building. Tony Medei, the Captain, said they are about 75% through with the demolition. All the demolition work is being done by one of our Township contractors, Mark Walters, through the insurance company. They set up a separate bank account for donations, which will be used to offset the cost of rebuilding the fire house in the event that insurance should fall short. That was set up a couple of days after the incident. They plan to rebuild the station in the near future. Obviously, they have to get a truck first. Their priority right now is to get a tender truck or a water tanker truck. That's their most important truck that they need to get on that side of the Township. In the event that they do find one, it will be housed at Se-Wy-Co station on Route 378 until they get a building built down there. They currently have a committee formed to start to spec a new truck. He's been in contact with the Fire Commissioner for the State of PA. Those of you who were here a couple of years ago remember when the Fire Commissioner was at a Council meeting, he actually called me the day of the incident to offer any support. He's reached out to many fire departments to see if we could get a loaner until we get a truck built. Our priority is to get the water tanker, and then we would go and spec out another engine and obtain a forestry truck. That's the order they will go in. The committee's they formed are a Truck Committee, a Station Rebuilding Committee, a Fundraising Committee, and a Public Information Committee to assist them to get through the incident. They really delegated through the men of the fire department, and they've all taken ownership as he would expect from all of them through this incident. The Tuesday after the incident, they had thirty-two of thirty-four members at their fire department for a meeting, and the two that couldn't make it were out of town. He cannot thank all of the neighboring fire department's close by and across the tri-state area. You can only imagine the emails, phone calls that he's received and the other members have received for their outpouring of support. He can't thank the residents and the public enough for their ongoing support through this difficult time and

he especially can't forget the Township, the Fire Commissioner's office and the County EMA. They've all reached to them and it's a helpless feeling because he can probably have a hundred trucks sitting in a parking lot somewhere, but he has no place to store them and they aren't going to do that. If they can make do with the apparatus at the Se-Wy-Co station has right now and mutually from our neighboring departments, especially Hellertown, Southeastern, Steel City, Springtown and Upper Saucon. They've had departments offer to put men and women in our station if they needed time to rest. He can assure you that is not going to happen. These guys have stood up and they are ready to make it work even better than it was. HE will answer any questions anyone has. The only thing he will not answer is anything with the accident investigation as he cannot. Unfortunately, he's the one that is handling that, so it's double duty for him.

Mr. Kern asked if Council or anyone in the audience had any questions? No one raised their hand. Chief Barndt said if there are any questions down the road, you can call him or email him.

Mr. Willard said how will the results of the investigation be reported when it can be discussed? Chief Barndt said as far as the police investigation, that could take months as the State Police, the coroner's office, our Township police department, are all involved and they are all doing their separate areas. This week they inspected what was left of the truck. It could be three or six months down the road, but it will be revealed in a press release through the Northampton County District Attorney's office as they were also on the scene. Mr. Willard asked Chief Barndt if he would come back to another meeting and report back to Council after the investigation is closed? Chief Barndt said yes, he would come back.

B. RESOLUTION #49-2012 – HONORING CAROL SCHNEIDER

Mr. Kern said Resolution #49-2012 has been prepared honoring Carol Schneider for her community service to the Saucon Valley.

A RESOLUTION RECOGNIZING CAROL SCHNEIDER FOR HER COMMUNITY SERVICE TO THE SAUCON VALLEY

WHEREAS, Carol Schneider has unselfishly served the residents of the Saucon Valley for more than twenty-five (25) years; and

WHEREAS, beginning with Easter Bunny breakfasts nineteen (19) years ago, Carol has been involved with numerous activities with the Saucon Valley Jaycees, including terms as Vice President and eight terms as the club President; and

WHEREAS, Carol has been a booster for the Saucon Valley Elementary School where she organized the popular Scholastic Book Fairs and Family Fun Nights which have raised over \$80,000 for the school's classroom libraries; and

WHEREAS, Carol has been a dedicated volunteer at Saucon Valley Youth Sports Association activities where she can usually be found at the snack stand offering up good laughs and cheer along with the hot dogs and soda; and

WHEREAS, after fighting her own successful battle with cancer, Carol has worked tirelessly for over ten (10) years on the annual Saucon Relay for Life event which has raised over \$150,000 to help in the fight against the disease; and

WHEREAS, Carol has provided a friendly and cheerful welcome to visitors to Lower Saucon Township where she has worked as the Receptionist since November 4, 2002; and

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WHEREAS, Carol will be recognized for this outstanding service by the Saucon Valley Community Center on June 15, 2012.

MOTION BY: Mrs. deLeon moved for approval of Resolution #49-2012.

SECOND BY: Mr. Maxfield

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

ROLL CALL: 4-0 (Mr. Horiszny – Absent)

IV. DEVELOPER ITEMS

A. ZONING HEARING BOARD VARIANCES

1. VERIZON WIRELESS – HICKORY HILL ROAD – SEIDERSVILLE SUBSTATION – REQUEST VARIANCE TO CONSTRUCT A WIRELESS COMMUNICATIONS FACILITY

Mr. Kern said the applicant is proposing to construct a new 110' tall commercial communications tower. The existing 102' pole is not structurally sufficient to support a co-location.

Ms. Kate Durso was present on behalf of Verizon Wireless. She said Verizon Wireless has a gap of coverage in the vicinity of the Seidersville sub-station. They first looked at the existing poles on the site to try and see if they could co-locate. As you may recall, there is a Sprint attachment immediately adjacent where they are proposing to go. Then it was last year or the year prior that Metro PCS received approval to co-locate on the adjacent privately owned property. This is a similar type installation. Unfortunately, because of the number, the weight and the loading of the antennas that Verizon requires, the existing poles can't basically support those antennas. What they try to do is find a way to construct a free-standing site as far away from the residents as possible and sort of from an aesthetic standpoint to blend in with the existing poles that are there and locate it as close as they could to the Sprint ones so that from a visual aspect you would see the antennas similarly situated as the Sprint ones; being as close to the highway as possible and far away from the community that is adjacent to the sub-station. They've submitted to the Zoning Hearing Board for variances in order to do that. We need a variance to permit the use as well as one setback variance. The setback variance is primarily because they are trying to locate it as far away from the adjacent neighborhood and as close to the highway as possible. We did provide the Township with some photo simulations that they had prepared to show from a visual standpoint that really would not be able to see the antennas and there wouldn't be much of an impact, at least they believe the photo simulations show, from aesthetic standpoint.

Mr. Kern said how close to the Sprint towers? Ms. Durso said she thinks they are approximately 150'. It is shown on the plans they submitted, it's just hard to decipher.

Mr. Maxfield asked what the height of the pole is, the one you are proposing? Ms. Durso said it's 110' in height, 112' to the top of the antennas. There is no lighting proposed. The preliminary determination from the FAA and the Bureau of Aviation would be that no lighting would be required either. Mr. Maxfield said is there any additional lighting at the base? Ms. Durso said it would be a motion type, nothing that would be on 24 hours a day. They are also proposing the fence compound and the screening around the fence compound, primarily buffering where the houses are, as well. Mr. Maxfield said the FAA determined the lights, can we have a guarantee there will be no lights on the tower? Ms. Durso said yes. The FAA pretty much said they wouldn't have to. They haven't gotten the approval yet, but yes, everything leads to that.

Mr. Kern said out of curiosity, where is the current gap in coverage? Ms. Durso said the current gap in coverage; she will show them on the plans. The white area is basically the gap in coverage. Mrs. deLeon said they can't read the roads on it. Andrew Peterson, DBM Engineering, representing Verizon Wireless, said the purpose of the site is too full first for coverage, as previously mentioned. The areas where there is currently a coverage gap are illustrated by the lack of green shading here in the exhibit and just to back up for a second, this is a map of the area surrounding with the road, I-78 being most prominent, and the Township boundaries are in black. The existing Verizon Wireless facilities are illustrated with black triangles and are numbered. He can go through the details of each of the existing facilities. The proposed facility is illustrated with a blue dot, which is central to the exhibit. The green shading indicates existing reliable service to Verizon Wireless customers. The absence of that, the white areas that are essential to the areas as well, they represent areas where Verizon Wireless subscribers may have issues with their service. The purpose of this facility is to address the coverage issues and to add capacity, particularly for events that may go on at the campus for Lehigh University sporting events and other attractions that are held there.

Mr. Maxfield asked if the white angle as it goes up there is basically the mountain top? Mr. Peterson said yes, generally speaking when it comes to radio frequency coverage and service, it's dictated by its topography. Mr. Maxfield said how much of that white area of you actually plan to cover? Your coverage really can't go over the mountain or not too far. Mr. Peterson said there is a phenomenon with radio frequency, where there is some defraction, there will actually go over the top, but you can see as we dip back down on the other side, there's really no line of sight or enough of this phenomenon to go down on the other side. That's not really the purpose of the facility. The objective here is to stay on this side of the mountain and add coverage to the residences, add capacity to Goodman Campus and address the issue along I-78.

Attorney Treadwell said he thinks Ms. Durso described it was on the Seidersville sub-station for people who don't know what's there, can you explain what that is? Ms. Durso said there are multiple PPL poles and electric lines, as well as the one Sprint pole where there's a PPL utility pole that has antennas at the top, and base equipment at the base of the facility surrounded by a fence compound. There are multiple poles on the sub-station. For such a smaller sized tract of land, there are about thirty-five poles, give or take.

Mrs. deLeon said can you show her the other map underneath that with the pink areas? That fills in a lot of the white? Then that's going to improve the coverage? Ms. Durso said absolutely. This analysis was done showing what type of coverage Verizon Wireless would have if they constructed the facility and placed the antennas was at the elevation that's proposed. The determination was that was the minimum height necessary in order to do the coverage and the capacity for that site. Mr. Peterson said topography has a lot to do with that; and also, the orientation of the antennas. These aren't an old fashioned whip style antenna which a 12', 20' long antenna that directs energy around it. These are panel style antennas. Typically the site is sectorized. This one will be into three sectors. There will be three sets of four antennas which is the design here, and the energy is directed mainly to the horizon in three sectors and in this case, we are orienting them kind of up and down I-78 and one generally south, so they are not oriented evenly in the horizontal plan. They are oriented around the horizontal plain, but not evenly, so it kind of gives you this funny shape. The other important factor is there is also existing coverage that's illustrated here and they are only showing the new coverage when it is stronger than the existing, so there is some overlap, which is obscuring the new coverage. Mrs. deLeon said there was coverage there, it just wasn't strong enough. Now it's going to be better. Mr. Peterson said in a nutshell, yes. Ms. Durso said in some areas, there's coverage now that will be better. In some areas, there is no real coverage, there's an inability to make some calls

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using the Verizon phone. Mr. Peterson said there may be coverage below that threshold but it's not illustrated as they have to draw the line somewhere, and that line is drawn where Verizon Wireless believes to be a reliable service threshold. Anything below that, you may or may not make a call, and it may be spotty service. You may not have good output on your data session, etc., etc. There's an engineering decision where that threshold is drawn. Ms. Durso said another thing about the capacity. Everybody now has the cell phones and it's just not the calls anymore, it's the data being transmitted, so you have to be able to accommodate that. A lot of people now have placed the hard line telephones with their cell phones so they want to be able to do the internet, emails and everything on one device, and that sort of takes up the capacity as well.

Mr. Willard said on the coverage map you distributed, it shows existing cellular facilities as shown as flat triangles, and the legend is proposed cellular facility in blue, the one we are now discussing, but in his understanding from what you said earlier and from the documents, there are poles that are 102', there's just no Verizon. Mr. Peterson said there are poles there, but they are not cellular facilities. The blue dot just represents the single proposed cellular facility. The others are related to PPL's sub-station. Ms. Durso said this is just showing what Verizon has. It does not show what Sprint or Metro PCS would be providing. She thinks that's what he is asking. Mr. Willard said you both answered his question.

Mr. Maxfield said he thought we did have some applications in the past for that site for other cell companies, co-locations. Ms. Durso asked the PPL people who were there, would there have been any other pole co-locations request for that cell station besides the Sprint and the Metro? Mr. Maxfield said is this on the downside of I-78? Mr. Damiano said he wants to correct what was said before, the Sprint site is about 50'. Mr. Kern said the aesthetics of the poles themselves, is it as depicted in the mock-up drawings? Ms. Durso said yes. Mr. Kern said it's just a thin pole, there are no arrays on it? Ms. Durso said there are antenna arrays that will be at the top. You can't see them on the drawing. What they did took photographs first of the area, then they superimposed the areas with the antennas. Because of the different existing poles or existing trees that are in the area, they are showing, based on their photographs, what of the pole and antennas would be visible from those locations.

Mr. Kern said do you have a detail of the antenna array? Ms. Durso said just a photograph? Mr. Kern said there must be a drawing of what the array is going to look like. He said is this array to scale on this drawing or is it just a representation? Ms. Durso said that's to scale.

Mr. Maxfield said he's looking at the photo simulations. You can see a bit of antenna there. They did a pretty nice job there. Ms. Durso said the mountings are on the three sides.

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

Mr. Kern said this is a step before the Zoning Hearing Board, where it's presented to Council and we can support, oppose or take no action. What is the desire of Council at this point? Mr. Maxfield said he would like to see a written guarantee of no lights on the pole. He would like to make that a condition to the Zoning Hearing Board.

2. **PAMELA G. SAMUELS – 1380 CLEARFIELD AVENUE – REQUEST VARIANCE OF REAR YARD SETBACK TO INSTALL A SWIMMING POOL**

Mr. Kern said the applicant is proposing to construct an above ground pool which does not comply with the rear setback or maximum impervious coverage. The lot is undersized and does not meet minimum lot size requirements.

Ms. Samuels was present. She said their lot, as it stands right now, is of a much smaller size than the area of their house would. The house in the back covers too much of the impervious ground. They are not asking to put in an in-ground pool, it's an above ground pool, which they've had at another place they lived. They are used to having it. They've lived there for four years and four years in a row, she and her son-in-law put up a pool not as big as the row of chairs here. It served its purpose for awhile, now her son-in-law had serious surgery and they can't do that anymore, so they would like to see if this would be approved. They respectfully request a variance.

Mr. Kern said Council has the paperwork. Are there any comments by Council? Mr. Maxfield said this is a tough one. We're already over on impervious coverage without the pool. He believes, if he's not mistaken, Clearfield Avenue is at the top of the mountain, so we have storm water runoff issues to think about. Chris Garges will tell us if it's an above ground or underground pool, it still is impervious. Dan Miller agreed. Mr. Maxfield said we need to be consistent and we need to oppose it.

Mr. Kern said how much over the impervious? Mr. Maxfield said it's a 400 square foot pool and it's basically 400 square feet over. Mr. Kern said it looks like that.

Ms. Samuels said she would like to take into consideration the rest of the area where the neighborhood is and where their home is located. It's our home. Mr. Maxfield said he thinks that we may be looking at that exact situation from two different directions. When we talk about impervious coverage and storm water runoff, we're very much thinking about your neighbors, and the people all the way down slope from you. As we know, storm water tends to build up as it goes down. We've consistently, as a Council, opposed requests for impervious coverage above the allowable amount unless it's like 1% or 2%, and this is quite a bit more. The percentage is 38.9%. Again, he's said this before, he loves that people enjoy their property here in Lower Saucon Township, but we live here as a community and we have to take into consideration the runoff problems for your neighbors and the surrounding area. That would be how he feels about it.

Mr. Kern said what's the patio like as it's about the same square footage as the pool? Do you use the patio? Ms. Samuels said yes, they use it a lot. Mr. Maxfield said he thought of that too, they could replace it. Ms. Samuels said directly down the street from them, where there's no grass at all on that property with an older home there, the whole area in there, all the lots are of smaller requirements and yet their house that was built on that lot was built oversized. It's like no fault of our own. They do have the right to enjoy their own property. Mr. Maxfield said you do and he doesn't think we are looking for fault. We are just looking at conditions and circumstances as they exist. It's tough, as we do want you to enjoy living here and we want you to have the things that you enjoy, but there might be a greater problem here. That's how he feels about it from an environmental standpoint. He can't support it.

Mr. Kern said it is a challenge, and one of the frequent things here that Council hears is storm water runoff problems when something new goes in and then neighbors come in and complain and there's a newer development. Toll Bros. off of Meadows and behind the Giant, that developer built larger style homes on smaller lots and we had a string of Toll

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Bros. residents coming in for exactly what you are asking for and that's to put a pool or patio in. If we had granted one, we would have had to grant them all, then the run off problems would have started. Then it becomes a nightmare. That's why the ordinance is in effect to protect the neighbors from the run off problems that can become nightmares. Basements get flooded that have never been flooded before, that kind of thing. Ms. Samuels said they really don't have that type of problem in that neighborhood. Mr. Kern said that's because no one is going over the impervious coverage and that's the reason the ordinance is in effect. As painful as this is, he can tell that you are a great family, but the ordinances are in effect for a reason, and he has to support what Mr. Maxfield is saying here. He's been up here awhile and seen the effects of the opposite.

Mrs. deLeon said may she offer a suggestion and something for Ms. Samuels to think about. She's looking at the diagram with the 425' patio and then the oval pool. She knows you said no before, but just if there's a way you could take the pool and merge it with the patio. She knows people have pools and they come outside their home and they walk on a patio and the pools right there. If you could smooch them together, that may work. Ms. Samuels said they don't have a lot of room. They already are losing a lot of the landscape the way it sets now.

Mr. Willard said he's the newest member of Council and this is the first time he had to sit here and oppose something. He would have to say in reading the information they received in advance, without speaking to Ms. Samuels, the numbers were so extreme, it seemed like he should oppose that. It is painful to do this and hard for a Council. Ms. Samuels said she's 65, she's done. This is for her family.

Mr. Kern said this is going to the Zoning Hearing Board and they can just ignore everything Council said. It's really in their hands. Council is just offering a suggestion to them. Mr. Maxfield said if it makes you feel any better, the percentages they based our ordinances on, are very lenient. He saw a study recently that stated about half of what we allow is impactful to neighbors. We're allowing somewhere in the neighborhood of 15%, 20%, whatever it is, half of that is when people start to notice problems. We feel we are pretty lenient, but this is probably a step we can't take.

Mrs. deLeon said if the vote goes to oppose it on a Council level and it goes to the Zoning Hearing Board, if you decide to reconsider what we've discussed up here and make things smaller and closer, and it gets to the Zoning Hearing Board, there's a point where you can amend the plan without starting all over again. It would cost you more money to start all over again if you would go backwards. You need to know that, just so you don't say we should have done that, and then it's too late at some point. Ms. Samuels said she can't believe all the money it cost her already to get a pool and she understands. Thank you for hearing her.

- MOTION BY:** Mr. Maxfield moved to oppose the variance request of rear yard setback to install a swimming pool, and ask that Attorney Treadwell attend the Zoning Hearing Board meeting if it goes through.
- SECOND BY:** Mr. Willard
- Mr. Kern asked if anyone had any questions or comments? No one raised their hand.
- ROLL CALL:** 4-0 (Mr. Horiszny – Absent)

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

Mr. Kern said the applicant received final approval for the six (6) lot residential subdivision on June 4, 2008 and is requesting an extension of time to complete the conditions of approval.

**STAFF RECOMMENDATION ESTATES AT STONEHURST FOR THE JUNE 6, 2012
LOWER SAUCON TOWNSHIP COUNCIL MEETING**

The Lower Saucon Township Staff recommends that Township Council approve the request for a one (1) year extension of time to complete the conditions of approval for the above-referenced subdivision until June 4, 2013.

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

Mr. Kern said there is a staff recommendation. Is anyone here representing the Estates at Stonehurst? No one attended. Mrs. deLeon said is there any problems with this that we know of? Attorney Treadwell said no, it's a six lot subdivision and it's got approval, they just have to sign the agreements, post security and do all those kinds of things. They are just not ready to proceed yet.

- MOTION BY:** Mrs. deLeon moved for approval for an extension for Estates at Stonehurst, based on the staff recommendations motion of June 6, 2012.
- SECOND BY:** Mr. Willard
- Mr. Kern asked if anyone had any questions or comments? No one raised their hand.
- ROLL CALL:** 4-0 (Mr. Horiszny – Absent)

C. RANCH HOLDINGS, LLC – 3725 OLD PHILADELPHIA PIKE – PRELIMINARY/FINAL APPROVAL

Mr. Kern said the applicant is proposing a lot line change which will essentially create two larger lots from three existing lots which contain two single family dwellings.

STAFF RECOMMENDATION FOR RANCH HOLDINGS, LLC, 3725 OLD PHILADELPHIA PIKE AND 1446 CLAUSER DRIVE TAX MAP PARCELS Q6NW3-9-13, 14, AND 15 PRELIMINARY/FINAL SUBDIVISION PLAN APPROVAL FOR JUNE 6, 2012

The Lower Saucon Township Staff recommends that the Township Council approve the Preliminary/Final “3725 Old Philadelphia Pike & 1446 Clauser Dr. Lot Consolidation Plan,” as prepared by Springtown Consulting, LLC, dated March 22, 2012, last revised May 23, 2012, consisting of Sheets 1 of 4 through 4 of 4.

Subject to the following conditions:

1. The Applicant shall address the review comments contained in the letter dated May 30, 2012 from Hanover Engineering Associates, Inc. to the satisfaction of the Township Council.
2. The Applicant shall address the review comments contained in the letter dated May 31, 2012 from Boucher & James, Inc. to the satisfaction of the Township Council.
3. The Applicant shall provide two (2) Mylars and seven (7) prints of the Record Plans with original signatures, notarizations, and seals. Four (4) complete sets of Plans shall also be provided with original signatures, notarizations, and seals. The Applicant shall also provide two (2) CDs of all Plans in an AutoCAD format (jpeg-ROM).
4. The Applicant shall pay any outstanding escrow balance due to the Township in the review of the Plans and the preparation of legal documents.

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5. 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.
6. All waivers and deferrals granted shall be noted on the Plans with the applicable section, requirements, date of approval, and any conditions of approval.

It is also recommended that Township Council approve waivers from the following requirements of the following Subdivision and Land Development Ordinance (SALDO) sections:

1. Section 145-33.B.1 – to allow the plan to use a 1”=30’ scale.
2. Sections 145-33.C(1) and (2) – to not require any more existing features be shown on and for the required 500 feet surrounding the site.
3. Sections 145-36, 145-45.B(1) and (9) – to not require any physical improvements to the roadway frontage other than monumentation.
4. Section 145-44.H – to allow Lot 1 to continue to have its second existing driveway, which is in excess of the one driveway permitted.
5. Section 145-46.B – to not require utility and drainage easements along property lines, nor to require a drainage easement over the existing drainage channel.
6. Section 145-52.B – to not require any street tree plantings other than those planned to be preserved.

It is also recommended that Township Council approve deferrals from the following requirements of the following Subdivision and Land Development Ordinance (SALDO) sections:

7. Sections 145-45.B(1) and (9) – to defer dedication of the future right-of-way shown on the plan, conditioned upon future lot owner notification found acceptable to the Township Solicitor.
8. Section 145-47 – to defer installation of monumentation along the future right-of-way shown on the plan, conditioned upon future lot owner notification found acceptable to the Township Solicitor.

If the Council is voting on this matter, it is requested that the Council authorize the Township Manager to notify the Applicant of Council’s actions.

Ted Koven of Springtown Consulting was present. He’s here with Joel Nordmeyer of Ranch Holdings. Mr. Koven said just to basically go through the proposal, as mentioned before, the property is at 3725 Old Philadelphia Pike and 1446 Clauser Road. There are currently three parcels that make up the parcel, and for years it was shared by various different members of the family and different uses. Structures were used by the same family on different lots; therefore the lot consolidation was necessary in order to clearly delineate the uses and to break up the uses on both the lots. The property is gross about 1.4 acres. They don’t propose any earth disturbances. Ranch Holdings is renovated each of the existing homes on the parcels. In fact, the one on 3725 Old Philadelphia Pike has been fully renovated and is being listed at the moment. The only other item he wishes to discuss is the Hanover comment, A.4. - the request about showing the north-south property line and the property corner to the north. Just to go back into it, basically it’s his understanding that you are looking to show this property corner in order to provide an answer on the right-of-way width? Mr. Miller said this whenever someone does a subdivision, there’s an expectation they show where the adjoining property owners are and the boundaries. He’s talking

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about the property line, the specific corner. This is to show conceptually where your property is. We're not asking you to survey your adjoining property. Mr. Koven said he thinks they can live with that. That's what he wanted to clarify.

Mr. Koven said that's the only question he had, so essentially it's a "will comply". He has the agreement which is signed by Mr. Nordmeyer. Mr. Kern said have you seen the staff recommendation? Mr. Nordmeyer said yes. Mr. Kern said the recommendation letter has been signed.

- MOTION BY:** Mr. Maxfield moved for approval of the staff recommendation dated June 6, 2012 with the conditions and waivers enclosed.
- SECOND BY:** Mrs. deLeon
- Mr. Kern asked if anyone had any questions or comments? No one raised their hand.
- ROLL CALL:** 4-0 (Mr. Horiszny – Absent)

V. TOWNSHIP BUSINESS ITEMS

A. SE-WY-CO/LEITHSVILLE FIRE COMPANY MERGER

Mr. Kern said Se-Wy-Co Fire Company, Chief Tom Barndt, will update Council on the merger of the two fire companies.

Chief Barndt said he can tell you the fire departments had their final reading and vote on the merger on Monday, May 14th at 7:00 pm at the Se-Wy-Co station. Everybody voted unanimously for the merger. All paperwork has been sent to our Solicitor so it can be disbursed through the proper channels for finalization, that being the County, the Township, the State, the Federal Government. There are a lot of hoops you have to jump through and it could take two to three months down the road, but they are well on their way. All of their bank accounts have been solidified into a single account. All of their insurance is under one policy. Obviously, they have been working under a single chain of command now for the last two years, and the administrative part of the fire department is also operating under a single chain. They are no longer two separate entities. They are one, and the only thing they have to wait for is the paperwork. The DCED grant that he applied for through the Township was approved and that will be used for re-lettering of the sign out front and new turnout gear. He's been in contact with DCED and they are trying to rectify the problem with what happened and he thinks they will still be okay and will be able to get all of the grant money to be used for that once they rebuild. Once they get the final papers, they will have a big press release and they will come here first.

Mrs. deLeon asked if the merger is just between Leithsville and Se-Wy-Co? Chief Barndt said correct. Currently, they are using the names of the Se-Wy-Co station and the Leithsville Station under one station number through Northampton County and that station number is 18.

Mr. Maxfield said thanks for setting a positive and successful example. Chief Barndt said thank you very much and it goes out to the guys at the fire departments. It hurt the guys from the Leithsville station to come to Se-Wy-Co for the merger, but they knew it was the right thing.

As much as it hurt Mr. Kern to stand there and watch that building burn that night, what really hurt him was to watch the guys from Leithsville being brought up there and lose what they put out. That's what hurt him the most and he was there from the time it started until the time it ended, and it still bothers him to this day.

Mr. Cahalan said Chief Barndt mentioned the \$10,000.00 grant they received. Originally, when they brought this to Council, it was just to support the application they were submitting. It turns out that the condition that they got the money on was the funds have to be disbursed through the

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Township. They received a contract in the mail and it required the signature of the Council President. They had to have it back to DCED by May 14th, so they asked the Council President to sign that and he is asking Council tonight to ratify that action.

MOTION BY: Mr. Maxfield moved for approval of ratification as stated above.

SECOND BY: Mrs. deLeon

Mr. Kern asked if anyone had any questions or comments? Chief Barndt said he didn't realize it was that way, as he had three days to get the grant done. Rob Brady from DCED worked with him and they got it through, and it was after the fact, but they will work on it. Mr. Cahalan said that's not a problem. They will get the money to them and they'll use it for the purpose that Chief Barndt specified.

ROLL CALL: 4-0 (Mr. Horiszny – Absent)

Mr. Cahalan said the second item he didn't get on the agenda, but it has to do with Se-Wy-Co. They also received a grant from the County Gaming Authority last year for \$5,000.00 for a spill response trailer. They went out and outfitted that piece of equipment and spent \$1,136.76. The policy changed, based on a legal opinion that the equipment had to be owned by the Township and they had to make the payment, so they are asking for a resolution be approved here. We did it previously for the Dewey Fire Ambulance. There is the Resolution #2012-50 that is in your packet.

**RESOLUTION DOCUMENTING DISBURSEMENT OF GAMING FUNDS AWARD TO
SE-WY-CO FIRE COMPANY**

WHEREAS, pursuant to the Pennsylvania Race Horse and Development and Gaming Act (Act 2004-71), as amended, local governments receive a "Local Share" of gross terminal slot revenues of certain licensed gaming facilities to support and enhance community and economic well-being and mitigate the impact of gaming and related activities; and

WHEREAS, Lower Saucon Township received a Local Share Municipal Grant Award of \$5,000 on June 3, 2011 from the Northampton County Gaming Revenue and Economic Redevelopment Authority for the Se-Wy-Co Volunteer Fire Company in Bethlehem, PA; and

WHEREAS, this funding was to be used for the purchase of a spill trailer and equipment for Se-Wy-Co Volunteer Fire Company.

WHEREAS, on January 24, 2012 Lower Saucon Township, following receipt of invoices documenting that the items had been purchased, made payments from this grant award in the amount of \$1,136.76 to Se-Wy-Co Fire Company.

Mr. Cahalan said all this does is documents that those funds were disbursed by Se-Wy-Co to be used for the spill trailer and this will be submitted to the Northampton County Gaming Authority. They want this for their records.

MOTION BY: Mr. Willard moved for approval of Resolution #50-2012 documenting Disbursement of Gaming Funds Award to Se-Wy-Co Fire Company.

SECOND BY: Mr. Maxfield

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

ROLL CALL: 4-0 (Mr. Horiszny – Absent)

B. DISCUSSION ON LUTZ-FRANKLIN SCHOOLHOUSE REPAIRS NEEDED

Mr. Kern said the Lower Saucon Township Historical Society has brought to our attention that the cupola and windows on the schoolhouse need to be repainted and several glass window panes in

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the building are either broken or missing. The Historical Society is requesting direction from Council on how to proceed with these needed repairs.

Mr. Cahalan said he enclosed some photographs in your packet which were provided to the Township by the Historical Society. Sue Horiszny is the President. Fran Robb is from the Historical Society and is responsible for the building. The pictures depict that the paint that was applied back in 2006 or 2007 when the schoolhouse was completely redone is peeling on the cupola and on the windowsills and the pictures also show that there are several panes of glass missing or either damaged on the windows, either from tree limbs that have fallen or stones that have been kicked up by the people mowing the grass. There is a lease that the Historical Society has with the Township for that building and it does require the Landlord to make necessary repairs, so they are asking the Township how they should proceed with this. Mr. Robb is here to answer any questions.

Mr. Kern said we should probably solicit bids like we did for the painting for the Heller Homestead, and we have a quote here for the restoration of the windows and replacement. It looks like they are using restoration glass which is expensive. Mr. Cahalan said it's imported from Germany. If the Township would like him to proceed, what he would do is put together a scope of work for this painting, similar to what they did for the Heller Homestead and they'll bring that back. One of the things he'll do is invite Council to go out and look at the schoolhouse so we have everything included, and then bring it back. If it's satisfactory, they'll put that together and a bid package to put out to painting concerns and ask them to submit proposals for this work. We can also get another quote on the window repair so you can have some comparison.

Mr. Maxfield said he'd like to see included in this as it's always bothered him when he went to the front of the schoolhouse, up along the eave, he thinks it happened shortly after the renovation, there's an area where a squirrel tried to get in. He'd like to see it replaced. It has to be an area that has to be repainted anyway.

Mr. Kern asked if the seven replacement panes were the little panes? Mr. Robb said yes, they are. Mr. Kern said is every pane in their original glass and old or has any been replaced with non-restoration glass? Mr. Robb said he's VP of Lower Saucon Historical Society. He doesn't know if you saw all the pictures or not, but there are holes in a couple of the windows. Some of them are simply cracked. Getting someone out to do the job, you might as well replace the cracked ones as well. There's one pane that consists of two pieces of glass that were overlapped. There's another one that's been replaced that is Plexiglas. That may make the period of the restoration several years ago, and that was before he was involved in the organization. Mr. Kern said the bottom line is, is it necessary to get restoration glass for those seven panes or can we use regular glass? He's gone through that dilemma in his house. Mr. Robb said it is more expensive, but he would not be surprised if PHMC would prefer that. He doesn't know what the standards are, but he didn't even consider using regular window glass. Mr. Cahalan said part of this process will be to put the scope together and then send it to PHMC and ask them for their comments. Mr. Robb said the restoration glass is a substantial expense compared to the standard window glass. He doesn't know what the breakdown is, but replacing this would be considerable labor as you have the ones on the east side of the building which are rather high, and the ground is uneven there, so it won't be easy for someone to set something up. They may have to use scaffolding out there to replace some of the windows. Mr. Kern said he's suggesting to get another quote from the person with standard glass and then run both by the PHMC and just get the recommendation. He's been through this on his house, and the imported glass is pricey, and the result is you are looking out a window and can you really notice. You look and see waves in the restoration glass, and you can't really even see any difference. Mr. Robb said but your house isn't on the National Register of Historic Places. Mr. Kern said that's why he's saying it may not matter to the PHMC. Mrs. deLeon said Mr. Kern's house really is on the register as it's included in the Ehrhart's Mill Historical district. Mr. Cahalan said he will put something together and be in touch with Mr. Robb and contact PHMC and get the

information from them. Mr. Robb said he doesn't have to get in contact with the Glass Doctor at this point? Mr. Cahalan said you can ask him, but he's going to get another estimate for comparison.

C. KINGSTON PARK LIGHTING

Mr. Kern said due to the planned installation of the composting toilet at Kingston Park, which will require electric service, the Township may wish to consider the installation of electric powered lights. The Township Planner has prepared a memo with several types and varieties of lighting, which she will review with Council.

Ms. Stern Goldstein said they prepared a memo for you. It's basically an update of the memo they prepared in 2010 dealing with the solar lighting. There are two basic options. One is a pole type fixture; the other is a bollard type fixture. The first premise is this park, as a park, isn't intended to be used at night; however, the schoolhouse can be used for functions and since the composting restroom will be over on the park side, it's necessary to have at least safety lighting. It's not intended to light every bit of the trail; that was never the intent. We are looking at these lights as beacons and safety lighting in those areas that are needed to be lit, the toilet and the intersections of the pathway. You have two basic choices first. They are all up to you. The first is a pole type, which would be pedestrian height. You could go anywhere from 8' to 12'. She wouldn't recommend anything above 12'. She's fond of the 8' to 10' height for a pole type fixture. For a bollard type fixture, which is somewhere between 36" and 42", about 40" is usually standard, the advantage is it's less intrusive in the park. The lighting is down at the path where you need to see what's going on. The advantage of a pole type fixture is it's the better beacon, a little higher. If you are coming from the schoolhouse and going to the composting restroom, it's an easier beacon to see. You are crossing over the area of trees, but it's a taller beacon and easier to see. Cost – the pole type fixture is a bit more costly, not two or three times more, just incrementally more expensive. Once you get over bollard or pole, you have choices on the type of appearance. There are many more choices with electric than there are with solar. Solar was easy. There were a couple of choices, most of them were obvious for the site, and then we narrowed it down for you. For the electric type fixture, we did come up with a few that we thought were appropriate and they are in your packet. We're looking for some direction from you this evening. If you are going with a bollard, she thinks the Hadco one seems to be a little more appropriate for the site in the way the light is emitted from the bollard and just the shape of it, so she'll defer to Council and representatives of the Society to see what they feel is right. That's the one she thought seemed to fit most with the site. If you are going with a pole type fixture, all of the globes or lights are fitted with a cap at the top so we're not lighting the night sky. In a park-type situation, she feels pretty adamant that you need the light to filter out. You don't want to have a direct cut-off. You don't want bright light and stark dark as then it's a perceived safety issue and once it's perceived as a safety issue, it becomes a real safety issue. Your eyes don't adjust to bright light and dark very easily, you need that adjustment time, so as the light filters out, you have that time as you walk. In your packet, in the order they appear there is the Branson Industries one first. It's a little more ornate. Then there's the Cleveland which is a bollard. That was the one she thought didn't seem to be period related. The next one was the pole for the Niland. Niland is the one we're still waiting for a quote on. Mr. Maxfield asked what type of fixture would be on the Niland? Ms. Stern Goldstein said it would be a colonial type top. It's the Dubuque series. Then there's the Hadco Independence top which is a little less ornate and had a little bit more of the shape of some of the images we've seen in the Township. It's more like the shape of the cupola we've seen.

Mr. Maxfield asked if all of these fixtures were interchangeable on any of the poles? Ms. Stern Goldstein said they are interchangeable on the poles within the company. You can't pick one from Company A and put it on a Company B pole.

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Mrs. deLeon said she hopes whichever one we pick doesn't have a million screws at the top where you have to stand to change a light bulb and hope none of the screws fall and get lost in the ground.

Mr. Willard asked Ms. Stern Goldstein if she had a recommendation among these or priority? Ms. Stern Goldstein said she's fond of the Hadco as she liked the cupola shapes she had seen. It's a personal preference just from the things she's been seeing with the cupolas. She defers to the sensibility of the Society. The Hadco was simple, but it had a nice shape. They've used Hadco poles in the gateway lighting you see in Doylestown Township. It's a double headed fixture, the poles are a version of a Hadco pole and they've been responsive in their delivery. They are one of the ones that don't kill you in the freight as much as the others do, and they've always had things in stock when they needed them. They responded when we asked for a price.

Mr. Maxfield said from an aerial perspective, how many pathways and intersections are we talking about and for lighting restrooms. Are we talking about one pole, would that be enough to light the composting toilets? Ms. Stern Goldstein said she gave one to Mr. Cahalan, and realized after she did that, that's the old plan and there's an extra path in there. Mr. Cahalan said you can cross the second path out. Ms. Stern Goldstein said then we would only need two fixtures. Mr. Cahalan said Ms. Stern Goldstein has indicated on that plan the three locations. Ms. Stern Goldstein said one would be near the composting toilet/restroom, which is modified slightly. She showed the Council members the composting toilet plan. There are two trails which one is at the intersection of the pathway and one between the parking area and the composting restroom.

Mrs. deLeon said they could be the short ones? Ms. Stern Goldstein said they could be bollards or they could be poles depending on the selection by Council. They are not meant to light the entire park, so it's not necessary we have them up high. It's an option for you to consider the taller they are, the more beacon light they are. Assuming someone is coming to the schoolhouse to here, they would have a flashlight. Mrs. deLeon said she's assuming they don't just because the history she has, and maybe one should be down there. Ms. Stern Goldstein said if we're assuming one is coming from the schoolhouse and in a dark winter evening at 9:00 pm and they are coming to the restroom, and we're assuming they are not having any handheld light, you need to line this with bollards.

Mr. Kern said when does the park close? Mr. Cahalan said dawn to dusk. Mrs. deLeon said then the schoolhouse is limited to any night time activities to those hours. She thinks that's wrong to do that. Mr. Kern said has there been a demand for it? Mrs. deLeon said has there been a demand for it, and she thinks there may be a demand for it if there was lighting for it, but you aren't going to have a night activity there without any lights. Mrs. deLeon said she thinks we have a beautiful schoolhouse that should be used.

Mr. Robb said he may be speaking out of turn expressing his opinion, on behalf of the Historical Society, but they have had things, various events out there in the evening. One of the big drawbacks has been the parking and the restroom facilities with just having a port-a-john out there, and they have quite a few older members. Since this new toilet facility is going to replace the port-a-john, it's behind the schoolhouse and we'd want to use that if we had any after dark activities out there. All of the uses out there might be after dark, might not be an after dark activity. Their summer picnic is coming up and it could very well be after sunset.

Mrs. deLeon asked if they are going to have to walk to the parking lot carrying a lot of stuff? Mr. Robb said yes, his feeling is the porch light on the schoolhouse plus the light from the schoolhouse windows lights up the path from the park to the porch reasonably well. If there was a light at the intersection of that blacktop path from the ramp, one somewhere around the composting toilet itself and one in the middle. It would light up that whole area.

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Mr. Kern asked what do you think, bollard or pole? Mr. Robb said his thought would be for the posts and he would think the posts would be high enough so they are pretty much out of reach. He always thinks the possibility of vandalism if you have a lower post. With the bollards, he thinks for older people who have trouble as it is navigating, if they are walking that path, they are looking into the light. It might be better if it was up above the pathway. That's just his thoughts.

Mrs. deLeon asked Ms. Stern Goldstein if this one was a tall one, the one by the future pavilion location, maybe that would try and light through the trees. Ms. Stern Goldstein said when we're talking taller in this type of park; we are probably talking 8' to 10'. If you start talking 12' to 14' you are casting more light. Mrs. deLeon said we'd almost have to know how the light diverts. Mr. Robb said perhaps they'd only need two poles, one at the intersection of the path and the one from that point halfway down, and maybe a compatible fixture could be found and be put on the facility itself, like a wall mount to light up the immediate area. Mrs. deLeon said would a spotlight on the schoolhouse direct it down to that side of the building to be a motion sensor? Mr. Maxfield said he hates spotlights as they always light up more than you want. Mr. Robb said he'd like to avoid that if possible. He thinks the porch light with the proper bulb in there plus the lights from the windows lights up the path reasonably. Mrs. deLeon said you don't want anyone calling as there is lack of light out there. Mr. Robb said no.

Mr. Jeff Fegley said he's one of the owners of the Brew Works and he actually knows a lot about lighting and he'd be more than happy to help out if you want to reach out to him. There are a lot of things to consider when you are talking about lighting. We have recently transformed all of their restaurants to LED lighting. The big consideration is what the color temperature of the bulb is itself, and what the luminal production is of that light fixture itself. You have to take into consideration the distance you are talking about and what exactly are you trying to light up because there are a ton of options out there. As you know, it gets a little overwhelming when you start looking at what those options are. One of the things that often gets mixed, if you are going electric, what is the bulb type as there is a cost associated with the bulb, replacement of that bulb, and in government it's important, does it require a work order to change it. If it does, does it require two men to change the bulb, one to hold the ladder, all things to consider. When you look at a fixture with a medium faced bulb type, you have universal; you have options whether it's fluorescent or LED. Fluorescent is going to be the initial cost being much cheaper, but environmentally that you are talking about a composting toilet, you might want to consider the LED as you won't be dealing with the fixture that has no mercury in it. When it comes to solar lights, the other big problem is people tend to buy the lights that aren't the best appearance of light. Typically, if you go to a Home Depot and you grab a solar light, it's going to be somewhere around 3500 Kelvin. That's still considered warm light, but it's not really. What you look at in this room here, is about 3200 Kelvin. It's not really something you'd want to see outside your house. 2700 Kelvin, there's a lot less selection out there, but that is the most attractive light in his opinion and most people's for lighting anything that you are used to. Those are really important factors and the distance of what you are trying to light, it is possible that your existing fixtures could be modified and in green thinking, try to reuse what you have and maybe change out what you have to a different bulb type. If the existing lights on the side of the building are a medium-based type bulb, the first thing you could try is go into a much bigger fluorescent bulb, maybe for \$10.00 and you may only get 150 to 250 watt light bulb, but you have to be careful again of the heat production is and what that fixture can handle. When it comes to solar, a quick solution if you are lighting a pathway is a product called Malibu Lighting which you can get at Home Depot, but you have to look carefully as it's all about the 2700 Kelvin. They have a spotlight that will flood a good amount and he uses them all around his house, and it is 2700 Kelvin and it's completely solar and \$17.00 per fixture. You could probably put four or five along that pathway and it would look dynamite. That's just his two cents on the situation.

Ms. Stern Goldstein said everything you said is spot on, the things she was trying to bring to Council right now was the aesthetics of the lights and pole versus bollard. Your comment about

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pathway lighting it, if we were lighting the pathway for continuous use of the pathway use itself, you are right, the pathway lighting right down there is the way to go. We're looking at this though as a park, which is primarily dawn to dusk, and then a way to get the people from the schoolhouse to the parking lot and the composting toilets for night time activities, so it wasn't to light the park totally and that's the struggle they are having right now. All of your comments are spot on and she really appreciates it.

Mr. Fegley asked what is the approximate distance for that path going from the schoolhouse to the toilets? Mr. Maxfield said about 108'. Mr. Fegley said Mr. Maxfield said the spotlights are not attractive and most people would agree with that. You put a spotlight in your backyard and it looks like a spotlight in your backyard. It's much better when it's a calmer, softer light and when you are talking about just lighting the pathway, yes, sometimes the small bollards can be a distraction. That's where the other Malibu Lighting is a flood, so you can actually cross it across the ground so when you are looking at it, you aren't going to see a fixture that's lit up. You are going to see the ground lit up. Ms. Stern Goldstein said the bollard they selected that Hadco is recommending actually has a gray coming through as there's a shield on it and you aren't looking at the light, the light is shining down because of that issue. It's one that's done very sensitively.

Mr. Willard said he'd like to recommend that we have our Planner have more discussion with Mr. Robb and take advantage of Mr. Fegley's offer, if you like, and bring back a more tight recommendation at a later meeting.

Mrs. deLeon said she agrees, but what she'd like to know when you leave the schoolhouse and are taking advantage of the porch light that is there, where does that end and are there dark spots until the next light? She's not going to be in favor of that. Ms. Stern Goldstein said the one little flaw in using a plan like that is that she can't tell you without the exact specs and the age, how much of the light has burned off, what that light will be. Mrs. deLeon said if she was a guest at the schoolhouse and she was invited to a party and she left there, and there were dark spots and she fell, she wouldn't be too happy. She doesn't want that to happen to someone. The schoolhouse is beautiful and it needs to be used and needs to be used in the evening. Like you say, your picnic is coming up. It's going to be dark. Ms. Stern Goldstein said let her ask one question before she goes and works with these two gentlemen, the opinion of Council up or down on the lighting?

Mr. Kern said discrete is what he would prefer, and discrete is low, but then Mr. Robb was saying safety of the population as it's an older crowd. Ms. Stern Goldstein said in the term of looking into it, she thinks she can show Mr. Robb some fixtures that don't have that issue where the light is looking into your eyes. We can work through that. Mr. Kern said he likes the idea of a low light that sweeps across to light the ground as opposed to a high light that lights everything up. Mrs. deLeon said we don't need everything lit. The pathway needs to be lit.

Mr. Maxfield said you know how he is about lighting. He would like to see lighting, as Mr. Kern said, as discrete as possible. He would like to see it limited, considering where the schoolhouse is out in the country in the middle of nowhere, be controllable that it's only on during functions. As we are looking at the map, we have the whole pathway up at the top and he doesn't see that as a night time usable path, so no lighting up in that area. That's a daytime path. They just need access from the schoolhouse to the parking lot and toilets. Ms. Stern Goldstein said right now they were looking at the lighting from the schoolhouse to the composting toilet and the little bit of parking from there. Is it a directive from Council to light the whole parking lot or not? Mr. Maxfield said you can get it down to that other end. You may need one more down at the end and that would be fine. Ms. Stern Goldstein said something to have safety beacons for the whole parking lot. Mr. Maxfield said we had that discussion before, lights being too bright, so bright that they are not safe anymore for your eyes. Ms. Stern Goldstein said all the lights they proposed so far would not be lit and wouldn't be in people's eyes. Mr. Robb has already expressed the issues with that. Mr.

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Maxfield said he thinks if the lights are controllable with the function, then you could go with the taller, short, they both would work.

Mrs. deLeon said these lights aren't going to be on 24/7. They are going to be on when there's a function, and there should be an on/off switch. Mr. Maxfield said he wouldn't want to see it on a timer where it comes on at a certain time and goes off at a certain time. Mrs. deLeon said she agrees. Ms. Stern Goldstein said she thinks she has her direction.

D. SAUCON VALLEY COMMUNITY CENTER – APPROVAL OF 2012 SUMMER RECREATION PROGRAM AGREEMENTS

Mr. Kern said the Agreement between the Saucon Valley Community Center and the Township has been prepared for the 2012 Summer Recreation Program.

Mr. Cahalan said this is what we do annually at this time. We bring before you the agreement with the Saucon Valley Community Center. They operate two programs funded by the Township for children who are Township residents in the Township parks and in Seidersville Hall. The first one is the summer recreation program for children aged 6 to 12. It accommodates up to 110 Township children. That's at Town Hall Park which accommodates 75 children; Southeastern Park accommodates 40 children. It's a Monday to Friday program. It runs from 9 am to 12 noon. The program runs between June 26th and August 17th in four separate sessions. The cost of the contract is \$19,837.62. That money has been budgeted in the Township budget for 2012. The second program is over at Seidersville Hall and that is for children who start at age 3 and it goes to the 5th grade. There's a summer art program, a bookworm program, a science fun program, and a summer art program. Those are limited to 15 children in those programs. The cost of those programs is \$3,207.92. That money is also budgeted in the 2012 budget.

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

MOTION BY: Mr. Maxfield moved for approval of the 2012 Summer Recreation program agreements.

SECOND BY: Mr. Willard

Mr. Kern asked if anyone had any questions or comments? Mr. Willard asked what was the per capita cost? Mr. Cahalan said he didn't do that, but he could get that to him. He doesn't have it right here. Donna Louder, resident, said she lives in Steel City. She wanted to know when the summer park program was going to be held in Steel City? Mr. Cahalan said it was held in Steel City for several years. Last year they didn't get anyone to sign up for the Steel City Park, so they cancelled that mid-year. Ms. Louder said you mean an employee from the Township is to work it and entertain the children? Mr. Cahalan said no, they pay the SV Community Center. They have staff who operate the program. Ms. Louder said none of the staff wanted to go to Steel City? Mr. Cahalan said no, none of the parents wanted to sign the kids up to participate at Steel City Park.

ROLL CALL: 4-0 (Mr. Horiszny – Absent)

E. RESULTS OF ROAD MATERIAL BID

Mr. Kern said a bid opening was held on May 30, 2012 for E3M Emulsified Asphalt material. The Township Manager will review the bid results with Council.

Mr. Cahalan said there were four bids that were received. The low bid was from Dosch King Emulsions, Inc. from Whippany, NJ. They gave us a price of \$2.41 a gallon for a total price of \$28,920.00. He's recommending that the bid be awarded to Dosch King Emulsions of Whippany, NJ.

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MOTION BY: Mr. Maxfield moved for approval of the low bid from Dosch King Emulsions Inc of Whippany, NJ for a total price of \$28,920.00 for the road material bid.
SECOND BY: Mr. Willard
Mr. Kern asked if anyone had any questions or comments? No one raised their hand.
ROLL CALL: 4-0 (Mr. Horiszny – Absent)

VI. MISCELLANEOUS BUSINESS ITEMS

A. APPROVAL OF MAY 2, 2012 MINUTES

Mr. Kern said the minutes of the May 2, 2012 Council meeting have been prepared and are ready for Council's review and approval.

MOTION BY: Mrs. deLeon moved for approval of the May 2, 2012 minutes.
SECOND BY: Mr. Maxfield
Mr. Kern asked if anyone had any comments? No one raised their hand.
ROLL CALL: 4-0 (Mr. Horiszny – Absent)

VI. MISCELLANEOUS BUSINESS ITEMS

A. APPROVAL OF APRIL 2012 FINANCIALS

Mr. Kern said the April 2012 Financial Reports have been prepared and are ready for Council's review and approval.

MOTION BY: Mr. Maxfield moved for approval of the April 2012 financials.
SECOND BY: Mr. Willard
Mr. Kern asked if anyone had any comments? No one raised their hand.
ROLL CALL: 4-0 (Mr. Horiszny – Absent)

V. PUBLIC COMMENT/CITIZEN NON-AGENDA ITEMS

- Ms. Donna Louder said she's from Steel City. She had a visit yesterday from Sam from IESI. He came at a bad time. She found the letter on her porch. It reads "Donna, as a follow-up to the Lower Saucon Planning meeting on May 24, 2012, I would like to propose a tour of the Bethlehem Landfill for Steel City residents, proposed dates would be Saturday, June 16, 2012 at 9 am or the following Saturday, June 23, 2012 at 9 am. I will make all of the transportation arrangements for the tour. Please contact me to work out the details". She said she spoke with Sam this morning. The details are, June 16, 2012 at 9 am, pickup will be at the Steel City Park. He's going to provide a limousine bus. It will take approximately an hour and a half for the tour. She is to give him a head count by June 13, 2012. She just wanted Council to be aware of this.
- Mr. Jim Gress, 2064 Wydnor Lane, said you make him feel bad as they come here searching for some direction on a problem that's been plaguing his development that he's lived in for 15 years. The problem, of course, is storm water runoff. They have a beautiful development here at Wydnor Lane and Trotter Lane meet and behind them is Carl's Lane. It's kind of a pocket community off of Black River Road. What happened is when they built the homes there, there are four or five back yards that meet in one central location. What happens is all the water from Fire Lane seems to funnel down in lays there, lays there, and it causes a pretty serious problem. There's an area and he has photos to show you. It's about 2' deep and 40' to 50' wide. It's kind of saturated with some mosquitoes right now and ducks have made it their home. He realizes over the last few weeks, we've had a little wetter than normal spring, but the problem was going on pretty much all of last year. They called the Township and had the Zoning Officer out to look and he spent some considerable time out there, talked to the neighbors, looked at the area, brought out someone with a transit to see what solutions there were. A little while later they got a letter that said please return

any kind of dams or anything that the neighbors have built to keep the neighbors from saturating their yards. Put it all back to normal so the water would run off and make everybody happy. It really hasn't happened. Some of the people have taken down their dams and the water still lays and lays and lays. According to the other neighbors, they got a letter saying Hanover Engineering could put a drain in at a cost of \$20,000.00 to the residents. He never got that letter. What's happening now is the neighbors can't use their back yards. Their back yards are so saturated his shrubs began to die that are along the fence that are too wet. They are looking on some direction on what to do. He has photos to show Council. Mr. Maxfield said is this a kind of condition that you can put a start date on? Was it always like that? Mr. Gress said over the 15 years that he's lived there, since he built his house, he'd say the area has always had a kind of drainage problem. It's kind of depressed and became more depressed and more depressed in forming this little lake.

➤ Mr. Gordon Gress, Jim's father, said he moved down there to the original house which was the development called Wydnor Village. It was built by Toll Bros. in 1966 when they first started. When they went in and built this, there was no sewage in the area. Their house was the only one built and it was past perk. They built one next door and that also got pass perk. There were two houses in an 18-lot development. Later on, one got built back on Trotter Lane, which was all that got built until sewage came in. Thank God for sewage. Barry Gebhart was influential in that. However, when sewage came in, so did a lot more houses. Now as the houses came in, everybody changed their lots around to the way they thought they should be, and all the original contours and swales and what not sort of disappeared. Black River always was a problem. It was sort of a creek, now it's a river. He's complained about the water on Black River, Fire Lane, Wydnor Lane since he's moved there in 1966. He was always told we aren't in the storm water business. Well, somebody better be in the storm water business as it's gotten really bad. The water always ran down our side, the north side of Black River Road, and that was okay. When the sewage came in, they repaved the roads and Black River got higher. Now the water from Fire Lane down to Wydnor Lane is just about flat, and water does not flow uphill. In the winter time, freezes for like 6" deep in front of Wydnor Lane and Black River Road. The road crew has always come down and cleaned it up but someone is going to get hurt there one day bad. The road crew made a ditch, a drainage swale on the south side of Black River, since all this water changed. All the contours were filled in, all the water changed. There are a lot of basements getting flooded over there, a lot of driveways getting flooded. The road crew did a heck of a job, put in a ditch about 8" to 12" deep, it's too bad they didn't go a little bit deeper and put a pipe in and solve the whole problem and collect the water from Fire Lane, Black River in that swale and get rid of it all. Why they didn't, he doesn't know. Now the problem has gotten really bad. Fifteen homes out of 18 lots are all built on and everyone changed things around and away they went. Result is a lake there in the back and it's become mosquito infested. That is not good as you all know. Something needs to be done. He doesn't know who, but he thinks that Council, somewhere along the line, should have had an eye on this thing. He shivered when he heard you say Toll Bros. is having problems over on the other side now with drainage. Mr. Kern said they are not having problems because they are making sure. Mr. Gress said apparently nobody made sure here. There's nothing here for stormwater and it has now become a problem and Black River is really a river. It's all collecting in the wrong places.

➤ Mr. Richard Shive said he's a neighbor of both of the Gress's. He's lived there since 1991 and he lives on Trotter Lane. You asked about a timeline, this problem didn't exist when he purchased his house in 1991. It's gotten worse over the years. He has pictures of his property after the rain last week at 6:30 am. They've lived here longer than him so they know what's going on better. His house was the second one built on Trotter Lane. As far as what's going on with grading, his other neighbors on the other side, after he sold his property after divorce, there was no grading whatsoever done. They dug a foundation, put the house up and that was it. They leveled the yard out. He noticed over the last ten to fifteen years his water in his back yard, is getting worse to the point where when they have torrential rains, he's at the point where his shed is in the backyard and he has to bring his tractor up closer to the house. There is water laying in his shed yet. It's an annual event. The mosquitoes go in and lay eggs in the pond. The neighbor to his other side doesn't seem to care. It's not an issue with him. There's a recommendation we got from the

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Zoning Officer last year involved him putting in a French drain. There was no cost given in the letter he received, but it did say he would have to bear the costs and he can't afford to pay anyone to do that, he'd have to do it himself which he could do. It's not a problem that he created, so it's not something he feels he should have to do. He enjoys living in Lower Saucon, but he's not able to enjoy his property. He works hard to keep his property looking nice, and at the present time, he can't mow his back yard. It's getting higher and higher and the water is there, and he has to put rubber boots on to walk back to his shed. It's really a problem. He doesn't have a big problem, but they do with mosquitoes. He had pictures for Council to look at. Mr. Maxfield said now you know why they worked so hard to get these impervious percentage overages in place. He's sure our Planner could speak to it better, but one of the things they try to do these days is to look at storm water management on a much greater, larger area. Obviously, your development was built before any of these percentages were put in place. It's sort of just happened and people changed their property and every one of those little changes adds up. That's the problem as no one is looking at the entire land as a universal thing. He thinks one of the things they found out was when that type of problem develops, the only kind of solution is a universal solution. The land has to be looked at as a greater entity than the single yards. Mr. Cahalan said what Mr. Gress mentioned about the Zoning Officer being out there, the Township Engineer, Dan, along with the Public Works Director probably in the last year. There were some letters that were sent out. He doesn't have the information here tonight, but can bring it back to another meeting and give you a report on what they found, what information was provided to the residents, and any other recommendations. Mr. Kern said that would be great if they could get a little background on the whole situation. Mr. Gress said they are all open to anything and could all meet together. Mr. Cahalan said if you signed up for the Township agenda meetings, they will let them know when they will discuss this next.

- Mr. Jeff Fegley, 2027 Majestic Overlook Drive, said he's lived here for about a year now. Something came to light recently which has been frustrating. He's reached out to all of you and has spoken to a few of you. He talked to Attorney Treadwell and one Council member, and forgot his name. Mr. Kern said it could have been Mr. Horiszny. Mr. Fegley said to get to the point, he's sat here for the first Council meeting he's ever attended and he's seen a fire company with legitimate problems, he sees residents with real, serious problems, and his recommendation to you folks would be to hire a forensic engineering firm is what you want to do. You are going to find that it's all about placing blame and once you know who to blame, that's where your argument lies. Right now, it's the Township who has to do their due diligence to help you, but you may find that you end up where you began. That's really what you need to do and collectively hire a third party to investigate the problem as you may find out there's a comedy of errors that occurred that caused this problem or you may get a legitimate answer that it was always existing. He's seen these legitimate problems and he now has been informed we have spent and okayed \$10,000.00 to move forward with a battle that's considered an unconstitutional battle against the NIZ project in Allentown. As soon as he reached out and engaged you guys, it was very nice talking to Mr. Treadwell, but he was extremely alarmed. What he asked was simply, how much is this going to cost taxpayers of Lower Saucon? Mr. Treadwell said he didn't know. If he misspeaks, please interrupt him. The answer was I don't know, so Mr. Fegley said how could you move forward this way? How could Council vote on \$10,000.00 to battle a law that they consider unconstitutional and not know the impact this could have on the taxpayers. Mr. Treadwell expressed that it wasn't his duty, as Council never asked him how much it could potentially cost. The reality is there are costs associated with this – unknown costs. We can move forward with this battle with the state. We can see costs add up then we can choose to remove ourselves. The thing we are forgetting is we're doing damage to people. His brother and his children live three blocks from this hole in the ground in Allentown. His business is right across the street from it. This is affecting real people. It's almost like we're going on this rampage of "we're going to take on this unconstitutional battle", not thinking about who is being damaged by this. He's here tonight to express his disgust that we are doing this, when we could take this \$10,000.00 and give it to the fire department or give it to these people to fix their ground. Instead we're going out like cowboys and trying to fight the State on something and who is to benefit? He asks you tonight, how much EIT tax are we

fighting for? What is the risk or cost benefit? If we already agreed to spend \$10,000.00 Mr. Treadwell and these legal battles, how much was the EIT? We have a historical number that we must have collected from the City of Allentown as taxpayers, as a government entity, what was it? Do any of you know? Mr. Kern said it's irrelevant. Mr. Fegley, said it's irrelevant, how much of the taxes? Mr. Kern said what do you call it when someone takes money out of your wallet, but without your knowledge and without your approval? What do you call that? Mr. Fegley said stealing. Mr. Kern said right. Mr. Fegley said you are saying it's stealing? Mr. Kern said money is taken or would have been taken out of our EIT money, which was paid by everyone sitting in here, including yourself, for the purposes of Lower Saucon to do what Lower Saucon Council and the residents deemed appropriate. Money was taken out of our wallet without our approval and without our knowledge because of that legislation. Mr. Fegley said how much was taken out of your pocket? Mr. Kern said whatever it is, it was done without our approval. Mr. Fegley said if you don't know how much, how can you say it's been taken? Mr. Maxfield said it's the principal of things. Mr. Kern said do you think anything's been taken or will be taken? Mr. Fegley said I don't know, that is the right answer. So he would like you to answer the same question – how much is being taken? Attorney Treadwell said he thinks one of the issues that this Council had was that no one at the State level or at the City of Allentown could explain to LST what the financial ramifications of that legislation are. The question was asked many times. Mr. Fegley said assume you lose it all, how much is it? Who is responsible for the finances here and for this Township in general, ultimately? Mr. Maxfield said it depends on how many people from our area might work at the hockey arena, at PPL? Mr. Fegley said what was it historically? Mr. Maxfield said there is no hockey arena, so there is no history. Mr. Fegley, said no, how much was it last year? How many taxes came from that area last year to this Township? Mr. Kern said that was the second phase of this prong of first the money was taken or would have been taken. The second argument was, well, we took the money but we took \$5.00 out of your wallet. Mr. Fegley said how much was it? Mr. Kern said and you have \$100.00 left, but we just took a little. So, don't worry about it, it's just a little. That's the second argument we've heard, it's just a little money, yeah, it was stolen, but you know it was just a little money. If your brother took \$5.00 out of your wallet without your knowledge and you had \$100.00 left, would you still be a little mad? Still be a little concerned this isn't quite right? Mr. Fegley said what he's saying is we are going blindly. No one here can tell us...Mr. Kern interrupted and said we're responding to the legislation which is illegal. The legislation is taking money from us. Mr. Fegley said that is your opinion. Mr. Kern said okay, it's my opinion, you're right, so maybe no one is going to work in LST in the NIZ zone, but what difference does that make because people in Hanover Township, in Nazareth, in all the surrounding Township's will have people working, and the same effect will occur. This doesn't affect just a few people in Allentown, it affects the entire Commonwealth because this would set a precedent that other cities could do and the whole concept is illegal. It's illegal, you cannot take money that's not yours, wasn't deemed yours, was designated for this Township, you cannot do that. Mr. Fegley said have you polled the people of LST to ask them? Mr. Kern said you're the only one he has encountered who is in favor of the NIZ and this happening. Mr. Maxfield said that is true. We haven't gotten any other communications from anybody. Mr. Kern said people usually don't communicate to Council members. He's gotten five people who he knows who are in the Township, who say "good for you". Mr. Fegley said so we're spending thousands of dollars of these people's monies, they don't have it for fixing their back yards because five to one have spoken up. Mr. Kern said that's why he's voting for this, because money was stolen from the Township or would have been stolen. Mr. Fegley said how much? Mr. Kern said why is that relevant? Mr. Fegley said because it's completely relevant because we could potentially be spending money here, way more than the money in question, and has anyone here, Council, or the Solicitor, reached out to any entity to consider just protecting what it is that we're trying to protect. If you're feeling, which it is a feeling, that someone is taking money out of your pocket, go and speak to the people. That's the best spending of our money here as he agrees 100%, as a taxpayer of LST, to protect his taxes so he agrees with the concept of saying, I want to put a zipper on my pocket, go and get the zipper, go and reach out and speak. Has anyone spoken to the Mayor of Allentown? To Senator Pat Browne directly? Has anyone spoken to Sarah Hailstone? Has anyone

spoken to anyone at all to try to resolve this for the cheapest price for the taxpayers in this room? Mr. Maxfield said we can't answer a lot of your questions because this is a litigation matter. There are a lot of details we cannot answer as it is under litigation. Mr. Fegley said but you have legal Counsel here to say if you can or not can answer a question. Mr. Maxfield said you are mixing up two different things here. You are trying to put a monetary value on ethics. This is the ethics of what was done to this community. You tell him if it's ethically correct for people to go to the polls, to have to vote in a referendum to have money taken from their pockets to spend in a certain designated way, which is a very tight crafted bit of referendum there. The language is very specific, then to just have that money, that particular money that these people spend to go to a certain place, have it taken from them and spend it someplace else. Is that democratic? Is that ethical? We don't think so. We think that is wrong and you can't put a money value on that. Potentially, yes, we could probably lose thousands and thousands of dollars, much more than we've allotted. By the way, we didn't give Mr. Treadwell the ability to spend \$10,000.00. We said this is the cap that we want to put on it, maybe we'll spend \$1,000.00. Mr. Fegley said so we'll go back to that point, is the \$10,000.00 cap, and logically you are going to reanalyze things after you spend your \$10,000.00, what about the backlash? What about Mr. Treadwell, what is the possible cost? You have to consider people's money. What is the possible cost if we go the distance and we lose? What is the cost of any outside suits from outside parties, not necessarily the State of Pennsylvania, but other third parties coming back after LST? Attorney Treadwell said he explained to Mr. Fegley in their phone conversation that he thought that was unlikely. Mr. Fegley said is it possible? Attorney Treadwell said he explained that to these Council members, anything is possible. Mr. Fegley said that's his point. Mr. Maxfield said if we lose, the cost to the Commonwealth is beyond anything we could imagine. If this sets a precedent, you could go to any community and take money for any manufactured reason, and it was kind of slipped by at the State level. Mr. Fegley said it's been in existence since 2009. Mr. Maxfield said the language has been in existence, things have been added to it, things have been changed. Mr. Fegley said which means it's been working through the system, lots of people know about it, it just didn't happen overnight. Mr. Maxfield said we didn't know about it, and guess whose money is getting taken? Mr. Fegley said how much? Mr. Maxfield said he doesn't know, you tell me. Mr. Cahalan said Mr. Fegley, you asked the question how much? It's ironic that that's the same question that this Council asked back in February when they became aware of the NIZ legislation. They wanted to know how much was going to be taken? We have a committee in Northampton County, the TCC, the Tax Collection Committee; which is made up of representatives of all the municipalities and the school districts. These representatives met with Senator Pat Browne, met with Mayor Pawlowski, met with Sarah Hailstone, and met with representatives of the Authority. They have yet to get any information from them about the impact of the NIZ legislation on our tax collection, so the answer to how much is it, he'd like to know and so would this Council like to know. Mr. Fegley said how do we not know what we've received from that area last year. How do we not know that? Isn't there a Berkheimer report? Mr. Cahalan said that question has been asked, Mr. Fegley, you have to go back to the people you indicated, Senator Browne, Mrs. Hailstone, Mayor Pawlowski and see if you can get the information that this Council has been asking for since February 2012. Mr. Fegley said he's confused. We didn't receive money from that entity at all last year? Mr. Cahalan said he's asking you to give us the information about the impact that the NIZ legislation will have on our EIT. Mr. Fegley said you are asking him to go out and do your work? Mr. Cahalan said well you are coming and saying how much? We've been asking that question. We are not getting any answers. Mr. Fegley said he's asking you for the last five years, have we ever collected taxes as a suburb? What were those taxes we collected from that area? Mr. Cahalan said the City of Allentown has a tax collector who collects those taxes and has that information. Mr. Fegley said who does he pay? Mr. Cahalan said they are supposed to turn it over to the municipalities that the people reside in. Mr. Fegley said so you are saying it's possible in five years that you have received zero dollars from the City of Allentown? Mr. Cahalan said he's telling you to go back to the tax collector. You are asking the wrong people about how much. Ask the people who are in Allentown who have been collecting the money and who also will be administering the NIZ legislation, what the impact is. That's what we've been asking for and we haven't gotten any

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answers. Mr. Fegley said he's confused. Mr. Cahalan said you're asking how much, tell us how much. Mr. Fegley said there's definitely some confusion here. He's asking you historically how much have you received? Do we have a Treasurer as he's not totally familiar with LST? Mr. Cahalan said no, but we have a tax collector in the City of Allentown, why aren't we asking that person? Mr. Fegley said he doesn't live in the City of Allentown, he lives in LST. Mr. Cahalan said that's where the money is being collected. That's what you are talking about. Mr. Fegley said for the last five years we've been receiving money from the City, is he missing something? The last five years, who handles our finances in LST? Mr. Cahalan said we received money. Mr. Fegley said who receives money? Mr. Cahalan said the Township receives the money. Mr. Fegley said who processes it for the Township? Mr. Cahalan said we have tax collectors that each municipality appoints to do that work. Mr. Fegley said why he can't ask the tax collector what we've received. Mr. Cahalan said they don't have the information. Mrs. deLeon said we've ask them to provide it. Mr. Cahalan said the information is with the tax collector in the City of Allentown. They are the ones that are combing through the records trying to come up with the answer. Mr. Fegley said we get paid one time a year, correct, for the money collected from Allentown that is due to our Township? Mr. Maxfield said it's not broken up like that. It comes in as a mass. Mr. Fegley said it comes in as a mass. Mr. Kern said do you see why this is a mess? You understand why this is just not going to work? Mr. Fegley said no, he's confused. Mr. Kern said you are getting an idea of why this isn't going to work. The whole legislation is not going to work. Mr. Maxfield said it's irrelevant anyway because what we're talking about is money that comes in after the hockey arena is built. It's not there now, so who cares what it is historically. We're worried about what is going to happen in the future. Mr. Fegley said so we are worried about the future money we make if this project goes through. Mr. Maxfield said absolutely. Mr. Fegley said if we continue to battle, it will not go through, is that what you are basically saying? Mr. Maxfield said yes. Mr. Fegley said so we are potentially battling to stop nothing? Mr. Maxfield said that makes no sense at all. Mr. Fegley said yes, you just said you are now battling so it doesn't go through. Mr. Kern said okay, he needs to move this along as this is going in circles. He asked Mr. Fegley, do you have a point that you'd like to make as we will listen to your point, please continue. Mr. Fegley said so he just wants to make it clear that we don't know how much this will cost us, legally moving forward. Mr. Cahalan said we've been asking for the information. Mr. Fegley said you don't know legally how much it will cost us for Mr. Treadwell and our representation? If we decide to sue someone, what if these nice people decide to sue the Township, they are going to consult with an attorney just like he recommends you consult with Mr. Treadwell. What is the estimated cost to move forward? It's going to cost us roughly \$20,000.00 to fight a \$20,000.00 new pipeline to fix the drainage. They are going to scratch their heads and say what is the better way to go, fight the battle, or just build the drain? That's what he is saying, being fiscally responsible. It is called managing our finances here and thinking ahead. Mr. Kern said your point is you would compromise the principal of money being stolen from LST to satisfy the cost of doing so. That's your point. Mr. Fegley said no. Mr. Kern said what is your point? Mr. Fegley said his point is you are saying it's unconstitutional. There is an attorney in the room saying it's possible you won't win this fight, which means it's possible that it's not unconstitutional. Is it or is it not possible that this will be determined if it's constitutional or unconstitutional? Answer the question. Attorney Treadwell said Sir, this is not the Perry Mason show. Everything is possible, anything is possible. Mr. Fegley said that's insulting. Attorney Treadwell said no, it's not insulting. You are cross examining Council, is it possible? Of course it's possible. Mr. Maxfield said you are asking questions and you are reinterpreting our answers. Mr. Fegley said he's asking how much this will cost moving forward? Mr. Maxfield said how many times have we told you we don't know at this point. How many times have we told you there's a \$10,000.00 cap that we've put in place? What else do we know right now? Who knows what litigation is going to cost when they go? If you want to replace a drain, you know how much that costs. Do you want to go back to your other illusion? Who goes into litigation and knows how much it's going to cost? How much it's going to win? How much, whatever. Nobody does. Mr. Fegley said every attorney who has a client gives a rough estimate of cost. It could be \$50,000.00 to \$100,000.00. Attorney Treadwell said here's the simple fact. LST, this Council, approved

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giving \$10,000.00 to a legal fund. A maximum legal fund of \$10,000.00 to that fund. Many other municipalities in the Lehigh Valley have also contributed monies to that legal fund. That legal fund is being held by Hanover Township and is being used to pay the law firm that Hanover Township and Bethlehem Township have hired to spearhead this litigation. LST capped their contribution at \$10,000.00. That is the maximum amount it will cost LST, unless and until at some point in this future that the Council decides to up that number. Mr. Kern said so far what has happened is a ripple effect that has crossed the Commonwealth to all other Township's and it has affected the Commonwealth organization of Township's who are opposed to this as well, which means PSATs which is the organization of township's across the Commonwealth of Pennsylvania are in opposition to this. It's because the communities here have stood up and done the right thing. That's what we are hoping will happen with our \$10,000.00. That it will be money for the effect that is happening right now. It's causing an uproar across the Commonwealth. Mrs. deLeon said we were just as outraged as you are tonight at us when we found this out in the beginning of this year and this was discussed publicly as an agenda item, and you can check the minutes. We asked these questions. Don't make the people here think we didn't do that because we did. She's very comfortable in her decision and she thinks that the legislation has to be changed because if you compromise and you interpret it a certain way, five years down the road someone is going to say, no, that's not right. You got to change the law. The law needs to be changed. Until she hears something different, that's her opinion. Mr. Fegley said you are basically stating that if you communicate with all the powers to be that are involved with this....Mrs. deLeon interrupted and said you are not understanding....Mr. Fegley interrupted and said you're not letting me finish. Is it true that the possibility of protecting the taxes that you feel are being stolen, you used that word, so you have him using that word, is it true you are saying you are not going to consider anything else but then taking on this constitutional battle meaning if this project, that you are considering all the people are impacted?. He knows from a constitutional argument, you feel that you are doing something great for the people of the entire State. Mrs. deLeon said LST. Mr. Fegley said no, no, Mr. Maxfield did say the entire State. Mr. Maxfield said he did say it could be disastrous for the State. Mr. Fegley said it could be. Mr. Maxfield said he doesn't represent the State, he represents LST. Mr. Fegley said but we've also heard Mr. Treadwell say it could go the entire distance, we could fight our fight and we could also lose and we are fighting a battle that's not necessarily could not be determined to be not constitutional when a reasonable answer could come to play earlier for a much cheaper price, which is basically working with everyone from all parties, everyone affected, getting together, trying to find a solution to make sure we can put a zipper on our pockets, protect our taxes. Mr. Kern said if you read the statement Council voted for tonight, it said in that statement that we will agree to that as long as it doesn't involved taking taxes without our knowledge. Mr. Maxfield said we are for Allentown resurrecting itself, doing whatever it needs to do, but don't do it on our backs without our permission. Mr. Kern said without our knowledge. Mr. Maxfield said you cannot shake this Council and its feeling that we are doing something right and ethical. You are trying to put a value on ethics and principles here, and that's not going to work. He needs to cross examine Mr. Fegley. Are you going to benefit from this money that comes into Allentown? Your business that's either located in or on the edge of this? Mr. Fegley said he's absolutely made that clear to all of you. Mr. Maxfield said is it a personal thing for you? Mr. Fegley said this is his brother who lives at 8th and Gordon and has three children who live blocks from it. His employees who live within walking distance from it. Mr. Kern said so it is personal. Mr. Fegley said these are people, this is personal. Is it my business, certainly. He's not going to deny it. That's not why he's here. He knows in his heart and he knows even from a legal standpoint that this is right. This project should be happening as planned. He agrees that if the concern and they caught you unexpectedly, protect what you need to protect. If it's EIT, protect the EIT, get a guarantee. Mr. Maxfield said if you think this legislation is right, then you have a basic disagreement with this Council, maybe we should just stop talking because they do not think it's right and you're not going to convince us it is, so why don't we just stop? Mr. Fegley said okay, he has one other question. When Upper Saucon was granted a KOZ status for bringing in Olympus, it was for a specific area and not in LST. It was deferring all taxes, all State and local. Did this Council feel that this was unconstitutional because it was specific to a specific area? Mr.

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Kern said was money taken from Upper Saucon Township without their knowledge? Mr. Fegley said he doesn't know the answer. Attorney Treadwell said it's a comparison of apples to oranges because in order to enact a KOZ zone and get it approved, you need all the taxing bodies that are affected to approve it. The difference is, in this case, the State legislature did it on its own without consultation or approval from the local taxing bodies or the school district. Mr. Kern said what should have been done is when the legislation was written, it should have been written to include talking beforehand, and say, we are considering to do this with your EIT tax, are you willing to do that? In essence, it's a loan, a year long loan, tax free and no interest, and no guarantee that it will be paid back. We may have said, well we may be interested in doing that if there's some interest involved or we are getting something out of it; but no, there's no discussion of that. What happened, in essence, is if this had gone through or if it does go through, money will be taken from our Township without our knowledge or approval. Mr. Fegley said his final request, is just please start talking total dollars what it's going to cost us. Mr. Kern said again, that's your point, that you need to compromise your principle for the dollar signs. That's what it sounds like to him. Mr. Fegley said no, that's not what he's trying to say. He's trying to say find a resolution at the least costly solution for all of us, which means protect everything we want. You can do that out of court. Everyone that is involved in law will tell you the cheapest way to settle is out of court. Mr. Kern said he agrees as long as it doesn't involve the taking of our tax money, so he would totally agree with Mr. Fegley to go the cheapest way. Mr. Fegley said the leaders should say we are going to sit down and hammer this out, and just get it done in a night, in two nights, sleep on it, but right now all we're seeing is legal battle, going to court, and it's not fair to us. It's not fair to the people of Allentown who are devastated by it, and it's not fair for the taxpayers here if we do feel it's stealing from us. He's saying take the quickest and least expensive way to find resolution to protect everyone and then there's no injustice as you see it. Mr. Kern said thank you.

- Matt McClarin said he lives at 2198 Riverside Drive. He's been reading through a lot of minutes of Council over the past several weeks just looking for information back and forth, and he knows it's been asked, specifically by a couple of you, this one specific one he read was at the end of the year. It was on exactly what the plan was if the host agreement is gone, and exactly what the financial plan is. What he's trying to get at, is a lot of people in Steel City don't care if the landfill closes or not, or a lot of people on the other end are saying how much are our taxes going to go up. He thinks out of all the research he's done and out of all the financials, it's hard to put a number on it, and he wants to know if you have worked on that at all with paying off the debt in 2016, and anything else, or have discussed it? He knows it has been brought up in meeting minutes. Mr. Kern said we have not because it hasn't gotten to that point yet, but that would be a great idea to put on for a future discussion to see what the financial impacts would be. Mr. McClarin said it just seems the rate that the spending is going; we might be able to maintain what we have with closing the landfill if it does shut down in four years. He's just worrying about another ten years of more spending and we'll have all these other parks and when it shuts down in ten years, we are really done. Mr. Maxfield said if you can imagine, we get about \$1.6 million a year now. So subtract that from what our total budget is of \$7.2 million every year. We have virtually no commercial districts. We keep losing businesses. Mr. McClarin said he understands that. Mr. Maxfield said we really have limited revenue with limits on building. Mr. McClarin said definitely. Mr. Maxfield said it would be quite an impact. Mr. McClarin said he understands. He's been doing his research of this building and Polk Valley Park. We pay almost \$800,000.00 a month for. Mr. Cahalan said a year. Mr. McClarin said he's sorry, yes, a year for. He knows about \$600,000.00 goes in the General Fund which is the backbone of the Township and some of that can get lost in other places like \$150,000.00 was spent on the land to build Steel City Park, and out of the General Fund. What is exactly with the merger on the fire tax? Mr. Cahalan said you are taking figures from the budget. If you want to understand what those mean, you should come in and sit down and talk to us about what was borrowed to finish the improvements at some of the parks. Have you looked at the budget? Mr. McClarin said the debt payment comes right from the landfill fund. Mr. Cahalan said yes, that's what the debt payment is for, the loan and for the building, but have you looked at the budget on line? Mr. McClarin said oh, yes he has. Mr. Cahalan said all that information it shows what is taken from the landfill fund. Mr. McClarin said he understands that.

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He knows a lot of the money if it comes from the landfill, it says it comes from the landfill, and he knows you guys are pretty good at doing that. He's just saying some of the monies from the landfill does get lost and is spent on various other things. Mr. Cahalan said we don't like to say it gets lost. If that happened, he wouldn't be here. Mr. Kern said if you look at the budget, there's no loss. It's line by line. It's all accounted for. Mr. McClarin said he's just looking for that magic number to make up that \$600,000.00 with a tight budget and just maintaining what we have. How much would it actually cost each one of us to have our quality of life and just try to make this thing work with everyone? He realizes we are going to be putting a lot of people out of work over there is IESI does close down, but any American would want to have a four year notice of layoff compared to in his business, you get a day. He knows the impact on all of this and has been doing his research and just wanted to see if you had a plan and if that could be discussed and try to get us a number on that. Mr. Kern said what you just bring up is something that's always been on his mind since he's been on Council, which is eventually this landfill will close and that's his concern, what's the plan for that and what's going to happen afterwards. Mr. McClarin said he knows without that money, where is it going to come from? Mr. Kern said exactly. Mr. McClarin said he wants to see if you could come up with a rough estimate or a number for him as this is reality. It might close and where is this money going to come from. Mrs. deLeon said she doesn't have that information but what is the mill to \$1.6 million? Mr. Cahalan said he could throw a figure out. Mr. Willard said he doesn't have a definite number, but as the newest member of Council, only yesterday he spent an hour and a half with our Finance Director to get a greater understanding of the budget, and obviously \$1.8 million in revenue coming in against the \$7.2 million budget, and you've done your research and you can see the disbursements and it's all there. It's a little bit complicated. If you figure \$1.8 million out of \$7.2 million you can figure out what percentage the taxes may have to go up. She hasn't made a detailed calculation. That's something that needs to be done. That is the trade off we'll face. He attended the Planning Commission meeting and he made it a point to drive around your neighborhood and he's sure all of them are going to spend a considerable amount of time evaluating that impact and the quality of life in your neighborhood versus this financial impact for everyone in the Township. That's really the difficult dilemma that we face. He appreciates your comments at every meeting and especially the fact that you are looking online as everything is transparent. Everything we do in the Township you can find out very easily and you've analyzed it quite correctly. This is a financial problem we will face now or in the future. Mr. McClarin said he's also like to know about the fire tax. Mr. Kern said there is no fire tax. Mr. McClarin said he knows, but isn't it almost in the planning? Mr. Cahalan said he will refer you back to the 2012 budget. There was some discussion that was in the tab in the back, and all that's been presented to Council. There are no decisions or actions. Mr. McClarin said \$5 or \$6 million for a new fire company and everything else, that's stuff that's going to be upon us soon and who knows if the landfill money is going to be there. He wants to make sure they have a heads up. Attorney Treadwell said obviously everyone in the room knows the landfill cannot expand at the moment the way the property on Applebutter Road is zoned. Obviously, everyone knows there are financial implications that go along with the landfill closing or not closing, but the decision to rezone Applebutter and the recommendation that comes from the Planning Commission and the decision that gets made by this Council has to be made first and foremost on planning and zoning issues, not the financial implications. We know that there are financial implications that are out there, but there needs to be solid zoning and planning issues and that's why Ms. Stern Goldstein has worked on it some and Hanover has worked on it some, he has worked on it. The Comprehensive Plan is important in that process and he doesn't want to get stuck on making this an economic decision as it's got to be first and foremost a zoning and planning issue. Mr. Kern said meaning if the landfill doesn't expand, we have to make sure the zoning decision, whatever it is, applies to whoever. Mr. McClarin said there's a big area on your Comprehensive Plan and it shows a map of Steel City and then it shows the big green line almost down Skyline Drive. It's either a natural resource area or open space, then it says Business Enterprise right directly across from Steel City, the definition is to provide a buffer in-between industrial and residential areas. To protect not only the resident's quality of life, but kind of balance everything that's going on. He thinks Council did sign that. It is a little grey there, a little fuzzy, but that's one thing we are

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looking at and if the people you paid to suggest to you really had a plan, this whole Township, everyone will work together and suggest to you that there should be some kind of zoned area, whether it be open space down Skyline Drive or something of that matter that he thinks everyone in Steel City would appreciate.

VI. COUNCIL AND STAFF REPORTS

A. TOWNSHIP MANAGER

- Mr. Cahalan said the HVAC system is broken and has to be replaced. We do need a new control unit sensor and a thermostat. Unfortunately, the cost is \$1,827.00. It's being ordered and it should be repaired hopefully by the end of this week. We've been fortunate so far and we open up the windows to get some air in.
- Mr. Cahalan said the purchasing signage for the adopt-a-road program. You've seen in the Township the signs on some of the roads for this program. The roads are adopted by various organizations and families and do periodic clean-ups. We now have 22 roads in the Township that have been adopted. We don't have signs on all of those roads. We're lacking signage on ten of the roads. We were hoping a local business was going to step up and pay for some of the signs, but that did not happen, so he would like Council approval to purchase ten of the adopt-a-road signs at a cost of \$882.50. Mr. Maxfield said isn't that something we can ask the landfill to pay for? Mr. Cahalan said that's who we were discussing it with and they haven't stepped up. Mr. Maxfield said maybe they can reimburse us.

MOTION BY: Mr. Maxfield moved for approval to purchase the adopt-a-road signs at a cost of \$882.50.

SECOND BY: Mr. Willard

ROLL CALL: 4-0 (Mr. Horiszny - Absent)

- Mr. Cahalan said he has a request from a local remodeler in Hellertown who would like to purchase ten pieces of the wood we recovered from the Polk Valley Road house that's in the trailer, \$100.00. Is that okay with Council to sell the wood? Council said that it sounded okay.
- Mr. Cahalan said each summer we hire two seasonal employees in the Public Works Department for the 12 week period. Because our Public Works Crewman, Kevin Yeakel has been out on disability since December with a leg injury. He just informed us he needs to have another operation. He may have had it by now. He's going to be out another five to six weeks. He would like approval to hire an additional summer helper for an additional five or six weeks period to help Public Weeks until Kevin comes back and he's back to full time employment and it would be at the rate we pay the seasonal employees.

MOTION BY: Mr. Maxfield moved for approval to hire an additional seasonal employee for a period of five to six weeks at the rate we pay seasonal employees.

SECOND BY: Mrs. deLeon

ROLL CALL: 4-0 (Mr. Horiszny - Absent)

- Mr. Cahalan said the Saucon Valley Library Task Force has been meeting on a monthly basis since January 2011 and we are winding up our data collection process and starting to finalize our report. We were given a deadline of July to finish the work, but he's asking if they could get a one-month extension on that and if they can, they will have the report to present to this Council and to Hellertown in August of this year. Once the report is approved by the Task Force we would bring it to the Council in our meeting in July, but he's asking if we could have a one month extension until August 15th? Council was all in favor.

B. **COUNCIL**

Mr. Maxfield

- He said you probably all received this. It's a place in Easton where his wife works called Nurture Nature. There was an opening last night and Ms. Stern Goldstein is featured in the show as well as an architect named William Doe and they are together. The show is called "Inhabit Perspectives on Living Design". They had a really nice opening. You all missed the great food. The show is going to be up all summer long, so please just call Nurture Nature Center. It's worth seeing. It's a beautiful work there plus other work in the center. Ms. Stern Goldstein said one of the feature projects she worked on is Polk Valley Park. Mr. Maxfield said it's a real nice display on Polk Valley Park. It was a great talk and very interesting.

Mr. Willard

- He said since we didn't meet last month, we didn't have a chance to report on the (Pennsylvania State Association of Township Supervisors (PSATS) conference. It was a very good meeting and he certainly respects what they are doing in terms of training of elected officials as well as lobbying and legislation as evidence by their involvement in the NIZ challenge. Mrs. deLeon was our voting delegate. We divided the workshops up so they could attend as much as possible. He did attend one on "Fire Service Challenges of Elected Officials" and he did share that information with the members of our Fire Services Committee. One thing that impressed him at the meeting was the citizen communication award which was given to various Townships'. Both as a resident before he joined the Council, is impressed with the amount of communication our township is able to do between the information on the website, the automatic notification of meetings, the newsletter, and now we're discussing some kind of citizen academy and some sort of workshops of various aspects of the government. He did send information about this citizen communication award to everyone on the Council. The deadline is August 1, 2012 and he would like to recommend that we go with what we have for this year and maybe really challenge ourselves to win this out in 2013 because the top Township receives an outstanding citizen communication award and he thinks we are on that path, and he'd like to challenge this Council to submit for 2012 and then step up the efforts to be the top Township in the Commonwealth in 2013.

Mr. Horiszny – Absent

Mr. Kern – No report

Mrs. deLeon

- She said on Monday night they had an artist reception for Kay Stauffer. It was well attended. She has beautiful work so stop by and see her work.
- She said on Saturday, they are having a barn photo workshop. Tickets are \$20.00 from 9am to noon. You'll learn how to take better pictures. The attendees of the workshop if they attend the Barn Tour on September 15th, their eligible to submit photographs for an exhibit which will be held in September 2013. We're getting pretty full but there are some seats available still, so let her know.

Jr. Council Person – No report

C. **SOLICITOR** – No report

D. **ENGINEER** – No report

E. **PLANNER** – No report

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VII. ADJOURNMENT

MOTION BY: Mr. Willard moved for adjournment. The time was 9:42 pm.
SECOND BY: Mr. Maxfield
ROLL CALL: Mr. Kern asked if anyone had any questions? No one raised their hand.
4-0 (Mr. Horiszny – Absent)

Submitted by:

Jack Cahalan
Township Manager

Glenn C. Kern
President of Council