I. OPENING

CALL TO ORDER: The General Business & Developer meeting of Lower Saucon Township Council was called to order on Wednesday, June 7, 2006, 7:04 P.M., at 3700 Old Philadelphia Pike, Bethlehem, PA, with Mr. Glenn Kern, Council President, presiding.

ROLL CALL: Present – Glenn Kern, President; Priscilla deLeon, Vice President; Thomas Maxfield, Sandra Yerger and Ron Horiszny, Council Members; Jim Birdsall, Township Engineer; Township Solicitor, Linc Treadwell, Assistant Township Manager, Leslie Huhn, and Jaclyn Rasich, Jr. Council person. Absent - Jack Cahalan, Township Manager.

PLEDGE OF ALLEGIANCE

ANNOUNCEMENT OF ANY EXECUTIVE SESSION (IF APPLICABLE)

Mr. Kern said Council met in Executive session prior to this evening's meeting to discuss a personnel issue and litigation regarding the condemnation of the Stasko property.

II. PUBLIC COMMENT/CITIZEN AGENDA ITEMS

Mr. Kern said for citizen agenda items – Council operates under Robert's Rules. What that means is during agenda items, Council will talk amongst themselves and amongst staff and the interested parties. At the conclusion of that, we open it up to the public for public comment. There is an opportunity for non-agenda items at the end of the meeting to discuss whatever your business might be. We do have a microphone and there are microphones up at the table. There is a sign-in sheet in the back of the room. Please print your name and address and email address. It is very helpful in transcribing the minutes. For those who want to receive emailed agendas, please give your email address to Diane, Leslie, or Jack or call the Township office. Please state your name and address. If you can't hear, please let us know.

III. PRESENTATIONS/HEARINGS

A. SWEARING IN OF OFFICER MATT LOWE

Mr. Kern said Chief Lesser would like introduce Officer Matt Lowe and ask that he be sworn in for duty. Chief Lesser said Matt's field training officer was also present. He will be with Matt for his first month. Matt graduated from Emmaus High School and in 2002 from the Allentown Police Academy. He has attended, and is currently attending, Kutztown University in a part-time capacity in their criminal justice program. Matt worked for Lehigh County Juvenile detention. Shortly after 2002, he was hired by the Berks County Detective's office through the Berks County District Attorney's office and was on their narcotics enforcement team. He worked there for 2 years part time and a year full time. He's very anxious to start his career. Matt was among 150 applicants who applied for this position last year. He performed very well in the written exam, outstanding in the fitness test, and completed the physiological and physical exam and a number of oral interviews. They are confident that Matt will perform enthusiastically and aggressively as a law enforcement officer while treating people with respect and courtesy. Carol Schneider swore Matt Lowe in. Council congratulated Matt Lowe.

B. RESOLUTION #40-2006 – RECOGNIZING WALTERS EXCAVATING INC. FOR THEIR ASSISTANCE IN REOPENING RIVERSIDE DRIVE

Mr. Kern said Resolution #40-2006 has been prepared to recognize and thank Mark and Lee Walters for volunteering their time and equipment to help and in the reopening of the Narrows.

RESOLUTION #40-2006
RESOLUTION RECOGNIZING WALTERS EXCAVATING, INC. FOR THEIR VOLUNTEER ASSISTANCE IN HELPING REPAIR AND REOPEN RIVERSIDE DRIVE IN STEEL CITY

WHEREAS, the section of SR 2014, Riverside Drive in Steel City known as "The Narrows" was closed since September 18, 2004 when flooding from the Hurricane Ivan storm caused landslides which covered and blocked the road in two separate locations; and

WHEREAS, the Township Council felt it was imperative that Riverside Drive be re-opened for emergency access to the residents and businesses who were impacted by the closure and thereupon formed a Task Force comprised of Council Vice President Priscilla deLeon, Council Member Thomas Maxfield, the Township Police Chief and Emergency Management Coordinator, and representatives from the Steel City Fire Company and the community to press PennDOT to re-open Riverside Drive; and

WHEREAS, through the involvement of our Federal, State and Local elected representatives, meetings were held with the PennDOT District 5-0 Executive and his staff to impress upon them the critical importance of repairing and re-opening Riverside Drive; and

WHEREAS, PennDOT did agree to repair and restore the road to pre-Ivan conditions and asked for the assistance of local businesses to help with the removal of debris from the road; and

WHEREAS, Mark Walters, owner of Walters Excavating, Inc. and his son Lee Walters, stepped forward and volunteered their equipment and time to assist with this effort; and

WHEREAS, Walters Excavating commitment of equipment and labor to this effort went far above and beyond the volunteer assistance that was anticipated and their efforts were instrumental in seeing that the road was cleared, widened and restored for automobile and emergency vehicle access.

NOW, **THEREFORE, BE IT RESOLVED,** that the Council of Lower Saucon Township, Glenn Kern, President; Priscilla deLeon, Vice President; Ronald Horiszny, Council Member; Thomas Maxfield, Council Member; and Sandra Yerger, Council Member hereby recognizes and salutes the assistance provided by Walters Excavating, Inc. which represents community spirit and volunteerism at its best.

MOTION BY: Mrs. deLeon moved for approval of Resolution #40-2006.
SECOND BY: Mrs. Yerger
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.
ROLL CALL: 5-0

C. RESOLUTION #41-2006 – RECOGNIZING SPECIAL TASK FORCE FOR THE REOPENING OF RIVERSIDE DRIVE

Mr. Kern said resolution 41-2006 has been prepared to recognize the members of the Special Task Force that was formed to work with officials and PennDOT in the reopening of the Narrows.

RESOLUTION #41-2006
RESOLUTION RECOGNIZING THE SPECIAL TASK FORCE FOR THEIR VOLUNTEER ASSISTANCE IN HELPING TO REOPEN RIVERSIDE DRIVE IN STEEL CITY

WHEREAS, the section of SR 2014, Riverside Drive in Steel City known as "The Narrows" was closed since September 18, 2004 when flooding from the Hurricane Ivan storm caused landslides which covered and blocked the road in two separate locations; and

WHEREAS, the Township Council felt it was imperative that Riverside Drive be re-opened for emergency access to the residents and businesses who were impacted by the closure and thereupon formed a Task Force comprised of Council Vice President Priscilla deLeon, Council Member Thomas Maxfield, Township Police Chief Guy Lesser, Steel City Fire Chief Chris Snyder, Steel City Assistant Fire Chief Dave Rockstroh, President of Steel City Fire Company Lee Walters, and Township Emergency Management Coordinator Bill Csaszar; and

WHEREAS, PennDOT did agree to repair and restore the road to pre-Ivan conditions and asked for the assistance of local businesses to help with the removal of debris from the road; and

WHEREAS, Riverside Drive was re-opened on Monday, May 22, 2006 through the combined efforts of the Task Force, Federal, State, and Local elected representatives and local businesses.

NOW, **THEREFORE, BE IT RESOLVED,** that the Council of Lower Saucon Township, Glenn Kern, President; Priscilla deLeon, Vice President; Ronald Horiszny, Council Member; Thomas Maxfield, Council Member; and Sandra Yerger, Council Member hereby recognizes and appreciates the effort of the Task Force which represents community spirit and volunteerism at its best.

MOTION BY: Mrs. deLeon moved for approval of Resolution #41-2006.
SECOND BY: Mrs. Yerger
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.
ROLL CALL: 5-0

D. <u>RESOLUTION #42-2006 – HONORING JUNIOR MEMBERS</u>

Mr. Kern said Resolution #42-2006 has been prepared honoring the Junior members who have served on Council, Planning Commission, the EAC, and the Parks & Rec. Board.

RESOLUTION #42-2006
PROCLAMATION HONORING JACLYN RASICH, JUNIOR COUNCIL MEMBER; JEFFREY PERREIRA, JUNIOR ENVIRONMENTAL ADVISORY COUNCIL MEMBER; STEPHANIE WILLIAMS, JUNIOR PLANNING COMMISSION MEMBER; AND PETER HERTZOG, JUNIOR PARK & RECREATION MEMBER

WHEREAS, the Lower Saucon Township Council appointed Jaclyn Rasich to serve on Lower Saucon Township Council, Jeffrey Perreira to serve on the Environmental Advisory Council, Stephanie Williams to serve on the Planning Commission, and Peter Hertzog to serve on the Park & Recreation Board; and

WHEREAS, Jaclyn, Jeffrey, Stephanie, and Peter participated in the meetings of the Council, Boards and Commissions during the 2005-2006 school year and provided input from a student's point of view; and

WHEREAS, Jaclyn, Jeffrey and Stephanie are graduating members of the Saucon Valley Class of 2006 and Peter will be a graduating member of the Class of 2007; and

WHEREAS, Jaclyn, Jeffrey, Stephanie and Peter have done a great job and brought with them the eagerness of learning more about local government in their community.

NOW, THEREFORE, the Council of Lower Saucon Township, Glenn Kern, President; Priscilla deLeon, Vice President; Ronald Horiszny; Tom Maxfield; and Sandra Yerger do hereby commend Jaclyn Rasich, Jeffrey Perreira, Stephanie Williams and Peter Hertzog for their exemplary performance on behalf of the Lower Saucon Township and Saucon Valley High School.

MOTION BY: Mr. Maxfield moved for approval of Resolution #42-2006.
SECOND BY: Mr. Horiszny
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.
ROLL CALL: 5-0

III. DEVELOPER ITEMS

A. ZONING HEARING BOARD VARIANCE REQUESTS

1. T-MOBILE NORTHEAST, LLC – 2231 KOHLER DRIVE – VARIOUS VARIANCE REQUESTS TO INSTALL A COMMUNICATION TOWER

Mr. Kern said the applicant is requesting variances from required setbacks and impervious coverage ratio. In addition, there is already an existing use on the property and only one principal use is allowed. The proposed tower is required to be set back from all property lines one and one half times the height, which they are not proposing.

Attorney Tim Charlesworth, Christopher Milotich, Site Acquisition Consultant, and Mustafa Kassan were present. Attorney Charlesworth said the property is located in the B2, limited general business district. It's a little over 0.2 acres. The proposed tower will be 150 feet tall. The tract is a small triangular shaped lot on top of Route 378. They need variances from the setback. He was not aware of the impervious coverage variance, but they'll analyze that prior to going to the ZHB. Given the shape of the lot, this is the ideal spot.

Mr. Milotich said when they look for a new antenna site, they always try to co-locate on existing structures if they are available. Their target area they were looking to cover is relatively on the small side, geographically. There is a very steep mountain that separates this Township from the City of Bethlehem. They have an existing site located in South Mountain Park, just 5/8th of a mile away from this proposed site. They also have a roof top site on the Bethlehem side that provides coverage heading into the City of Bethlehem. The reason they need a site at this location is because of the topography of the mountain basically blocking signals along Route 378. This parcel is at the top and a very good location for allowing seamless coverage which is their FCC obligation based upon the ownership of their license. If there were existing structures, they would look at them. They looked at some locations that PPL has, but after a half of year of negotiating with them, they have not been able to obtain a lease from PPL.

Mr. Kern said the existing tower on South Mountain, is that filled up? Mr. Milotich said he doesn't know if it is filled up, but their antennas are already on that, and it still does not provide coverage. They did a dry test, which is a temporary test that puts a crane in the

air, has antennas attached to it, so that our configuration is actual data as opposed to computer model. They would be prepared to testify to that fact.

Mrs. deLeon asked if that area was a dead spot for the other phone companies? Mr. Milotich said he wouldn't be able to answer truthfully as he only represents T-Mobile. Mrs. deLeon said you made a statement and said this is a requirement – of seamless coverage which is the FCC obligation. Mr. Milotich said one of the obligations of their license is to provide seamless coverage. Mrs. deLeon said wouldn't that be an obligation of the other cell companies? Mr. Milotich said he's sure they would have the same requirements that they do. The lower band widths have the ability to have their signal propagate further than the higher band widths company. T-Mobile is a microwave band width length which is a little bit smaller and doesn't travel as far.

Mr. Kern asked how long they have been operating with the dead spot? Mr. Milotich said he doesn't have that information, but will get the info for the next meeting. Mr. Kern asked how large an area is the dead spot? Mr. Kassan said he can tell you the area it will cover once they build the site. He presented Council with a map showing them the coverage area. Mr. Kern said he can see the coverage area, but what is the current dead area? Mr. Kassan said it is on page 2. They have two gaps. All the white area is problematic. Mr. Horiszny said in your co-location search, did you think of putting it on the Bethlehem star? Mr. Milotich said they did look at the star, but unfortunately, he hasn't been able to complete a lease with the City of Bethlehem. He has been working with them on two other sites plus on top of that, the star of Bethlehem is comparatively short and surrounded on the sides they need to cover, by very dense forest. The signal will not propagate through those dense trees. The star is an icon for the City, and he'd be surprised if they won't lease to them in other less sensitive areas, that they would lease to them on the star. Mr. Kern said the icon of the star, what are the visual impacts of this location in proximity to the star? Mr. Milotich said from a visual standpoint at night, they have done their research in terms of whether this will have to be lit from the FAA. It does not violate any flight patterns as confirmed from the FAA; therefore, there will be no filing needed officially with the FAA and it will not have to be lighted. In terms of how it compares to the star, it will not be noticeable. It will not be lighted, it'll be a dark pole against a dark background close to a very bright star. During the day, it will be visible, but the star is difficult and hard to see during the daytime. They'd be happy to generate a photo of their tower.

Mrs. deLeon asked how high are the trees in that area? Mr. Milotich said it's a tough area. The trees themselves range most in the immediate area of 50 feet. As you go to the east, they get taller and they also go up in ground elevation. Where the star is, it's kind of a denser and taller tree growth and that's the reason the star doesn't work from a radio frequency standpoint, even though it is roughly ¼ mile away.

Mr. Maxfield said on the drawing of the pole, it looks like a light at 60 feet? The purpose is not to distract air traffic, but to light the site? Mr. Milotich said that is what is presently being proposed. That can be negotiated out if that's what you prefer. There is presently lighting poles on this storage parcel. He can bring the light down to what is there presently. It's also a straight pole.

Mr. Birdsall said they said a short distance down the road there was a building mounted unit. What type of building was that mounted on? Mr. Milotich said it's a business, but doesn't know the type of business that takes place there, but he can come back with that information. It's not that tall, a 2 story building. Mr. Birdsall said from your general knowledge on the antennas, can they be put on commercial two story buildings in a safe manner? Mr. Milotich said absolutely. From a safety standard, they will comply with the FCC guidelines. They are way below the safety threshold. It is included in their

application. The antennas are light and simple structures. Mr. Birdsall said what is your time table for needing to have this constructed? Mr. Milotich said it's in their 2006 building plans, provided they receive the necessary governmental approvals, zoning, etc. They'd be happy to build ASAP. Mr. Birdsall asked if they could wait about three years? Mr. Milotich said they would do whatever is required to receive the approvals, but he doesn't know. He would have to talk to his boss the next day after promising to wait three years. They'd prefer to build it sooner as to later. He asked where he was going with that statement? Mr. Birdsall said he won't go any further. Mr. Maxfield said he knows where he's going and he likes that idea much better. Mr. Birdsall said there is a two story proposed structure about to start under construction about 100 feet north of them on much higher elevation than they are. Mr. Milotich said they'd be happy to review that proposal if Mr. Birdsall could let him know the address and proposed time frames. He knows his boss would ask him to see if they could put up a temporary site while the building is being constructed. Mr. Birdsall said he's just trying to brainstorm a little bit.

Mrs. deLeon said she has an issue with the proposed tower being in the fall zone. It doesn't meet the ordinance for that. When they drafted and passed the regulations for the fall zone, she was involved in all of that. They now have four existing towers, and they were very, very concerned about having room on their site if the tower would fall, it would fall on the property, and you're way off. Mr. Milotich said unfortunately, the size and shape of the parcel really doesn't allow for that and that's why they requested the variance. Mrs. deLeon said just because you have a parcel and there is an ordinance, it doesn't mean you can do everything to every parcel in the Township.

Mr. Maxfield has the same issue – safety is an important concern. Mr. Milotich said while this doesn't address the setback issue, the tower and antennas will be designed in accordance with the ANTSE monitors which regulates such structures. It addresses the safety of the structure. Mr. Maxfield said the only way they'd be totally safe is if some one would assure them it would never, ever fall over and he's sure they cannot do that.

Mrs. Yerger said it's also the lack of safety area in that location. Route 378 is a busy thoroughfare and if it is coming down, it's coming down on 378 and that's an issue with the volume of traffic. Mr. Milotich said if a tower were to be put under such stress that it would fall, such as in a hurricane situation, he is confident that most of the houses that are built in the area may not meet that same standard. They will be subjected to the exact same forces the tower would be subjected to.

Mrs. deLeon said they are, by law, able to regulate cell towers and they did that in their ordinance.

Mr. Birdsall said the other thing designers often forget is even though the wind may tend to want to blow something down, you can have settlement of a foundation and the pole can be as strong as a gigantic tower, but if the foundation settles inappropriately, or collapses, or a sinkhole opens up, it could collapse without any wind. The collapse would be a linear fall instead of a buckled collapse.
Mr. Kern said it appears that the majority of the area is wooded and just a very little section of it has any type of inhabitance. From what Mr. Birdsall was saying, it looks like it's possibly the fraternity area of Lehigh University. Mr. Kassan said the area that they want to cover is the white area and where they are proposing the site. Mr. Kern said it looks like you are going through a lot of effort for a little net result because hardly anyone is affected by the improvement to your service. He said the white area is the area you want to improve and 378 doesn't even go through that area. It seems that it is okay.

Mr. Birdsall said can you put in three little, very small antennas at strategic locations across the breast of that hill instead of one and accomplish the same thing? That would be an ideal solution. He has two objections and the first is safety and the second one is aesthetics as you are putting it right next to the star of Bethlehem. Mrs. deLeon said the white area on page 2, if you got your tower and it filled in that area, would competitors be able to make use of that space also? Mr. Milotich said absolutely. They can share towers, but not antennas. Attorney Treadwell said it's a requirement in the ordinance that they allow co-location.

Mr. Maxfield said this issue is summed up pretty clearly and it's a safety issue and he can't be in favor. They need to come up with another creative plan. Mr. Kern said he agreed. Mrs. Yerger said she's concerned with the impact for safety if it ever came down on 378 – a major artery to the hospital. Mrs. deLeon said that was also her concern.

MOTION BY: Mr. Maxfield moved to oppose.
SECOND BY: Mr. Kern
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.
ROLL CALL:

MOTION BY: Mr. Maxfield moved to amend his previous motion to oppose this and send the appropriate Township staff to oppose it and Staff will determine what the parameters of that opposition are.
SECOND BY: Mr. Kern amended his second.
Mr. Kern asked if anyone in the audience had any questions or comments? Mr. Maxfield is not opposed to cell phone coverage in that area, we just have to come up with something more creative and less impact on the surrounding areas.
ROLL CALL: 5-0

2. SAKELE BROS. – SEIDERSVILLE ROAD (TMP #Q6-3-8A) – REQUEST VARIANCE TO CLEAR, THIN, OR REGRADE ENVIRONMENTALLY SENSITIVE WOODLANDS AND STEEP SLOPES TO PLACE FILL FOR LATER CONSTRUCTION OF A SINGLE FAMILY DWELLING

Taken Off The Agenda

B. STEVEN & KATHLEEN FRIEDENBERG LOT LINE ADJUSTMENT – 1334 SEIDERSVILLE ROAD AND 1404 ILLES LANE

Mr. Kern said the applicant is requesting a lot line adjustment to convey land to preserve more space. Mr. Steve Turoscy, P.E., and Steven & Kathleen Friedenberg were present.

"The LST staff recommends that Township Council approve the Steven S. & Kathleen D. Friedenberg, H/W Lot Line Adjustment plan prepared by Lehigh Engineering, Assoc., Sheet 1 dated 11/29/05, last revised 3/20/06, subject, however, to the following conditions:

1. The applicant shall address the review comments contained in the letter dated 5/30/06 from the Township engineer, HEA, to the satisfaction of the Township staff.
2. The applicant shall address the review comments contained in the letter dated 5/9/06 from the Township planner, Boucher & James, Inc. to the satisfaction of the Township Council.
3. The applicant shall pay any outstanding escrow balance due to the Township in the review of the plans and the preparation of legal documents.
4. The applicant shall provide two Mylar's and six prints of the record plan with original signatures and seals for signature by the Township and recording. Four complete sets of plans shall also be provided. The applicant shall also provide (2) CDs of all plans in an

AutoCAD format (jpeg-ROM). The plans will not be recorded until all conditions have been satisfied.

5. The applicant shall satisfy all these conditions within six months of the date of conditional approval of this plan or the application shall be considered to be withdrawn by the applicant, and, therefore, null and void."

Mr. Turoscy said the Friedenberg's are proposing to subdivide property located along Illes Lane and Seidersville Road. Both lots have existing homes on them, and it splits the zoning district between the R40 and R12. Both homes are older homes. It's not proposed that the uses of the tracts will change. They will still be residential, it's just that the larger lot, which derives access from Seidersville Road, will become a little bit larger and the smaller lot, which accesses at the western end of Illes Lane, will become a little bit smaller. They have worked with the HEA and Boucher & James to try to get the comments down, and they are hopeful tonight that the Council will review the plans favorably pending the re-review.

Mr. Maxfield said why is this being done? Mr. Friedenberg said the original goal was to make sure that the space was maintained as woodland. He's interested in open space and bird life and wild life and he wanted to make sure that stayed as it is now. He has approximately 13 acres now and this adds to it. He has no desire to develop any more of his land. He'd like to keep it as woodlands and this would insure that the area that includes part of a stream, which is continuous from his property, would stay as such and there would never be anybody to develop that. Mr. Turoscy said Mr. Friedenberg, may at some time, divest himself of lot 2, so he's diminishing the size of lot 2 and increasing the size of his lot as an additional buffer. Mr. Maxfield said he noticed there are no current easements that allow access from Seidersville. Mr. Friedenberg said he thinks there is an easement from Seidersville Road to his property. Mr. Turoscy said there was a previous subdivision plan which provided access through the north-south lane there forever and always. That was a comment from the first review by HEA.

Mrs. deLeon said the conditions are fine, it's just that she has this thing about the way the conditions are worded. She has to ask because when she looks at these, the applicant should understand the conditions, the neighbors, anyone who is interested. The first two refer to letters from the Engineer and the Planner. She'd like to have some clarification of HEA's letter. Under B1, she doesn't understand "should be resolved". Mr. Birdsall said there's a difference on the drawing between what they believe is to be a number that was intended to be the same number and he doesn't know if it's a typographical area or whether there's a true difference. Mr. Turoscy said he looked at that, and if he resubmitted as he revised it now, it will be more clear. There weren't wording discprepancies on the plan, there were just things that could have been worded more clearly that made it more understandable. Mr. Birdsall said that's fine. Mrs. deLeon said when we are looking at these, since the motion is referring to these two letters, it should be clear if they are conditions, outstanding, or are we just talking about it as a statement. The second one is a clear condition, so you have to do that. No. 3 is a condition, so that would be done. No. 4 is a clear condition and No. 5.

Mr. Turoscy said going on to the Boucher & James letter, No. 1A, in his opinion is clear, the plan should be revised and you agreed to that. B and C are really statements, so do we expect anything out of those statements? Attorney Treadwell said they are comments, for the record, so that five years from now we go back and say what was that barn there, it's clear there's an existing barn there that's nonconforming. Mrs. deLeon said all the professional letters are part of the record, but she's more familiar with having a conditional approval picking out these things and putting them in, so everybody knows what is outstanding. That has not happened. No. 2, General Comments, is a condition. The plan should be revised to depict the extent of the woodlands. Mr. Turoscy said it's his intent to revise the plan in conformance with both letters and submit them again to HEA and to Boucher & James. Mrs. deLeon said it ends those two paragraphs with "to the satisfaction of Township Council". Is it her understanding this will come back to us? Attorney Treadwell said

only if you want it to. Mr. Maxfield said as long as we're happy with these conditions, it should be okay. Mr. Turoscy said if you would receive letters from both of the reviewing bodies that indicate they do not have issues any longer, is it necessary to come back to another meeting? Mrs. deLeon said will the HEA and Boucher & James letters be attached to the minutes as if anyone is looking in the minutes, they'll know exactly what the requirements of the May 30 HEA letter and the May 9 letter say or will the resident have to be inconvenienced then and go through a file rather than pulling one paper? Ms. Huhn said they can attach the minutes if that's what they want.

Mr. Maxfield said this is just a lot line change. Mrs. deLeon said she's sitting up here and she has to think about the applicant, the residents, and the neighbors. Everybody should have a clear understanding and we diverged from the way it's been up here for 19 years and she finds it unacceptable. She is going to keep asking these same questions every time she gets a staff recommendation in front of her and she has to refer to letters. Mr. Maxfield said it's a lot line change and he's happy if it says to the satisfaction of Township Council. We're happy with these conditions. He has trust in the staff that they will assure that these conditions are adhered to, and he doesn't want to see it again. Mrs. deLeon said you are going to scratch "Township Council". Mr. Maxfield said no, he's satisfied that Staff will address the concerns. Mrs. deLeon said that doesn't say that. To her, it says that the Council has to see it again. Attorney Treadwell said would it be helpful if they changed it to the satisfaction of the Township staff? Mrs. deLeon said for this instance, yes, on No. 1 and No. 2. Attorney Treadwell said so the staff has a clear direction in the future, if we have something that is not a lot line change, but a major subdivision, do we put to the satisfaction of the Township staff or Council? Mrs. deLeon said we may want to see it back again. We're going to do preliminary approval, fine, but there are some issues that we need to see again. She doesn't want to be out of the loop. This is the last review board that sees it. Attorney Treadwell said understood, which is why we generally have put to the satisfaction of the Township Council. Mrs. deLeon said will it come back to them? Mrs. Yerger said how is staff going to determine what you want to see back and what you don't want to see back? Mr. Birdsall said maybe procedurally, we should leave the word Council out and you make a decision if it's Council or Staff. Mr. Kern said the triggering point is when the condition is not met. If it's not met, the staff will know it's not met and bump it back to Council for their action. If the conditions are all met, there is no reason to see it again. Mr. Maxfield said we have to trust the staff.

MOTION BY: Mr. Horiszny moved for approval per the Staff's recommendations.
SECOND BY: Mrs. deLeon
Mr. Kern asked if anyone in the audience had any questions or comments? Mr. Turoscy said on stream easements, is it possible to put a width on a stream easement since they are rather narrow instead of doing a 100 year flood plain analysis. Mr. Birdsall said let's talk about it under advisement.
ROLL CALL: 5-0

C. <u>CARUSO LAND DEVELOPMENT – REQUEST EXTENSION TO COMPLETE CONDITIONS OF APPROVAL</u>

Mr. Kern said the applicant is requesting an extension of time to complete the conditions of approval.

Attorney Jim Preston was present. They had a site plan approval which carries a six month approval period. They've gone well beyond that. Some of the outstanding issues are they need to identify trees that need to be removed and also submit a design for the bridge and for the abutments. The major cause of delay has been engineering problems. They've addressed that by dismissing their engineer and retained a new engineer and hope to get the project back on track.

Mrs. deLeon asked what the status of this application was? Attorney Treadwell said it was approved with conditions and they haven't met the conditions yet. What expired was the six month

period that we generally put on every motion that they have to meet all the conditions within six months. Normally the applicant will come back if they get close to that six month period and say they need more time, which is what they are doing here, but they are a little past their original six months. Mrs. deLeon said why would we even bother to put that on there if it doesn't mean anything. Attorney Treadwell said it's basically so the Township could keep track of where each project is. Mr. Birdsall said it means a lot. It means if they don't meet the conditions, they lost the approval, and so as soon as that six months or twelve months passes, we can take it off our books as a dead job and don't have to worry about it anymore. What the applicant is saying is we realize we're late, we're sorry. He said they said an engineering problem, do you mean a problem that the bridge can't be designed at that location or do you mean administratively? Attorney Preston said administratively. Mrs. Yerger said if we would not grant this extension, what would happen? Attorney Treadwell said his assumption is the applicant would file an appeal and say they are within the MPC five year time period whether or not they signed the original motion saying they had six months to complete it or not. The MPC gives them five years to build it. Mrs. deLeon said then why are we even bothering with these conditions if they mean nothing? Attorney Preston said for the reason we are here. We didn't say the heck with you guys, we got five years, we don't care what you do. We're here to come before you because of that limit and to explain where we are and to tell you the reason we have not progressed as far as we should have.

MOTION BY: Mr. Horiszny moved for approval of the extension to complete conditions of approval.
SECOND BY: Mr. Maxfield

Mr. Kern asked if anyone in the audience had any questions or comments? Mrs. deLeon said she's still not comfortable here. She doesn't know why we have a condition on here that's part of the motion that was passed on February 16, 2005. It says "the applicant shall satisfy all of these conditions within six months of the date of approval or the approval shall be considered withdrawn and null and void". Attorney Preston said that condition is binding on us, not this Council, so we're asking Council. Council is free to reinstate the approval. That condition does not bind Council. Council is within its prerogative if they want to lift that condition. It's within their discretion. The way it's written, we have to have Council's approval to do it. Mrs. deLeon said according to the Council sitting up here now, there's no plan in front of us that we voted on this February 16, 2005, and we trusted the word in this, and if all these things didn't happen, it would be null and void. Attorney Preston said are you saying Council has never granted an extension? If those words mean what you say they mean, you wouldn't have the power to grant the extension. Mrs. deLeon said we do, but it's usually within the time limit. Attorney Preston said if the words mean what you say they mean, you don't have that authority to grant that extension. It shall expire. Mr. Kern said our solicitor covered it before. If we deny it, they'll appeal it and they'll win as they have five years to build it under the MPC. Mr. Birdsall said Linc was articulating possible appeal, possible result. That's not necessarily the result. We could prevail. Attorney Treadwell said the Township's argument would be they waived the five year period when they signed off on the conditions. There is also a conditional use approval that this does not apply to, so they would still have the conditional use approval to construct the bridge. They could come in tomorrow and file a new site plan.

ROLL CALL: 4-1 (Mrs. deLeon – No)

D. <u>VISITING NURSE ASSOCIATION OF ST. LUKES – 2455 BLACK RIVER ROAD – REQUEST EXTENSION TO COMPLETE IMPROVEMENTS</u>

Mr. Kern said the applicant is requesting an extension of time to complete the required improvements. They request an extension to October 1, 2006 in order to do this.

"STAFF RECOMMENDATION FOR VISITING NURSE ASSOCIATION OF ST. LUKES IMPROVEMENTS FOR THE JUNE 7, 2006 LST COUNCIL MEETING

The LST staff recommends that Township Council approve an extension until October 1, 2006 for completion of improvements at the Visiting Nurse Association. This approval is subject to the following conditions:

1. The owner/developer shall enter into an Extension Agreement with the Township satisfactory to the Township Solicitor and Township Council.
2. The Improvements Security shall be extended to at least November 1, 2006, to the satisfaction of the Township Solicitor.
3. The owner shall pay any outstanding plans and appeals account invoices owed to the Township."

Jamie Kratz was present. They were here recently regarding the zoning application they have scheduled for June 19 for the landscaping plan. That's part of the improvements that still need to be completed, and also the boards need to be pulled from the detention pond. He did promise the letter to the solicitor and that's his May 19 letter requesting the extension.

MOTION BY: Mrs. deLeon moved for approval for request of extension to complete improvements
SECOND BY: Mr. Maxfield
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.
ROLL CALL: 5-0

E. <u>IESI BETHLEHEM LANDFILL – APPLEBUTTER ROAD – REQUEST EXTENSION TO COMPLETE IMPROVEMENTS</u>

Mr. Kern said the applicant is requesting an extension of time to complete the required improvements. This extension request is for the buffer landscaping only.

"STAFF RECOMMENDATION FOR IESI BETHLEHEM LANDFILL EXTENSION FOR THE JUNE 7, 2006 LST COUNCIL MEETING

The LST staff recommends that Township Council approve an extension until June 11, 2007 for completion of improvements at the IESI Bethlehem Landfill. This approval is subject to the following conditions:

1. The owner/developer shall enter into an Extension Agreement with the Township satisfactory to the Township Solicitor and Township Council.
2. The Improvements Security shall be extended to at least July 11, 2007, to the satisfaction of the Township Solicitor.
3. The owner shall pay any outstanding plans and appeals account invoices owed to the Township."

No one was present representing IESI. Mr. Kern asked any discussion from Council? No one raised their hand

MOTION BY: Mr. Horiszny moved for approval of the extension.
SECOND BY: Mr. Kern
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.
ROLL CALL: 5-0

F. TOLL BROS. – THE MEADOWS – MEADOWS ROAD – REQUEST REDUCTION OF SECURITY

Mr. Kern said the developer is requesting a release of security for work accomplished to date. Hanover Engineering has reviewed the request and is recommending a reduction of security in the amount of $550,119.80. Mr. Kern asked if there was any discussion by Council? No one raised their hand.

MOTION BY: Mr. Horiszny moved for approval of request of reduction of security as stated above.
SECOND BY: Mrs. deLeon
Mr. Kern asked if anyone in the audience had any questions or comments? Mr. Maxfield said the other day he was coming over Bingen Road intersection and he found a trail of a cement truck all the way down to the Toll Bros. site. He wants them to be made aware these situations are happening.
ROLL CALL: 5-0

IV. TOWNSHIP BUSINESS ITEMS

A. UPDATE ON RIVERSIDE DRIVE

Mr. Kern said the Township has received correspondence regarding the maintenance of Riverside Drive and Vice President Priscilla deLeon would like to discuss this communication with the rest of Council.

Mrs. deLeon said on May 4, Jack sent a letter to Mr. Bhajandas at PennDOT and asked for two things prior to the May 22 road opening. The letter said "as your department completes these repairs, the Township requests that planning for safety improvements and maintenance be started and programmed. We recognize your budgets and contracts may already be in place for your projects in 2006, and we would ask that safety improvements be planned for 2007, and that you establish a regular program for maintenance. The Township requests that you provide a brief scope of work and timetable for safety improvements and a typical maintenance activity outline for your schedule of regular maintenance". In our packets, we got the letter of May 25, saying that the road was completed and goes on to say "the department is currently scheduled to apply a surface treatment to the road in 2007. We will also do regular maintenance work of snow removal and tree trimming on an as-needed basis. Any additional safety improvements the Township wants, will have to be requested through Lehigh Valley Transportation Study and be put on the department's improvement program. This request must then compete with other requests from other local Township's and municipalities for the transportation dollars that are allotted to the Lehigh Valley". She wants to know if we have to do this for every road or is this just Riverside Drive?

Mr. Birdsall said what they are referring to is that something that they feel is a capital improvement and that they don't have a maintenance budget for local improvements. The capital budget has to go through the LVTS. They don't make it clear as to who is making the request of LVTS. You can almost read it as they have to make the request. In either case, we should probably make it clear that we want them to request that. The Manager did make it clear in his letter. Maybe a follow up letter saying that and saying something like "okay, well then please go ahead and request it through LVTS". As far as whether it's similar to other programs in the Township, yes, anything in the Township that you feel PennDOT is not keeping up with as far as good highways that are affecting your people, you have the right and ability to ask PennDOT to put them on a capital program. We did for the noise wall and were turned down. We did for some Leithsville storm drainage and we were pushed away, but that doesn't mean they won't do it in this instance. They sit on that committee also. There's a capital improvement budget that has big picture items like American Parkway, but also has allowances for small things that are of local concern. They have to distribute

their money to pedestrians and bicycles, etc. Mrs. deLeon said we have the road open, it's one way, and people are using it. They now have a responsibility to all of the PennDOT roads in LST. She'd like to direct the Manager's office to have Jim formulate a letter in response. Mr. Maxfield asked what would be our position in the response? The way he reads it, Riverside Drive would be competing for monies that could be used at other places in the Township for any PennDOT road. How are we going to respond to this? Mr. Horiszny said he doesn't read it like PennDOT would apply, we have to apply. Mrs. deLeon said we have to ask PennDOT to do it. The years she's been up here, except for the storm water problems in Leithsville, this isn't something she's accustomed to doing. Mr. Birdsall said many municipalities aggressively do go after this sort of thing and they make their appearance in front of the LVTS and they lobby for it, etc. Some of the requests would have to come back to a 75, 10 or 15 program or something like that where they would ask you to pay or raise the 10%. He doesn't think it would fall into that category. This would be 100% state and federal; although they made it pretty clear it's not a federal highway so they wouldn't have the ability to tap federal funds. We have not aggressively gone after that sort of thing, but it doesn't mean you can't. Mr. Birdsall said routine maintenance, they felt the guide rail would throw it into a different category that they would need a retaining wall, they would need piles or drilling into rock that would be hundreds and hundreds of thousands of dollars that maybe they couldn't squeeze out of a meager maintenance budget.

Mr. Maxfield said if you read the one paragraph, it says they are going to apply a surface treatment, then the next sentence they define what regular maintenance is, snow removal and tree trimming. It doesn't have anything to do with fixing potholes, etc. Mrs. deLeon said exactly, and that's what scares her. Mr. Maxfield said we need to agree on what a definition of what regular maintenance is for that road. Mr. Birdsall said surface treatment would mean repairing the potholes and putting a new surface on it. They are going further and saying, of course, we're going to be doing snow plowing and tree trimming. We asked them for a brief outline of their maintenance and that's a brief outline of their maintenance. Mr. Maxfield said we should say we look forward to continued maintenance of the road.

Council directed the Manager's office to formulate a letter and respond.

B. <u>SOCIETY HILL – FRIEDENSVILLE ROAD – REQUEST REDUCTION OF SPEED LIMIT</u>

Mr. Kern said a request has been submitted to the Township from the Condominium Association of Society Hill regarding the speed limit of Friedensville Road.

Mr. Richard McFerren from Society Hill was present, President of the HOA of Society Hill. They want to request a review of a safety concern. Coming out of Hellertown west, up to Creek Road is 30 MPH. At Creek Road, it goes to 45 MPH. You are going up a hill and the line of sight is restricted. We have all the apartments across the street. They have one of the most highly dense populations in the area and they can't safely get out at 45 MPH. When they look east and then turn to look west, cars come up very rapidly. Half a mile going west, it reverts back to 40 MPH. The higher MPH you have in the whole area is in the most highly dense populated area. They request, from a safety standpoint, to continue 30 MPH out past where the Lehigh students are and then pick up your 40 MPH.

Mrs. deLeon said she was here in 1988 when Society Hill was approved. She voted no to Society Hill because one of the issues was the PennDOT issue with exiting off the road and they approved it. PennDOT knew 642 homes were going to be exiting on that road. Then they put in the yellow crossing light and path walk. Nobody knows what the flashing yellow lights are on Friedensville Road. Mr. McFerren said no one slows down. They have added traffic across the street, but now they have to look left, right and in front of you. They want Council to address it as a safety issue.

Mr. Birdsall said they must ask PennDOT to do a speed study. They do it reasonably promptly. If they say it should be 30 MPH or 35 MPH, the Township's commitment would be to change the signs. Attorney Treadwell said the HOA should also write a letter to PennDOT with their concerns.

MOTION BY: Mr. Horiszny moved to ask PennDOT to do a speed study and coordinate the effort with the HOA and the Township Manager.
SECOND BY: Mr. Kern
Mr. Kern asked if anyone in the audience had any questions or comments? Ms. Stephanie Brown said she brought the same issue up a few weeks ago as she was concerned about the increasing development on Meadow's Road. She thinks 30 MPH is too slow. Isn't it a main road for traffic? Mr. Maxfield said that's why they ask for a speed study from PennDOT as they'll determine it.
ROLL CALL: 5-0

C. RESOLUTION #39-2006 – APPOINTMENT OF PLANNING COMMISSION SOLICITOR

Mr. Kern said Resolution #39-2006 has been prepared to appoint Linc Treadwell as Solicitor to the Planning Commission as a result of the resignation of Dave Shafkowitz.

RESOLUTION #39-2006
TOWNSHIP'S PLANNING COMMISSION SOLICITOR FEE SCHEDULE FOR MAY THROUGH DECEMBER 2006

WHEREAS, the Council of Lower Saucon Township appoints B. Lincoln Treadwell, Jr. as the Township's Planning Commission Solicitor, for the remainder of 2006; and

WHEREAS, the fee schedule to reimburse the services of B. Lincoln Treadwell, Jr. are as follows:

Hourly Rate & Attendance at Planning Commission meetings $150.00/hr.

NOW, THEREFORE, BE IT RESOLVED, and it is hereby resolved by the Council of Lower Saucon Township, Glenn Kern, President; Priscilla deLeon, Vice President; Ron Horiszny; Tom Maxfield; and Sandra Yerger that the above listed fee schedule is hereby established for the period of May through December 2006 and that Resolution #07-2006 is hereby rescinded.

MOTION BY: Mr. Horiszny moved for approval of resolution #39-2006.
SECOND BY: Mr. Maxfield
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.
ROLL CALL: 5-0

D. RESOLUTION #43-2006 – APPOINTING SPECIAL FIRE POLICE

Mr. Kern said Resolution #43-2006 has been prepared to update the Special Fire Police list.

RESOLUTION #43-2006
SPECIAL FIRE POLICE

WHEREAS, following nomination by one of our Township fire departments of any of its members whom they have concluded is fit for duty, all nominees shall be appointed/confirmed by Lower Saucon Township yearly and be sworn in within thirty (30) days of their initial appointment/confirmation; and

WHEREAS, said appointment/confirmation shall immediately be null and void upon the termination of membership in any of the Township fire departments; and

WHEREAS, the fire department shall then insure that its special fire police are equipped with, at a minimum, a badge and identifying hat or uniform; and

WHEREAS, whenever a Township fire company is dispatched or whenever the Manager authorizes response to an event, such as the Leithsville Carnival, Lower Saucon Township shall be responsible for Worker's Compensation Insurance; and

WHEREAS, prior to participating in non-emergency activities and emergencies where their fire company has not been called out, unless they come upon an emergency and no police are on scene, in other municipalities our special fire police shall insure that they have written authorization from the governing body of that municipality stating specifically the date(s), time(s), location, and duties the fire police are requested for. The written authorization shall then be forwarded to the Township Manager for final approval; and

WHEREAS, all Township Fire Police shall complete the Basic Fire Police program and a yearly, in-house refresher program or other State certified course, and must produce documentation for such to the Township each year.

NOW, THEREFORE, BE IT RESOLVED, that the following persons, and only these persons, are confirmed as Lower Saucon Township Special Fire Police. This resolution supersedes all previous resolutions confirming Special Fire Police and all those operating as Lower Saucon Township Special Fire Police prior to this date shall no longer be active and unless listed herein are not confirmed.

SE WY CO
Ronald Horiszny
Cynthia Messics
Stanley Turel, Jr.

STEEL CITY
Ron Beck
Eugene N. Brown, Jr.
Silvio Cruciani
Frank Gergar, Jr.
Joanne L. Overbeck
Chris Snyder

LEITHSVILLE
Lance Fisher

MOTION BY: Mr. Horiszny moved for approval of Resolution #43-2006.
SECOND BY: Mr. Kern
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.
ROLL CALL: 5-0

E. APPROVAL OF POOL PASS REIMBURSEMENT TO RESIDENTS

Mr. Kern said Council approved in the 2006 budget a line item to reimburse Township residents the difference between the resident and non-resident fee for use of the Hellertown pool and should now approve the reimbursement requests.

MOTION BY: Mrs. Yerger moved for approval of pool pass reimbursement to residents.
SECOND BY: Mr. Maxfield
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.
ROLL CALL: 5-0

V. MISCELLANEOUS BUSINESS ITEMS

A. APPROVAL OF MAY 17, 2006 MINUTES

Mr. Kern said the minutes of May 17, 2006 are ready for Council's approval. Mrs. deLeon said on page 5 of 16, line 43, "Council took no position", add before that sentence, "Mrs. deLeon asked if there were there any comments from the audience? No one raised their hand". On page 16 of 16, line 31, "Mr. Kern" should be changed to "Mrs. deLeon".

MOTION BY: Mr. Horiszny moved for approval of the May 17, 2006 minutes, with corrections.
SECOND BY: Mrs. deLeon
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.
ROLL CALL: 5-0

VI. PUBLIC COMMENT/CITIZEN NON-AGENDA ITEMS

- Ms. Stephanie Brown, resident, said she's very unhappy with a lot of things. Recently she contacted the Township with problems at Toll Bros. and Meadow's Road. She's not happy at all with the response she got. She's talking about the overweight truck that went over the bridge. The police were called by two residents. She emailed Mr. Cahalan about this and wanted to know the outcome. The only thing that happened was a warning was issued. That's disgraceful as that bridge has a weight limit on it for a reason. She sees traffic going over that bridge and made requests to the Township to be more vigilant about doing something about it. The police don't want to be bothered. They say the police aren't certified to do weight checks, etc. One minute she gets told Officer Koszi takes care of that, yet when Officer Snyder responded to the call, he told me he didn't know and that upset her. Mr. Kern said there was an incident regarding the truck and she doesn't feel the Township responded appropriately. What would be an appropriate response - a fine or what? Ms. Brown said an issue would be to prove all wheels of the tractor trailer were on the bridge at the same time. She understands you have to bring scales out, but because of her involvement in Upper Saucon Township, she talked to an officer there, and they have 2 bridges and they sit all the time and conduct checks. Why aren't we doing the same thing? She was not happy with Mr. Cahalan's response. Mr. Kern asked Attorney Treadwell about the procedure. Attorney Treadwell said it's in the vehicle code and the police would have a better idea. Ms. Brown said do we or do we not have an officer trained to do that? Mr. Kern said we'll find out and talk to Mr. Cahalan about it.
- She said there seems to be a problem with procedure around here with Council. Mrs. deLeon is trying to protect Ms. Brown's rights as a Township resident, but she doesn't see that from anyone else on Council. What has to be done to set a procedure? Is that done in Executive Session or out in public? After everything she's been through with Toll Bros., and the Township does deserve some of the blame, she would think we would all learn a lesson. We need to be more proactive about things and make sure conditions are met. She said Mr. Kern said he wants to try and limit these meetings. Mr. Kern said he doesn't recall every saying to limit any meeting anywhere, anytime. He may have been joking. Mrs. deLeon said all of us sit here as long as it needs to take to make sure they do all their work. Mr. Kern said part of Council President's job is to move the meeting along. She said sometimes a motion is made, she doesn't even know what the motion is. You make a motion, then you ask for public comment. It's very intimidating for someone to come in, you have your discussion, you make a motion, and then you ask for public input. Mr. Maxfield

said when someone makes a motion, that is simply to get it on the floor. He said we are very procedure oriented and conscious. What a lot of times the public doesn't understand is the boundaries we are bound by. The boundaries we can't cross, the areas we can't affect. All of us are doing about as much as we can do to protect your rights. We're doing as much as we are allowed to do by law. There are procedures set up and we must follow them. Ms. Brown said Mrs. deLeon brings up things about staff not doing things that become before Council, she has to wonder. Mrs. deLeon said she has the utmost respect for our professionals. At times, we will disagree. You chose us to appoint a Township Manager and have paid professionals here. These trained people are here on a day-to-day basis to deal with the day-to-day things. They report to us. There is no way in any business that the people running the corporation can report to the board every detail that happens on a day-to-day basis. Mr. Kern said they are separate from staff. If staff is doing something inappropriate, we tell them. Mr. Maxfield said we try to stay out of day-to-day business. If it's important, they are going to let us know. We have one of the best staff around. Mr. Kern said we couldn't have said that five years ago. Mrs. Yerger said all the information, all the data is here for any resident that walks through the door. Don't ever feel that any of us are not trying to give you the entire amount of information you need on an issue. Mr. Maxfield said if you don't understand a motion, please ask. Mrs. deLeon said she has strong feeling for what she did tonight and what she argued about. Ms. Brown said she's not happy with the Township. Two weeks ago, she left a message with Carol that she wanted to speak to Mr. Kern. It's over two weeks now. Mr. Kern said it was over Memorial Day weekend, and he thought about her, but he just didn't have a chance to call. Ms. Brown said she sends emails and Mrs. Yerger said she sees the emails. Mrs. Yerger said it's discretionary. We don't see every email you send to Jack. That's what he's allowed to do as an employee of the Township. We rely on his discretion.

VII. COUNCIL AND STAFF REPORTS

A. COUNCIL/JR. COUNCIL

Mrs. Yerger

- Nothing to report.

Mr. Maxfield

- Nothing to report.

Mr. Horiszny

- The LSA strategic planning session was not held on the 3rd, and the staff was going to hold it separately from the board, and then present the results to the board on the 20th. That is a conflicting date, so he's hoping somebody will be going to the municipal conservation partnership dinner. That's the same evening on the 20th. Mrs. Yerger and Mrs. deLeon said they will try to go.

Mr. Kern

- Regarding the issue with the seeding contractor, what is the status? Mr. Birdsall said the seeding contractor, after a lot of letters, did come out on May 18 and spot seeded the fields and that should be germinating right now. There's a punch list of things they still need to do. There's a meeting with them on June 13 where all the issues will be discussed. They've not asked for any money. Whatever they would be asking for, we'd hold back more than enough to cover the completion of the work and the posting of their maintenance bond. We know what the issues are, and at the end, you'll see a good, finished product. Mr. Kern said there were also questions Brien was aware of. Mr. Birdsall said he is working on a response. It was half drafted when he left. You'll be getting a response.

Mrs. deLeon

- She received a Cooks Creek progress report. She's very pleased we are getting that.
- The yellow project list that Leslie does, could she add where it says "grants", we should include updates – whatever other ones are floating out there.
- Council got a letters from Hellertown Revitalization program. They are doing their SV Farmers Market which will take place this Sunday, June 11 from 10 AM to 2 PM at the Keystone National Bank parking lot. This goes to November 19th and there's a ribbon cutting ceremony that starts at 9:45 AM.
- SV conservancy changed their meeting date to the second Tuesday of the month at the Heller Homestead.
- Glenn and she got drenched at the "Relay for Life" on Friday night. It was a good event.
- June 22nd is the DEP hearing for BRE.
- The Casinos – she wanted to do the adjacent municipality coalition – Tony Branco, and a few others, met on Saturday to talk about the impacts of the casino. It was a good meeting. Donna Taggart, Liaison for the Casinos, is going to set up a meeting with Tony to meet. The purpose of the meeting is to meet with the casinos to go over the impacts not addressed in the impact statements.
- On June 27, at 10 AM there is a hearing. She doesn't have all the details. There's a House Bill 517 by the House Tourism and Recreational development committee in Grantville. She thinks the Township should be represented there. It says any municipality not specifically enumerated in sub paragraphs, and they talk about all the first class citizens, etc., 2% of the GTR to the municipality…she said she apologizes as she read it wrong, she takes it back. This is just for hosting. Mr. Kern asked Attorney Treadwell to take a look at it to see if there's anything in it for us before the next meeting.
- She wanted to know when the date for the hearing is going to be for the Open Space and Recreation Plan with Upper Saucon. Mr. Kern said Harry Roth had to meet with Upper Saucon PC. This will be checked out.
- Mr. Cahalan needs to respond to the LVPC letter.
- There's an email today from PSATs website about the Senate Transportation committee met and PSATs is urging Township officials to contact their state senators and representatives now and urge them to support House Bill 248 because they are proposing to increase the annual maintenance payment for turnback roads from the current $2,500 to $4,000 per mile. That's a good thing as we get more money. PSATs will continue to keep us updated, so we need to send a letter of support to Boscola, Freeman and Beyer. Leslie will take care of this.

Ms. Rasich

- She said she will graduate on Friday, June 9, 2006. This is her last meeting. She wanted to thank them to allow her to sit up here. She enjoyed the short and the long meetings. She wished Jack was here because before she came here, she had an awards ceremony where she had asked Jack a few weeks ago to write her a recommendation letter for a packet of scholarships. She received a $4,000 scholarship at the awards ceremony. It was from the Harrison W. and Myrtle M. Prosser Saucon Valley Memorial Scholarship. She wanted to thank Jack for writing such a nice letter for her. She wanted to have a nice letter written to thank everyone, and she started to write it last night and everything was thanking them for making these past months so memorable and so much fun. Council said she was a pleasure to have at their meetings.

B. TOWNSHIP MANAGER

- Nothing to report.

C. SOLICITOR

- Nothing to report.

D. ENGINEER

- He wanted to know the date of the BRE hearing. Mrs. deLeon said the 22nd. The date of the hearing on the house bill was the 27th at 10 AM.
- A letter was handed out from PennDOT with regard to Springtown Hill road. They talk about needing a shoulder in the south bound lanes. They've talked to them about it. It's a mistake. Our drawing is substantially the way they want it. They have various people reviewing the plans. Don't panic about a lot of additional cost, that's an error. They are working on changing the pipe size. They are making resubmission in the next couple of days.

VIII. ADJOURNMENT

MOTION BY: Mr. Horiszny moved to adjourn. The time was 9:28 PM.
SECOND BY: Mr. Maxfield
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.
ROLL CALL: 5-0

Submitted by:

Mr. Jack Cahalan	Glenn Kern
Township Manager	President of Council