

**I. OPENING**

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

**II. PUBLIC COMMENT PROCEDURE**

**III. PRESENTATIONS/HEARINGS**

- A. Resolution #44-2011 – Recognizing Eubin Hahn – Jr. Council Member
- B. Resolution #45-2011 – Recognizing Jameson Packer – Jr. Council Member
- C. Resolution #46-2011 – Recognizing Tara Jain – Jr. Council Member

**IV. DEVELOPER ITEMS**

- A. Saucon Valley School District – Request Extension to Complete Improvements
- B. Estates at Stonehurst – Request Extension to Complete Conditions of Approval

**V. TOWNSHIP BUSINESS ITEMS**

- A. Authorize Advertisement of Lower Saucon Township/Hellertown Borough Pre-Emptive Device Bid
- B. Authorize Advertisement for Sale of Truck #2
- C. 2008-2010 Uniform and Non-Uniform Pension Compliance Audit Reports
- D. Review of Proposed Green Purchasing Policy
- E. Request to Hold Soccer Skills Camp at Polk Valley Park
- F. Report from Lehigh Valley Planning Commission (LVPC) on the Access Management Working Group
- G. Northampton County Gaming Revenue and Economic Redevelopment Authority Update

**VI. MISCELLANEOUS BUSINESS ITEMS**

- A. Approval of June 1, 2011 Special and Regular Minutes
- B. Approval of May 2011 Financial Reports

**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 Planning Commission Meeting: June 16, 2011  
Next Zoning Hearing Board Meeting: June 20, 2011  
Next Park & Rec Meeting: July 11, 2011  
Next EAC Meeting: July 12, 2011  
Next Council Meeting: July 20, 2011

**I. OPENING**

**CALL TO ORDER:** The General Business & Developer meeting of Lower Saucon Township Council was called to order on Wednesday, June 15, 2011 at 7:00 P.M., at 3700 Old Philadelphia Pike, Bethlehem, PA, with Mr. Glenn Kern, President, presiding.

**ROLL CALL:** Present – Glenn Kern, President; Tom Maxfield, Vice President; Sandra Yerger, Ron Horiszny and Priscilla deLeon, Council members; Jack Cahalan, Township Manager; Leslie Huhn, Assistant Township Manager; Linc Treadwell, Township Solicitor; Brien Kocher, Township Engineer; Karen Mallo, Township Planner. Absent - Jr. Council Member, Eubin Hahn.

**PLEDGE OF ALLEGIANCE**

**ANNOUNCEMENT OF ANY EXECUTIVE SESSION (IF APPLICABLE)**

<p><b>Mr. Kern said Council did not meet in Executive Session between our last meeting and this meeting.</b></p>
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**II. PUBLIC COMMENT/CITIZEN AGENDA ITEMS**

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

**III. PRESENTATION/HEARINGS**

**A. RESOLUTION #44-2011 – RECOGNIZING EUBIN HAHN – JR. COUNCIL MEMBER**

Mr. Kern said Resolution #44-2011 has been prepared recognizing Eubin Hahn for serving as a Jr. Council member to Township Council.

**PROCLAMATION HONORING JUNIOR COUNCIL MEMBER EUBIN HAHN**

**WHEREAS**, the Lower Saucon Township Council appointed Eubin Hahn to serve as Jr. Council Member to Council; and

**WHEREAS**, Eubin participated in the meetings of the Council during the 2010-2011 school year and provided input from a student's point of view; and

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

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

**General Business & Developer Meeting  
June 15, 2011**

**MOTION BY:** Mr. Maxfield moved for approval of Resolution #44-2011.  
**SECOND BY:** Mrs. Yerger  
Mr. Kern asked if anyone had any questions or comments? No one raised their hand.  
**ROLL CALL:** 5-0

**B. RESOLUTION #45-2011 – RECOGNIZING JAMESON PACKER – JR. COUNCIL MEMBER**

Mr. Kern said Resolution #45-2011 has been prepared recognizing Jamison Packer for serving as a Jr. Council member to the Planning Commission.

**PROCLAMATION HONORING JUNIOR COUNCIL MEMBER JAMESON PACKER**

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

**WHEREAS**, Jameson participated in the meetings of the Planning Commission during the 2010-2011 school year and provided input from a student’s point of view; and

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

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

**MOTION BY:** Mrs. Yerger moved for approval of Resolution #45-2011.  
**SECOND BY:** Mr. Maxfield  
Mr. Kern asked if anyone had any questions or comments? No one raised their hand.  
**ROLL CALL:** 5-0

**C. RESOLUTION #46-2011 – RECOGNIZING TARA JAIN – JR. COUNCIL MEMBER**

Mr. Kern said Resolution #46-2011 has been prepared recognizing Tara Jain for serving as a Jr. Council member to the Environmental Advisory Council.

**PROCLAMATION HONORING JUNIOR COUNCIL MEMBER TARA JAIN**

**WHEREAS**, the Lower Saucon Township Council appointed Tara Jain to serve on Lower Saucon Environmental Advisory Council; and

**WHEREAS**, Tara participated in the meetings of the Environmental Advisory Council during the 2010-2011 school year and provided input from a student’s point of view; and

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

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

**General Business & Developer Meeting  
June 15, 2011**

**MOTION BY:** Mr. Maxfield moved for approval of Resolution #46-2011.  
**SECOND BY:** Mrs. deLeon  
Mr. Kern asked if anyone had any questions or comments? No one raised their hand.  
**ROLL CALL:** 5-0

**D. LENNY SZY PRESENTATION**

Mr. Szy said he's with the Lower Saucon Township Historical Society. A little over four years ago they decided to bring these big ugly yellow Abitibi bins to Lower Saucon Township and their Philadelphia office decided we are too far away from their district. A couple of people went down there four or five times and told Abitibi that they are holding them hostage, and that person called authorities in Texas and they agreed to give us a couple of bins. Our first choice for bins was right out here on the Township property; then we put some in Hellertown and we got up to 28 bins. We are down to 24 bins now as some didn't do too well. Right now there are about 3,200 schools and non-profit organizations collecting paper for Abitibi. Back in August to April, they had a contest and we had all our accounts in. Out of the 3,200 accounts, 560 of them won \$100.00 each. That means they had to go over 25 tons in this period of time. The school district did it with no problem. There are six bins there and most everyone brings their paper to the school district. Lower Saucon Township, Dewey, and Borough of Hellertown received \$100.00. We are turning over the \$100.00 bonus check to the Township. He'd like to thank all the residents and everybody else for pitching in and collecting. The other part is 4-1/2 years earlier, he started this with the Historical Society, now out of 3,200 business and non-profit organizations, we are the largest in the United States. Council said congratulations. Mrs. deLeon said it's a lot of hard work. Mr. Szy said right now we have 28,000 pounds. We are close to going over 3 million pounds of paper collected. He feels very proud with the help of everybody. He will take one out of Lehigh and put it at Dewey Fire Company. They started in 2007 in Lower Saucon Township. He noted the following facts:

- They collected 177 tons of paper. That's like stuffing 30 elephants in one bin. 177 tons is saving 3,009 trees
- 531 cubic feet of recycling waste area reserved; enough energy to power 363 houses
- We saved 10,000 lbs. from air pollution
- We saved 1,239,000 lbs. of water required for processing, and that's just here.
- We saved enough oil to fill up 5.9 tanker trucks.

He'd like to present the check to the Township. Mrs. Yerger asked Mr. Szy to provide those facts as we could include it in our newsletter. It's something you should be proud of. Mrs. deLeon said we should also post it on our website. Mrs. Yerger said she would like to give the check back to the Lower Saucon Township Historical Society to use for any project that would be beneficial to them.

**MOTION BY:** Mrs. Yerger moved to give the \$100.00 check back to the Lower Saucon Township Historical Society to use for any project that would be beneficial to them.  
**SECOND BY:** Mr. Maxfield  
**ROLL CALL:** 5-0

**IV. DEVELOPER ITEMS**

**A. SAUCON VALLEY SCHOOL DISTRICT – REQUEST EXTENSION TO COMPLETE IMPROVEMENTS**

Mr. Kern said the applicant is requesting an extension to complete the improvements associated with their land development.

**MOTION BY:** Mrs. Yerger moved for approval of the Saucon Valley School District's request for an extension to complete improvements.  
**SECOND BY:** Mr. Horiszny  
Mr. Kern asked if anyone had any questions or comments? No one raised their hand.  
**ROLL CALL:** 5-0

**B. ESTATES AT STONEHURST – REQUEST EXTENSION TO COMPLETE CONDITIONS OF APPROVAL**

Mr. Kern said the developer is requesting a one-year extension to complete the conditions of approval associated with their subdivision plans.

Mrs. deLeon asked if there was anything outstanding. Attorney Treadwell said this is a conditions approval request. The plans haven't been recorded yet and haven't met the conditions to get to that stage. They haven't started construction yet. Mrs. deLeon said how many years do we have to go while there is a protection? Attorney Treadwell said technically they are under the permit extension act which expires in 2013. This is just a formality we ask most applicants to go through so we have a record of it.

**MOTION BY:** Mr. Horiszny moved for approval for Estates at Stonehurst request extension to complete conditions of approval.

**SECOND BY:** Mr. Maxfield

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

**ROLL CALL:** 5-0

**V. TOWNSHIP BUSINESS ITEMS**

**A. AUTHORIZE ADVERTISEMENT OF LOWER SAUCON TOWNSHIP/HELLERTOWN BOROUGH PRE-EMPTIVE DEVICE BID**

Mr. Kern said Lower Saucon Township and Hellertown Borough received a joint award of NCGR&ERA money in the amount of \$128,000 for the purchase and installation of pre-emptive devices for traffic lights and emergency vehicles within the Township and Borough. Council should authorize the advertisement to request bids.

Mr. Cahalan said this is the funding we received from the Gaming Authority for the pre-emptive devices. A pre-emptive device is something that is put on traffic signals and also there's a device that is in the emergency vehicles which will turn the light green when the emergency vehicles are approaching the intersection. These need to be installed. It's a priority green pre-emptive device on eleven traffic signals that are in the Township and Borough. They are indicated in the bid document. They are Cherry Lane and Route 412; High Street and Route 412; Water Street and Route 412; Penn Street and Route 412; Walnut Street and Route 412; the Giant Plaza and Route 412; Bingen Road and Friedensville Road; Black River Road and 378; Saucon Square and Route 378; Seidersville Road and Route 378; and Puggy Lane and Route 378. In addition, the triggering devices, or emitters, will be installed in 21 emergency vehicles. They would like to get them installed by the end of the year.

Mrs. deLeon said this is part of the Gaming awards that were awarded to the Township last year. Is there a reason it took this long to advertise for these bids? Mr. Cahalan said they had to get information from the Emergency Services people about the system. Originally it was an Opticom System and they switched to a Priority Green. We also had to get a list from them of the vehicles where the emitters would be installed. Mr. Horiszny said the numbers on the Leithsville trucks need to be checked as they changed when they went with Se-Wy-Co.

Mrs. deLeon said on G., it says bids are due and to be received at Lower Saucon Township on July 6<sup>th</sup> by 11:00 am. Failure to meet the 11:00 am deadline will result in automatic disqualification. Is there any appeal process for that? Mr. Cahalan said if you don't have your proper bid in by that time, then it won't be recognized.

Ms. Stephanie Kovacs, 121 Main Street, Hellertown said the reason it was taking so long, and she did confirm this with the Borough is that they have three separate systems. Dewey Fire Company is on

**General Business & Developer Meeting  
June 15, 2011**

one; the EMS is on one; and Lower Saucon Township is on another one, so they needed to get a system that worked for all three.

**MOTION BY:** Mr. Horiszny moved for approval to authorize advertisement of Lower Saucon Township/Hellertown Borough pre-emptive device bid.  
**SECOND BY:** Mr. Maxfield  
Mr. Kern asked if anyone had any questions or comments? No one raised their hand.  
**ROLL CALL:** 5-0

**B. AUTHORIZE ADVERTISEMENT FOR SALE OF TRUCK #2**

Mr. Kern said the Public Works Department has replaced the 2000 International 10-wheel dump truck with the purchase of a 2012 Mack 10-wheel dump truck that was approved in the 2010 budget. The Director of Public Works would like to advertise to sell the 2000 International with a minimum bid to be no less than \$10,000. Council should authorize the advertisement.

Mr. Cahalan said the invitation to bid is included in your packet. Our trucks are in good condition. They are able to get a minimum bid of \$10,000.00. Mrs. Yerger said Roger takes good care of them.

**MOTION BY:** Mrs. Yerger moved for authorize for advertisement for sale of Truck #2.  
**SECOND BY:** Mrs. deLeon  
Mr. Kern asked if anyone had any questions or comments? No one raised their hand.  
**ROLL CALL:** 5-0

**C. 2008-2010 UNIFORM AND NON-UNIFORM PENSION COMPLIANCE AUDIT REPORTS**

Mr. Kern said the Manager will review the audits of the Township's Uniform and Non-Uniform pension funds conducted by the State Auditor General which have been reviewed by the Pension Advisory Committee.

Mr. Cahalan said these are two audits conducted by the Auditor General's office for our two pension plans. There's one for the non-uniformed people, Public Works and administrative staff and the other plan is the Uniformed Plan which is the police officers. The report on the Uniformed Plan is clean. There were no findings or problems reported on that. On the Non-Uniformed Plan there was one minor finding. The calculation that was done for Willy Shelly who retired from the Public Works, or the Non-Uniformed Plan, and is now an active police officer under the Uniformed Plan, there was an amount of money set aside for him once he retires from the Uniformed Plan. That has to be recalculated and that will be done by the Finance Director. They went over this with the Pension Advisory Committee on the meeting at June 8<sup>th</sup>. No action required from Council.

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

**D. REVIEW OF PROPOSED GREEN PURCHASING POLICY**

Mr. Kern said Township staff is in the process of updating the Township Purchasing Policy and is asking the Council and the EAC to make recommendations regarding a proposed green purchasing policy, which could be included in the revamp of the Purchasing Policy.

Mr. Cahalan said we indicated we are revamping the Township purchasing policy which was adopted back in 1995. The bulk of the policy deals with fiscal controls. One of the things he's noticed in reviewing other purchasing policies was that they are starting to include a green purchasing type of policy which focuses on efforts that we've been making in other areas such as with the bio-fuels and the IPM policy to try to make things more renewable. This is just for your information and no action is required. It gives the whole range of guidelines that we are following; some of them right now with recyclable products. We are buying energy star appliances whenever we have to replace anything. It

**General Business & Developer Meeting  
June 15, 2011**

just gives some other guidelines; for example, for green buildings and LEED IM ratings for landscaping and hardscaping, for toxics and pollution; and for bio-based products. If you have the time, you can email him and they can see that some of these are included when they come back to you with the re-write of the purchasing policy.

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

**E. REQUEST TO HOLD SOCCER SKILLS CAMP AT POLK VALLEY PARK**

Mr. Kern said the SVSD Soccer Booster Club has requested the use of a multi-purpose field at Polk Valley Park during the week of August 8-12, 2011 to hold a soccer skills camp. The request was reviewed by the Parks & Recreation Board who has recommended that the request be approved.

Mr. Cahalan said this request is from the SVSD Soccer Booster Club and they asked to use the Polk Valley fields during the period of August 8<sup>th</sup> to August 12<sup>th</sup>. It's a Monday through Friday period and they want to use the fields from 5:00 pm to 8:00 pm for a high school soccer skills camp. Parks & Recreation have reviewed this and the fields are available during this time. They recommended that Council approve it subject to the provisions of the Special Events Policy.

**MOTION BY:** Mrs. Yerger moved for approval to hold the soccer skills camp at Polk Valley Park.

**SECOND BY:** Mr. Horiszny

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

**ROLL CALL:** 5-0

Mr. Cahalan said he did have one other request. In your packet, there is a Special Events application from the Lehigh United Soccer Club. Their address is in Whitehall, PA. They made a request to use three of the multi-purpose fields at Polk Valley Park for games that are part of the Lou Ramos Classic Soccer tournament which is planned for Labor Day weekend, September 3<sup>rd</sup> to the 4<sup>th</sup>. The Lou Ramos Classic is one of the top rated soccer tournaments in the mid-Atlantic region. Most of the games in that tournament will be held at the Lehigh County athletic fields in Allentown. They are looking to use fields at Polk Valley as an overflow or alternate. When the Township got this request, they anticipated that Saucon Valley soccer and lacrosse would be using the fields so they didn't anticipate they'd be approving it. They checked with soccer and lacrosse and they indicated that they would not be practicing or using the fields over the Labor Day weekend. They have no objections to the tournament using the fields. They don't feel it would cause any damage to the fields. Parks & Recreation is recommending that Council approve the request. This is an outside non-resident group, and we haven't brought back the Special Events policy to you, for adoption, which we will do in July. Part of that is a fee that would be charged to groups to use the fields. He reviewed the fee schedules that are followed by several other Townships. They looked at Upper Saucon, Limerick Township, Doylestown Township, and the range for fields was from about \$99.00 per field to a total of about \$500.00 for the event. What he is recommending, if you approve this, is a field rental fee of \$100.00 per field, and that would be \$300.00 plus a \$25.00 application fee. They would have to follow all the conditions of the Special Events policy. They did indicate there will be people there and they will have staff there to collect the garbage. They will have parking monitors directing traffic flow and parking. They will make sure that people don't park in the handicapped zones. They will have a tent there for tournament personnel there with walkie talkies and telephones and a field marshal at each field with referees. They have secured the OAA trainers who will be on site during the event. It's a well organized tournament. It's going to work out well.

**MOTION BY:** Mrs. Yerger moved for approval of the request to hold the Lou Ramos Classic at Polk Valley Park including the \$300.00 fee plus the \$25.00 application fee.

**SECOND BY:** Mr. Horiszny

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

**ROLL CALL:** 5-0

Mrs. Yerger said she just wants to assure Council as she worked a few years ago with Lehigh Valley United on some of their tournaments and they are a very conscientious group, so she has no doubt they will take good care of the fields.

**F. REPORT FROM LEHIGH VALLEY PLANNING COMMISSION (LVPC) ON THE ACCESS MANAGEMENT WORKING GROUP**

Mr. Kern said the Access Management Working Group has been meeting periodically with a planner from the LVPC since last December and LVPC has forwarded recommendations from that group for SALDO and Zoning Ordinance changes.

Mr. Cahalan said this just came in. He wanted Council to see what the results were from the meetings that they've had with Olev from the LVPC on Access Management. There is a memo included saying this is the final work product and there are several recommendations. One of them has to do with the driveway radii and there's some recommendations for driveway channelization for vehicle stacking; the maximum number of driveways for joint access or common driveways for linked parking lots; access to out parcel driveway throat depth; and some other items. Staff will come back at a later date with recommendations.

Mrs. deLeon said regarding the stacking of trucks for the landfill, this would apply to the commercial site, correct? Mr. Kocher said there are recommendations for residential and commercial. Mrs. deLeon said you never know when there could be changes on the landfill site. If they expand that would mean different staging, so we really need to look into the existing to make sure that we have an existing occurrence of staging so we make sure any issues would be addressed.

Mr. Horiszny said even though these were done for PennDOT roads, they will apply to any Township roads? Mr. Kocher said the way he's written this, it would apply to both. It takes PennDOT standards, some of their good standards in this regard, and apply them to Township roads where it doesn't necessarily today.

Mr. Maxfield said he has a question about the first comment, on driveway channelization. There's no difference between commercial driveways and residential driveways. He doesn't know what it's saying, a residential driveway that may require a raised island, does that make sense? Mr. Kocher said that language gives the flexibility. He can't imagine in any case where that would apply. A regular single family home generates about ten trips a day, so you'd have to get it pretty high to warrant pork chops in a driveway. Mr. Maxfield said it says potential disruption to the orderly flow of traffic. It would be someone with a driveway that pulls out on a busy road. Mr. Kocher said yes, and you make them turn right. This would give you the authority to do that. Mr. Maxfield said it's not mandated. It just gives you the authority that might apply. Mr. Kocher said yes, where the Township Engineer and PennDOT find it necessary. It's definitely not a mandate. Mr. Maxfield said it would be included in the SALDO? Mr. Kocher said that particular one is a SALDO recommendation. Mr. Maxfield said if someone wanted to challenge that waiver, they could? Mr. Kocher said yes. Mr. Maxfield said it seems a little heavy. Mr. Kocher said it does.

**G. NORTHAMPTON COUNTY GAMING REVENUE AND ECONOMIC REDEVELOPMENT AUTHORITY UPDATE**

Mr. Kern said Councilwoman Priscilla deLeon, Lower Saucon Township's representative on the NCGR&ERA, would like to report on the 2011 Local Share Municipal Gaming Grant application form and criteria. She would also like to discuss the 2010 local share mid-year report.

Mrs. deLeon said last meeting she brought to Council's attention that the Gaming Authority had approved and were putting on the website the 2011 grant process for the local share part of the Gaming Act. She included it in on the agenda so they can go through it. The Authority has established criteria which all applications seeking a share of the funds will be awarded and the goal

**General Business & Developer Meeting  
June 15, 2011**

is to insure consistency during the review process. There are points under each criterion that are the maximum points that can be awarded. If you go down through the application, you will see the applications have to be submitted electronically. They must get the application on line and a resolution by the governing body of the applicant supporting the project is required. The deadline is at 4:00 pm on August 1, 2011. All applicants must strictly adhere to the deadlines established by the Authority and no changes to any application will be considered after the application deadline without exception. That language was made a little bit clearer. Grants will be awarded by the Authority. County Council has established the Authority pursuant to the act. It goes on to discuss the process. There will be public hearings where the applicants will be invited to come. The Authority will review the application and not all applications will be asked to come and present. The better the application, the higher your chances are that you will be asked to come and present. The narrative has to include the description and explanation, the resolution, the projected schedule, detailed time line, a budget, documentation of support from the affected community. For the scoring matrix, to get 15 points maximum, it goes through the act and talks about the language in the act. Parts of the act that states the eligible projects and ranking criteria are consistent with sections 1403.C.2, third section D.1 and again Section 1403.C.2, V. of the act. If anybody wants to double-check you can go the sections of the act. The applicant must provide a clear case for selecting its municipality and indicate the level of municipal support. They are a contiguous municipality to the host city, which is Bethlehem. The Sands Casino is a Category 2 casino. In addition to the contiguous municipalities, which are five, it's the City of Bethlehem, the County of Northampton, and any municipalities that ask to join in with Northampton County are allowed to apply. Categories – 15 points maximum. There are four categories – municipal public infrastructure improvements which includes projects for the development and improvement of traditional transportation and technology and community infrastructure associated with casino operations. This is the grant where you have to show impact, not like the uncommitted. It goes through and talks about the different areas for different projects.

Mrs. deLeon said the second one is the municipal public facilities which include projects designed to develop or improve facilities necessitated by or utilized in relation to the advent of the licensed facility or its operations. You have to show impact and it describes the facilities. She looked up facilities as it was not understood too clearly over the past several weeks, and the dictionary states “something that is built, installed, or established to serve a particular purpose”, so it's a building or a facility of somewhat.

Mrs. deLeon said the next one is municipal emergency services, municipal public health and public safety, again showing impact. The last is municipal human services relating to gaming addictions. Twenty points would be given to the Sands Casino; applicants must again provide information or documentation. Budget is very important and has to be pretty explicit detailed. Ten points – timeline, which is very, very important. We want to know that this project will be completed in one year. You can't just ask for something and then fail to provide the documentation. That's ten points. Expert analyses, every time you put something in a blank, it has to have one of these expert analyses, which is five points. Deadlines, where it says automatically disqualified if you fail to meet the deadline. Maybe we should consider that.

Mrs. deLeon said Stephanie Kovacs is sitting in the audience. She's a Councilperson in Hellertown and also represents Hellertown Borough on the Gaming Authority. They tried to get the contiguous municipalities given an extra five points as we are contiguous and we are supposed to be given priority. The rest of the board didn't see it that way, so they didn't change it. It then goes through the procedures. The next one is the application itself. You have to fill in the blanks. IV. Type of collateral, please indicate if there is any other funding, grants or donations or any other relative information for securing funds for this project. We want to know where all the money is coming from and see what emphasis and priority other agencies have given us. The chart is self-explanatory. You have to include all sources of funds and project cost. Include monies not financed with gaming money. Basis for cost, there's check boxes. There is the project narrative,

**General Business & Developer Meeting  
June 15, 2011**

which she went over; and the certification. If there are any questions, Alicia Karner is very capable of answering them and directing you to the right source.

Mr. Horiszny said what was the reason they wouldn't go for the five points for contiguous communities? Ms. Kovacs said when this was originally designed, it was scored at 110 points. At 110 points, it is a design. When you are looking at the design, it's like a 1950's happy meal. You need all of the sections that are required through the matrix and defined in the criteria. When you have all of those pieces, it showed the best projects that had the supporting documents that all the pieces were there. The best project she could come up with, and she's very creative, is 102 points. What happened during the uncommitted funds round, when people attempted to score at 65, it is a design flaw. What happens is you will have fourteen projects scoring at 65, then how do you determine? This has been a continuing issue. Now they want to score it 75, and they are not getting it through to them that it's a design flaw. It has to be scored at 110 points. When it was originally designed, contiguous municipalities under the law, in Title IV, 1403 D.1 Section 5, it point blank tells you priority is given to contiguous municipalities. When you take that bump away, then we have to come up with another way of scoring them because under the law, they have to be nice to us first, then they can be nice to everyone else. We haven't sold them on the idea yet, but she has other creative projects in the works to get it through their little heads. Mrs. deLeon said they tried to get their support, but there are nine people on the board and they are only two of them. Mr. Horiszny said what contiguous community didn't support you? Ms. Kovacs said Freemansburg, Bethlehem Township and Hanover Township. Bethlehem is not only contiguous unto itself, but is contiguous to itself. The only people who voted to keep it the old way was Ms. Kovacs and Mrs. deLeon. Mr. Horiszny said it's amazing the contiguous communities couldn't see that.

Mrs. deLeon said we have the 2010 Gaming Grant Mid-Year report. She spoke to Alicia today and she said the Township has submitted their report. The Authority will check these documents and make sure they contain all necessary supporting documentation and they have to comply with the monies use as proceeds comply with the application and the project budget and the grant agreement. In order for them to get ahead as they don't have that bump, these applications have to be very specific and more exaggerate than everyone else's. That's the way it's going to be. All necessary supporting documentation, and this is for the first round. It says you have to indicate the amount of the grant funds spent on the remaining amount. It all goes back to that original grant application. It also has a chart.

Mrs. deLeon said the last few weeks, a lot of things have been said on the record and off the record, and she would like to enter the following facts into the record tonight regarding her position on the Gaming Authority.

Mrs. deLeon read the following: April 21<sup>st</sup> she received an email from the Manager. Monday, April 23<sup>rd</sup>, she received an email from Alicia Karner responding to Mr. Cahalan's email regarding possible change or amending to the joint application that was filed for the rail trail. She read, for the first time, in Mr. Cahalan's email, that Mr. Cahalan was requesting that the Authority allow for substitution of different project costs that were critical to the completion and opening of the rail trail as some of the costs were already spent and we weren't allowed to ask for reimbursement. What she didn't understand was the inclusion of a potential trailhead property. She didn't recall discussing or approving this at any recent Township meeting to change the application. Councilperson Stephanie Kovacs was also not aware of the Borough discussing any changes at a Hellertown Council meeting. Alicia had responded to Mr. Cahalan to please prepare and present the revised application at tonight's gaming meeting. Alicia is our administrator like Mr. Cahalan is the Township Manager and when someone requests something from Alicia or Mr. Cahalan, they really don't have the authority to say yes or no with the proper advice to present it to the respective board and the board will determine what to do with that information or request, so that's what she did. She asked Mr. Cahalan to come to the meeting and have a handout that clearly identifies the portions that he wanted to change. Mr. Cahalan got to the meeting and did that and provided a

**General Business & Developer Meeting  
June 15, 2011**

chart. No determination was made that evening. A month later, at the May 23<sup>rd</sup> meeting, the Authority was going to announce the municipalities we awarded the grant to. Had Mr. Cahalan been in touch with Mrs. deLeon before sending the email, she would have told him the Gaming Authority does not accept applications past the deadline. She made a motion in October that the Gaming Authority would not accept any applications past the deadline. As it stood, three applications had to be returned because the Gaming Authority received them after the October 15<sup>th</sup> deadline. They didn't know what to do with them and the Gaming Authority said no, the deadline is the deadline. She would have told them that another municipality had submitted a request, at the end of January. At this time we are seeking repair money instead of replacement funding for a project. They had submitted a pdf copy of all studies and supportive materials regarding both actions, so they had provided all the information and the Gaming Sub-Committee didn't even act on it. They acted on the original application. Mr. Cahalan did not have any supporting material, no bill of sale, nothing regarding the property. She would have also told him that she didn't think property acquisition was covered by the regs. It is facilities, and if you read the regs, and you can't find it, that's what she was basing her interpretation on, and anybody is entitled to their opinion and would base it on whatever they read, but it's not in the regs.

At the May 4<sup>th</sup> Council meeting she reported on the awards and the Township did receive money. Hellertown received a total of \$14,490.00; Hellertown and Lower Saucon jointly received \$66,413.00; and Lower Saucon by itself received \$35,000.00, so we did get grant money. On May 18<sup>th</sup> Council meeting, Council made a motion to abolish the Authority because they didn't like the way it operated.

May 23<sup>rd</sup> at a Gaming Authority meeting, Cathy Kichline attended and asked the Gaming Authority to go back to the original application. The Gaming Authority Solicitor said that since we never voted to accept the amended application, the existing application stood, so there was no reason to change it.

At the June 1<sup>st</sup> Council meeting, Council rescinded the motion to abolish the Authority, and then Mr. Maxfield read into the record about Mrs. deLeon. There were press articles and on June 6<sup>th</sup>, Alicia Karner from the Gaming Authority responded to a Morning Call article and sent an email to Mr. Kern and Mr. Maxfield and the Gaming Authority Board that she's sending this email response to the Morning Call newspaper article on June 2<sup>nd</sup>. Please know that the Gaming Authority does have a policy that applications may not be altered after the application deadline. Language was added to the most recent version of the grant guidelines clarifying this point. Moving forward, the Authority is clear that we will not accept requests for changes to the application after the application deadline. So she was correct.

On June 9<sup>th</sup>, Mr. Kern sent a letter to the Gaming Chair and the Gaming Chair sent the letter that Mr. Maxfield wrote about her to the Gaming Authority. Thank you for your email. Just so you and Mr. Maxfield are clear, the County Executive nominates and County Council approves members of the Gaming Authority. Thank you for sharing Mr. Maxfield's letter. I've taken the liberty of sharing it with Authority members and staff. The letter, she thinks, was to remove Mrs. deLeon off the Gaming Authority.

She'd like the record to reflect she was appointed to the Gaming Authority as a representative for Lower Saucon Township, not the representative of Lower Saucon Township Council. She also represents all the other municipalities in Northampton County. She wants to make sure the entire county receives a share of this money. She insists that applications are complete with all required supporting documentation and they are not a wish list from any administration. She has followed the law and all her actions on the Gaming Authority. She will continue to insist that all regulations are followed and all the details ironed out, so that all applicants are treated the same. She will continue to provide updates to this Township Council, as she has done in the past. She will gladly listen to your recommendations. She will weigh them out and will make her own decision. Any inquiries you have, please contact Alicia Karner.

**General Business & Developer Meeting  
June 15, 2011**

There's been a lot of discussion on whether we meet the Erie County, we're not Erie County, we're Northampton County. We have our own set of regs. They are in this book in case anyone cares to look at them. Hellertown and Lower Saucon received \$965,157.86 in grants\*\* (see below) from the Gaming Authority. If you are dissatisfied with the process, are you willing to give all that money back?

Mrs. deLeon had some questions. Mr. Cahalan, can you tell her the date of the Lower Saucon Council meeting when we discussed and approved the changes to the rail trail application? Mr. Cahalan said there is no date. We didn't discuss it at the Council meeting. Mrs. deLeon said Council never authorized changes to the rail trail grant. Mr. Cahalan said Council authorized the submission of grant for the rail trail but not the specific expenses. Mrs. deLeon said she thinks the answer is, no, Council did not approve any changes. Can you tell me when you contacted the Manager in Hellertown regarding making any changes to the joint rail trail application? Mr. Cahalan said it was sometime before the Gaming Authority meeting which was April 25<sup>th</sup>.

Mrs. deLeon asked Mr. Maxfield, who spoke to the Gaming Solicitor? You mentioned in your letter that the Solicitor was contacted? Attorney Treadwell said he spoke to the Gaming Authority Solicitor. Mrs. deLeon said when were you going to inform Council of the discussion? She's talking Lower Saucon as she is still a Lower Saucon Council person to serve the residents. Attorney Treadwell said inform Lower Saucon Council of what discussion? Mrs. deLeon said we're paying you and paid two Solicitors for a conversation and neither the Authority Board or this Council has been made aware of the discussion. Attorney Treadwell said he can tell you now that he asked the question that came from a previous Council meeting where this Council had discussed the issues of amending an application and whether or not land acquisition was a permitted subject for a grant application. Mrs. deLeon said which solicitor did you speak with? Attorney Treadwell said Mr. Simmons. Mrs. deLeon said who's not always at all of our meetings, he's the assistant solicitor. The night she made that motion in October, it was Scott Alison. Attorney Treadwell said he had a conversation with Mr. Simmons about those two subjects. Mrs. deLeon said reporting to Council under rules of professional conduct, that's your responsibility informing Council that you had a conversation. We are the client, you are the attorney and you are supposed to be informing us. How is a conversation informing me of what your conversation was? Attorney Treadwell said he and Mr. Simmons had a conversation and Attorney Treadwell asked him does the Authority have a policy of amending an application. His response was he did not believe they had such a policy, but he was going to recommend at the May 23<sup>rd</sup> meeting that they adopt such a policy. Mrs. deLeon said he was wrong, as there was already a policy in place. Mr. Maxfield said if there was a policy in place, why did they have to amend it that night to make it clear? Attorney Treadwell's question about acquisition, the information you gave us tonight are right here on the application, it says acquisition, No. 1 land, No. 2 buildings. What are we doing here now? Are we trying to rewrite what happened?

Mrs. deLeon said in closing she did not misrepresent any policy and she has always followed the law in all her actions on the Gaming Authority and she stands by her actions. Mr. Maxfield said therein lies the problem. Mrs. deLeon said she follows the rules. She presented facts this evening. They are written in English. Mr. Maxfield said enough has been said and we should move on.

\*\*From the July 20, 2011 Council meeting, Mrs. deLeon said there was an error in the amount of money. She stated it should read: *Mrs. deLeon said there is an error in the amount of money. She didn't have the information with her. Between her and Stephanie, they were wrong with that amount. Hellertown was \$250,211.68, Lower Saucon was \$147,574.40; and the combined Hellertown and Lower Saucon was \$219,413.00 which totals \$617,199.08. They were including Northampton County EMS had submitted a grant and received \$125,000.00, which saved all of the fire companies in Northampton County money. They were looking at that as a regional benefit. If you add that up, and we didn't go through what the percentage for the areas was, we feel that \$742,199.08. The amount in there is wrong.*

**General Business & Developer Meeting  
June 15, 2011**

Mrs. Yerger said anyone in the public who has any doubt about what transpired at those meetings and what was said by whom, the minutes are up for public review. Land acquisition was discussed. There were comments made as to whether it was acceptable. She would strongly urge you to read those minutes as they are transcribed verbatim and you will not have any doubt to what transpired. Mrs. deLeon said again, reading the Lower Saucon Township minutes, they are not the Gaming Authority minutes or this book, which clearly states what the Gaming Authority allows grants to be applied for.

Mrs. Yerger said it was publicly stated that the Gaming Authority would not allow for land acquisition, but it's right on their application. Mrs. deLeon said that was put there because we wanted to make sure that all the projects that were submitted would come to completion in a year. We wanted to make sure that if you were saying you wanted to acquire property, that you better have a bill of sale in your supporting documentation because if you just had words on a piece of paper, which is technically what the email was all about, it listed a column of materials and acquisition of property, it didn't identify where it was. It didn't have a bill of sale. It didn't have anything – nothing supported that claim. Mr. Maxfield said where's the Authority discussion that came to that conclusion? He's gone back to the tapes and did not hear or see any discussion that said anything like that. Who made that decision? Mrs. deLeon said if you read the law. Mr. Maxfield said he's reading the law and he's looking at the application that says acquisition which falls under facilities, it says land. Mrs. deLeon said yes, and we want to know if the project you are applying for, if you got funding from someplace else, it says identify funding. It also says not paid for with gaming money. Mr. Maxfield said what you were blasting Mr. Cahalan for was for his taking the initiative to look at the application and not make it an illegal application, not double dip and charge for the same things twice. Things that have been paid for already. Why would we want our application to go in with those items on it? Let's be fair here. If we are talking about accuracy, let's talk about accuracy. Let's be honest now. Mrs. deLeon said she is being honest. Mr. Maxfield said if it wasn't for Mr. Cahalan and Attorney Treadwell, there could have been a problem for the Borough double-dipping of \$35,000.00, which almost occurred accidentally. He thinks our guys are on top of what's going on with these applications.

Mrs. deLeon said please indicate if there are any other funding grant donations or other relevant information for securing funds for this project. They left blanks to do that. Include all sources of funds and project costs. Include monies not financed with gaming money. She reads English. Mr. Maxfield said you cannot charge for the same thing twice. Mrs. deLeon said who is charging for the same thing twice? Mr. Maxfield said if you are applying for a grant to pay for something that's been paid for already then you are paying for it twice. Mrs. deLeon said she doesn't understand. Mr. Maxfield said it's pretty simple. What is it you don't understand? Mrs. deLeon said obviously you understand this. Mr. Maxfield said we had some confusion from the other end here. He's going to ask that we move on.

Mr. Kern asked if anyone had any questions or comments? Mr. Dave Willard, 1809 Meadow Ridge Court and he's a candidate for a seat on this Council in 2012. He has been attending meetings for the last six to nine months to observe how the Council works, the process, the types of issues you deal with in order to prepare himself. His observation is you're a dedicated group of public servants; that everyone is serving to the best of their ability in the best interest of the Township. He thinks that in the case of Mr. Maxfield's comment, it is time for the Council to move on. He does believe that Mrs. deLeon acted to the best of her ability with the information she was given. The Township has received quite a bit on money that they would have not received otherwise, and quite frankly, up until two years ago this type of discussion couldn't even have taken place. There were tens of thousands of dollars provided to Lower Saucon and other municipalities because of this new process. He would encourage the Council members to work together in the spirit of trust, to understand the rules for the 2011 grants and to try and maximize the awards for Lower Saucon Township and minimize the bad publicity we received because of this.

**General Business & Developer Meeting  
June 15, 2011**

Ms. Stephanie Kovacs read the following: Dear Members of the Board. I have come before this board to provide you with information regarding the Gaming Authority and to request that we forego past disputes and strive to continue to work together. I was a part of the first Gaming Authority Committee led by Mr. Bob Pfenning. Per Mr. Stoffa's recommendation, Mrs. deLeon and I were asked to be part of the Gaming Authority. This was a courtesy extended by Mr. Stoffa's office to insure that the contiguous municipalities have a voice in how the Authority could best serve the public. Both the County Executive and County Council believed correctly that the good people of this County have a vested interest in our community and would be much more apt to make the best decisions for those negatively affected by the operation of the casino. At our Authority meeting we were asked to fairly review all applications, including our own. Both Mrs. deLeon and I wear two hats. By design, we represent both Northampton County Gaming Authority and our respective municipalities. Northampton County formulated the makeup of the board to ensure a fair review process and to provide a voice to those municipalities directly impacted by the Sands Casino provided under the statute. Mrs. deLeon is a dedicated member of that board. She is knowledgeable and fair. She has been an instrumental force in representing the contiguous municipalities and has fought to make sure that those most affected by the casino receive priority and allocation of funds. Mrs. deLeon is more than capable of defending herself and she has chosen to take the high road. Her actions in this regard display strong character and prove her motivation to serve her community without thought or care of her own interest as she has testified before the Gaming Commission. I, however, take it as an issue to any inference that my statements in this matter were inaccurate. Based on what I reported to have said, it is clear that my words have been taken out of context and used unfairly to disparage each other, not other my colleague, but my friend. While it is natural that all elected bodies will have conflicts between their members, allowing those personal conflicts to prejudice and influence ones view about another Council member's motivation and voting record is detrimental to the good of the public. As a sister community, in which we partner for grants, services, tools and staff, this strife will not continue. The taxpayers of Lower Saucon Township have received more than \$360,000.00 in funds to date through this cooperation. This cooperation must continue for the further of the public good. One of the biggest assets we have as elected officials is our ability to work together. By doing so, we not only achieve funding, but making the impossible, possible. I would like to take this opportunity to set forth the facts about this unfortunate incident and hope we can clear the air and move forward in a positive direction.

- Fact – I never had a phone conversation with Mr. Tom Maxfield. I spoke with Mrs. Keri Maxfield in which I expressed my opinion that Mrs. deLeon was the best person representing Lower Saucon Township. I informed Mrs. Maxfield that all the components of an application must be set forth in the application at the time of submittal for a grant to have a chance to be awarded. I also asked her to have her husband return my phone call, but I never spoke to him. In every conversation about this issue, Priscilla and I constantly stated that we are not in favor of land acquisition. Those statements were always in reference to the rails trails joint project with Hellertown.
- Fact – at the October 2010 Gaming Authority meeting, a motion was made by Mrs. deLeon and seconded by Mr. John Dalley that the Gaming Authority set a policy not to accept applications after the application deadline. This motion was passed. It is my personal view that an amended application is a new application making the original and complete application null and void. Mr. Scott Alison, Solicitor for the Gaming Authority confirmed this in his opinion. I believe that just as municipal elected officials would reject a non-responsive bid, the Gaming Authority Board has the obligation to reject a non-responsive grant application. The policy statement is designed to develop a fair grant application process. Fair to all who prepare and submit grants. To insure fairness, all applications must be held to the same policy requirements, provides specific situations when an amendment is permitted. The policy statement has no exceptions; therefore, amendments for one application does injustice to the process and to other applicants who submitted complete grant requests in a timely manner.

**General Business & Developer Meeting**  
**June 15, 2011**

- Fact – At the soft opening for the Rails to Trails, I walked over to Mr. Glenn Kern, Mr. Tom Maxfield, and Mrs. Sandra Yerger. When I said we need to discuss the Rail Trail Grant, Mr. Maxfield threw up his hands, made a negative remark, and walked away. We need to be open to all board member views and listen even when we disagree. I will pledge to listen to the views of Mr. Maxfield at any time. While I may disagree, I will give proper consideration and respect to his and other points of view. If I have not done so in the past, that was my error. I did speak with Mr. Maxfield later that day and asked if I had somehow offended him. He explained he is not a fan of gaming. That is his personal right, and I respect that. I believe his concerns could be used in a constructive manner to determine what he believes are the negative aspects of gaming on the community and use that information in future grant applications to address his concerns.
- Fact – I did speak at length with Mr. Glenn Kern on the phone as instructed by Hellertown Borough Council to extend an olive branch. We discussed the rail trail project. Ladies and Gentlemen, this project was No. 20. There were 19 better projects. Mrs. deLeon and I on joint projects, are your resources.
- Fact – We do not determine viability of an application on the Gaming Authority. It is not within our role to judge any applicant. Our role is to review an application within the confines of Title IV of the PA Consolidated Statutes 1403 D1, Section 5. The legally approved criteria is reviewed and scored by the Gaming Authority and/or its sub-committee. These procedures were voted on and approved before the applications were received.
- Fact – Nowhere in the grant process as determined Title IV 1403 D1, Section 5, does it state land acquisition. On the worksheet portion of the application, it does show land acquisition only to notify the nine voting members whether or not its municipality will be purchasing land as part of their project. The applicant is required to show supporting documents – a bill of sale, a lease agreement, to verify that a project can move forward and be completed within one year. This is a vital piece of information that was lacking in the grant application in question.
- Fact – The Gaming Authority policies are based on the law and our Solicitor’s opinions.
- Fact – To the best of my knowledge, Mrs. deLeon and I do not review municipal applications before those applications are submitted by either Hellertown or Lower Saucon.
- Fact – No one can change the process during the process.
- Fact – It is not the problem of the Gaming Authority if any applicant move forward on their projects.
- Fact – No one from Lower Saucon contacted Hellertown to notify them of any change made to the Rails to Trails application. Hellertown was not given the opportunity to approve or deny any changes. A new resolution would have been issued by the Borough; however, in my opinion, even the grant application would still be null and void. These types of amendments would also open Pandora’s box. A municipality could submit any application without due diligence and found to be erroneous and amended thereafter. The Gaming Authority must have strict standards to insure all applications are accurate and at the time of submittal or else the review process cannot function properly.
- Fact – Pandora’s box – if the Gaming Authority allows to amend its application after submission, every municipality in Northampton County that had an error and was rejected would have the right to sue the Gaming Authority to allow them to amend their application as well.

**General Business & Developer Meeting**  
**June 15, 2011**

- Fact – Two bills for the Gaming Authority’s Solicitors review to amend an application is money that could have been used on other matters. In my opinion, any money spent on Solicitor’s fees subtracts from the amount of funds available that we can distribute. The next application on our list was Hellertown. The Northampton County Gaming Authority has a wealth of talent with differing opinions. Mrs. deLeon sat on the sub-committee by-laws, I sat on the both the sub-committee for the creation of the gaming criteria and its matrix. These committees did not provide for land acquisition or approved land acquisition. While reasonable minds may differ on the interpretation of that, in the absence of shall not, it can be assumed that it will favor the affirmative. It’s possible, but unlikely. It is my understanding that the statute is to be strictly interpreted and mean what they say. If a power is not specifically enumerated in the language of the statute, it is not the power granted by law. If the legislature wanted land acquisition to be a part of the process, it would have affirmatively stated as such. I respectfully dispute any notion that my service on this Authority with Mrs. deLeon has lost grants or funds for our respective communities. In fact, Lower Saucon Township and Hellertown Borough have received the grants as I stated \$965,157.86. Not bad for a bunch of good old girls. That fact speaks for itself and you can judge our performance on that fact. As long as I sit on this board, we will behave as one happy family. No exceptions. We have both worked too hard to let our personal issues get in the way of the greater good in easing the tax burden to our taxpayers. I have no ill feeling toward this board, and hereby extend the olive branch to Lower Saucon Township Council on behalf of Hellertown Council. Let us use these recent events to re-dedicate ourselves by working together for the public good. Let us choose community over self-interest, objectively over subjectively, and cooperation over division. I thank you. Priscilla if you change your mind, my attorney’s offer still stands. Mrs. deLeon said thank you, you really do a good job.

Mr. Kern said he wasn’t going to say anything, but he feels compelled to say something now. How this got so out of hand for no apparent reason. There was nothing in the Gaming Commission that said anything about not redoing something, and if Mr. Cahalan hadn’t gone before the board that night, there would have been \$6,000.00 left in the grant because of previously spent down money on it. There is nothing that anyone ever said until Mr. Cahalan went to that meeting, after Mr. Cahalan went to that meeting, that’s when the ruling came that there would not be any additions or amendments to an application. Alicia invited Mr. Cahalan to come to make the presentation that night. If Mr. Cahalan had not done that, there would be \$6,000.00 out of the original \$65,000.00, so Mr. Cahalan was doing it to benefit Hellertown and Lower Saucon Township. Mr. Kern didn’t want to get into this, but since this was brought up at a public meeting, the reaction of our representative to that was the most unprofessional reaction I have experienced in a professional setting in the thirty years I have been in professional settings. The behavior in an Executive Session was unconscionable. If that’s the representation that exists at the Gaming Commission meetings, that’s unacceptable. If that behavior that I witnessed incredulously is the behavior that occurs at the Gaming Commission meetings, that’s not appropriate. I didn’t want to have to air this, but you folks decided to air this publicly and now I have to speak my mind on that. Mr. Cahalan was doing a good job. Mr. Cahalan was trying to represent the Township. There were no rules in place at the time Mr. Cahalan went there. The ruling came in after Mr. Cahalan went. There was a discussion by the Gaming Commission.

Ms. Kovacs said she’s not over here to insult anyone. She doesn’t think Mr. Cahalan intentionally did this. Let’s make that perfectly clear. Mr. Kern said the reaction towards Mr. Cahalan was unbelievable, with the back lash and was unacceptable. Mrs. deLeon said I make no excuses Mr. Kern, and it was in Executive Session and she was bothered who was Council and who was the employee. Mr. Kern said Council had been asking our representative to the Gaming Commission to represent land acquisition. That’s an important part. Mrs. deLeon said that was first brought out at that meeting a couple of weeks ago. When was it brought out prior to that, can you tell me when? Mr. Kern said in Executive Session. Mrs. deLeon said excuse me, and decisions are made in Executive Session? Mr. Kern said no, but the discussion was.

**General Business & Developer Meeting  
June 15, 2011**

Mrs. deLeon said on land acquisition – absolutely. We talked many times about land acquisition. At no time was there ever a mention of “Priscilla, go to the Gaming Board”. Mr. Kern said you are absolutely right. Mrs. deLeon said what am I right about? Mr. Kern said that there was no discussion of “Priscilla, go to the Gaming Board and represent that position” because in his opinion, if I were the representative, I would have listened to my fellow Council members and understood the consensus of Council and represented that. Mrs. deLeon said a deadline is a deadline. What does deadline mean? Mr. Kern said he’s not talking about deadlines, he’s talking about land acquisition.

Mr. Maxfield said you can’t call it a deadline now and call it previously amending or curing or any of the other fancy terms that were being kicked around. Your letter was a rewrite of what happened. What Mrs. deLeon presented tonight was a rewrite of what happened. You can stand here in a public meeting and say whatever you want. You can try and make it right, but it was wrong. It was dead wrong. Four people on Council agreed with that. We’re looking at this information and we’re judging the information. You cannot rewrite history. History happened. You can’t sit here and go back and make it a fact. It’s not a fact. It was wrong.

Ms. Kovacs said she does take issue with the comment that Hellertown was going to double dip. Mr. Maxfield said by mistake, it all happened. Mr. Kern said if it hadn’t been for our Solicitor reviewing the document prior to the Monday meeting that Mr. Cahalan went to, there would have been an error in that document to the tune of \$35,000.00. Ms. Kovacs said the original application would have stood as was. This wouldn’t have happened at all. Mr. Maxfield said if the original application stood as was, then we would have been double dipping for the things that were paid for already. You can’t have it both ways. It’s our problem and you are trying to say it’s not our problem.

Attorney Treadwell said currently there are no applications pending before the Gaming Authority. Your next deadline is August 1. He’s not quite sure what this discussion is accomplishing. You don’t have any business before you regarding the Gaming Authority. He understands why Mrs. deLeon said what she said. She was responding to Mr. Maxfield’s letter, but he’s not sure where we’re going. Mrs. deLeon said a deadline is a deadline and if you don’t abide by deadlines, why have them? Attorney Treadwell said his question to the Council President is where is this discussion going? There is no pending application before the Gaming Authority. Your next deadline is August 1<sup>st</sup>. This seems to be a personality issue that’s not doing anybody good.

**V. MISCELLANEOUS BUSINESS ITEMS**

**A. APPROVAL OF JUNE 1, 2011 MINUTES**

Mr. Kern said the minutes of the June 1, 2011 Special and Regular Council meetings have been prepared and are ready for Council’s review and approval. He asked if anyone had any changes or corrections?

Mr. Horiszny said on page 11, line 51 and 52 of the regular Council meeting, the motion was by Mr. Kern and Mr. Maxfield. The wording should read “special purpose sign”.

**MOTION BY:** Mrs. Yerger moved for approval of June 1, 2011 Special and Regular Council meeting minutes, with revisions on the Regular Council meeting.

**SECOND BY:** Mr. Maxfield

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

**ROLL CALL:** 4-1 (Mr. Horiszny – No)

**B. APPROVAL OF MAY 2011 FINANCIAL REPORTS**

Mr. Kern said the May 2011 financial reports have been prepared and are ready for Council's review and approval.

**MOTION BY:** Mr. Horiszny moved for the approval of the May 2011 financial reports.

**SECOND BY:** Mrs. Yerger

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

**ROLL CALL:** 5-0

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

- Mr. Dugan, 1859 Springwood Road said he's here on behalf of the residents of Springwood and Hawthorne Roads. Where are we on getting these roads dedicated? We appreciate the letter that Council authorized to be sent to Mr. Ronca, but where are we? It's beautiful June. It's nice and hot, and it's not a big issue. If we don't address it now, it will be December with snow and ice on the road and still no road dedication. What has to be done? Attorney Treadwell said he can tell you where we are from a legal standpoint. The developer, Mr. Ronca, has not yet provided the township with an 18-month maintenance bond for those roadways. Attorney Treadwell talked to Mr. Ronca's attorney, Mr. Benner, last week, and he said they were trying to get a maintenance bond. Mrs. deLeon said what's preventing them from not – issues with the bank? Attorney Treadwell said he doesn't know. Mr. Dugan said what's this maintenance bond? Attorney Treadwell said a maintenance bond provides that after the Township takes dedication, for an 18-month period, Mr. Ronca is responsible for fixing any repairs like a crack in the road, things like that. If he does not, then the Township is allowed to use that bond to go and fix it themselves. He would guess that according to the conversation with Mr. Benner that they are having difficulty getting one. Whether it's that bonding companies aren't as willing to issue those types of bonds, he just doesn't know. They are trying to get one. Mr. Dugan said he's asking a "what if". What happens if the corporation or the developer goes bankrupt? Then what is going to happen? Are you going to come to the residents that live on the road and tell us that we now have to purchase the maintenance bond? Is the Township going to take over? Attorney Treadwell said he doesn't want to speak for Council, but he's never seen a situation like that in any Township he's ever represented where the residents had to pay anything for that type of an issue. The alternative in that situation, if it were to occur, would be for the Township to take the roads without a maintenance bond unless there's a successor corporation in the bankruptcy that could provide the maintenance bond, but that's an option. Mr. Dugan said at this point you have sent letters to Mr. Ronca and the ball is in their court. If they want to apply pressure, they are going to have to send letters to Mr. Ronca also? Attorney Treadwell said he doesn't know the specifics in the difficulty in obtaining the maintenance bond. They might come back tomorrow and say we just can't get one. Mr. Dugan said then they can't get the maintenance bond, where are we going to go with this? Attorney Treadwell said then it would be up to Council to consider whether or not they want to take dedication without the maintenance bond.

**VII. COUNCIL AND STAFF REPORTS**

**A. TOWNSHIP MANAGER**

- Mr. Cahalan said he received a resignation from Donna Bristol who was on the Rail Trail Advisory Committee. If you accept that, he will send a letter of thanks to Donna for her work on the rail trail.

**MOTION BY:** Mr. Horiszny moved to accept Donna Bristol's resignation, with thanks.

**SECOND BY:** Mrs. deLeon

**ROLL CALL:** 5-0

- Mr. Cahalan said he has a recommendation to appoint someone to fill that vacancy on the Rail Trail Advisory Committee and it's Roger Jurczak. You've seen his work with the

**General Business & Developer Meeting  
June 15, 2011**

mileage markers and the kiosk. He's recommending that Roger Jurczak be appointed to the Rail Trail Advisory Committee to fill out the expired term of Donna Bristol, and that would expire December 31, 2011.

**MOTION BY:** Mrs. Yerger moved for approval of Roger Jurczak to be appointed to the Rail Trail Advisory Committee.  
**SECOND BY:** Mr. Maxfield  
**ROLL CALL:** 5-0

- Mr. Cahalan said they received a letter from Hellertown Borough Council. It's addressed to Glenn Kern, Council President and dated June 13, 2011: Dear President Kern. At the June 6, 2011 meeting of the Hellertown Borough Council, the Council members expressed interest in initiating a discussion with Lower Saucon Township Council on the consideration of commencing a regional police study among our two communities. A confidence vote of the Hellertown Borough Council members indicates a commitment to the completion of the study. Therefore, we respectfully request your consideration of the above-mentioned at your next Township Council meeting. It's signed by Cathy Kichline, the Borough Manager. Mayor Fluck has mentioned this at the SVP meeting that they are interested in reinitiating the regional police study. That began back in 2005. In 2006, there was a formal submission to DCED, the local Governor's Center. The study was stopped before it was completed. If Council is interested in pursuing this with Hellertown Borough, the step we would take is he and the Borough Manager would prepare the letter of intent that you have to complete and submit to DCED requesting technical assistance for a regional study. If you would like him to do that, you can direct him to do that with the Borough Manager and it will be brought back to the July 20<sup>th</sup> Council meeting. Mr. Horiszny said do you think that will be starting over, or will they complete the 95% done study? Mr. Cahalan said there is some data that could be updated. Mrs. Yerger said if they could salvage any of it, that would be great. The taxpayers are going to pay for it all over again. Mr. Maxfield said it's a great idea. If he was remembering, the police were in favor of the talks before, so there is probably no reason to believe that they've changed. Mr. Cahalan said a motion would be good to bring the DCED letter of intent back for Council's approval. It would also have to be taken to Hellertown Council for their approval.

**MOTION BY:** Mr. Maxfield moved for approval to bring the DCED Letter of Intent back for Council's approval.

**SECOND BY:** Mrs. Yerger  
Mrs. deLeon said they still have this program in place? Mr. Cahalan said he hasn't made any calls, but it's still listed as one of the programs. It's under Police and called Aid in Police Regionalization. It says you have to fill out the Letter of Intent and send it in requesting technical assistance. Mrs. Yerger said she'd check and see how much is left. DCED got hit pretty hard and she doesn't know how much funding is left in it. Mr. Cahalan said he will do that.

**ROLL CALL:** 5-0

**B. COUNCIL/JR. COUNCIL MEMBER**

**Mr. Maxfield**

- He said today he completed a bus tour with about 100 people in Lehigh County. It was a repeat of sustainable landscapes bus tour that they did last year, but in Lehigh County. They did have a member from Boucher & James on the bus who was taking notes, so hopefully with the good detention pond refits and all the good things they showed us, we should have some great ideas coming through from it.

**General Business & Developer Meeting  
June 15, 2011**

**Mrs. Yerger**

- She said she the EAC met last night and they took several motions to bring before Council. The first one is with the Dravec property. The following actions were taken by the Environmental Advisory Council at the June 14, 2011 meeting. A motion was made by Tom Maxfield, seconded by Ted Beardsley recommending that the EAC recommend to Council and Parks and Recreation that the Dravec property be used as a park, in an undeveloped state as possible or natural state as possible, with the addition of signage at the entrance based on the rail trail style rules, and hopefully, it will be in a useable state before the end of 2011. They would like the Parks and Recreation to basically investigate opening the Dravec property. Hopefully we can work with them on signage. Mrs. deLeon said did Parks and Recreation know about this yet? Mrs. Yerger said no. We are asking Council that the recommendation go to Parks and Recreation for review. Mrs. deLeon said it should be completed by summer? Mrs. Yerger said they are hoping it can be. Mrs. deLeon said we need to know what it's going to cost the Township to implement it and it all has to come back. We're in the end of June and there is only a month and a half left of summer. Mrs. Yerger said we're looking at passive use and since there are existing trails on the property, we hoped it might be possible. Mr. Horiszny said is it proper for us to make a motion and vote on something like that? Mrs. Yerger said she doesn't know if it needs a motion, but was just hoping Mr. Cahalan could take it to Parks and Recreation. Mrs. deLeon said out of respect to Parks and Recreation, we should just move it to them and have role in this too. Mrs. Yerger said that was our request. They weren't sure if we needed a recommendation from Council to pass it on to Parks and Recreation. That's what we are asking for. Mr. Maxfield said a big part of this was we thought a long time about scope of what had to be done there so it could be done. We talked about identifying signage saying don't leave the trail so there is no liability and people aren't wandering on other people's property. It's just keeping that scope down to as low as possible using the park in its natural state. Attorney Treadwell said all you are doing is sending it to Parks and Recreation, so Mr. Cahalan can send it to Parks and Recreation for their next meeting.
- She said they will need approval from Council on their next recommendation. There are three properties on review for open space preservation. They are referred to as the three Wassergass properties – Marson, Smith-Buroff and Carber. We are asking that before they go on for any recommendation for appraisal that the properties and their building envelopes be reviewed by our Open Space Consultant, Laura Baird and our Open Space Solicitor, Terry Clemons for any possible problems to make everything is clean and neat and where it should be.

**MOTION BY:** Mrs. Yerger moved to follow the EAC recommendation to Council that the three Wassergass properties – Marson, Smith-Buroff and Carber be reviewed by our Open Space Consultant, Laura Baird and our Open Space Solicitor, Terry Clemons for possible appraisal.

**SECOND BY:** Mr. Maxfield

**ROLL CALL:** 5-0

- She said the EAC had gone out to the Timko property and scored it with the evaluation sheet as open space. It came back with a low score. It did not have a great open space value, so they did not feel it should be recommended for any kind of appraisal. Mrs. deLeon said no monies from the open space fund will be used in acquiring this property? Mrs. Yerger said right. As a potential Parks and Recreation location for access to the Rails to Trails, it should go on theirs, not ours. Mr. Cahalan said it came out of the Rail Trail Advisory Committee. If Parks and Recreation approve it, then it will come back to Council.

**Mr. Horiszny**

- He said there was a village style plan that passed Upper Saucon's board, and he will get Mr. Cahalan to copy everyone on it and see it and consider it and get Boucher & James

**General Business & Developer Meeting  
June 15, 2011**

comments on it also. Mr. Kern said this is the project that was approved at the end of Center Valley Parkway. Mr. Cahalan said the zoning was approved. They still have to go to the Planning Commission. Mr. Horiszny said it's similar to the cottage village type things we had talked about before. It looks like it's something we should at least know about.

**Mr. Kern** – No report

**Mrs. deLeon**

- She said she has a May 2<sup>nd</sup> letter from Broughal and DeVito's office regarding Saucon Ventures. Previously discussed, they had received invoices for 2200 Wassergass Road and they were concerned about the excess amount of money that was billed to them. Are there any comments on this? Attorney Treadwell said that letter will be the subject of an Executive Session probably at your next meeting. He has been having conversations with them about the issue that was brought up in their letter and because they have threatened litigation will be an Executive Session subject.

**D. SOLICITOR**

- Attorney Treadwell said you should have a summary/time line of the Phoebe Ministry requests for the zoning text amendment that Council asked him to do at the last meeting. You can review it. He tried to hit all the important dates during the request process and at the end there's a short summary which is Council has discretionary authority to amend its zoning ordinance. Your Township Planning Commission recommended you not amend your zoning ordinance pursuant to the request that Phoebe has made. At this point, unless this Council takes further action to revise your zoning ordinance, hold a public hearing, send it to the LVPC, all those steps, then nothing will happen from this point forward. The Township has received no communication from Phoebe since the February 17, 2011 Planning Commission meeting. Mrs. deLeon said are they all paid up? Attorney Treadwell said he thinks they owe \$3,000.00 to \$4,000.00. Mrs. deLeon said what's holding them up? Attorney Treadwell said he doesn't know. Mrs. deLeon said do you think you could ask them? Attorney Treadwell said he asked Mr. Preston on Monday where the money was. Mrs. Yerger said it was her understanding there were a lot of questions and misinformation out and about. She appreciates the clarifications. Mrs. deLeon said will you relay back to Mr. Preston when they came back here in June a year ago, we pretty much met with them pretty quickly and they could at least pay our bill quickly. Attorney Treadwell said he will do that.

**E. ENGINEER**

- Mr. Kocher said Toll Bros. has asked that the Township accept the improvements of the Meadows Subdivision along Meadows Road. They went out and did an inspection. There are still a fair number of items that are outstanding before the roads are anywhere near ready for dedication. They summarized that in a letter to the Township, June 10, 2011, and they do not recommend you accept the roads and for time reasons, you should make a motion to not accept the improvements based on that letter and notify the developer appropriately, and it has to go certified.

**MOTION BY:** Mrs. deLeon so moved as stated above by the Engineer.

**SECOND BY:** Mr. Maxfield

Mrs. deLeon said when you say the roads, there's drainage things that run into the roads, are they being looked at also? Mr. Kocher said yes, they are being looked at. There are drainage system they can't even look at right now because the temporary erosion control facilities are still in place and we can't even get in the inlets. They go down in all the inlets and check all that and they can't even get down there.

**ROLL CALL:** 5-0

**General Business & Developer Meeting  
June 15, 2011**

F. **PLANNER** – No report

**VIII. ADJOURNMENT**

**MOTION BY:** Mrs. deLeon moved for adjournment. The time was 8:53 PM.

**SECOND BY:** Mr. Horiszny

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

**ROLL CALL:** 5-0

Submitted by:

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Jack Cahalan  
Township Manager

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Glenn C. Kern  
President of Council