| General Business & Developer | Lower Saucon Township Council Agenda | June 16, 2010 7:00 p.m. |
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**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**

**IV. DEVELOPER ITEMS**
- **A.** Conectiv – Applebutter Rd. – Request Release of Maintenance Period

**V. TOWNSHIP BUSINESS ITEMS**
- **A.** Zoning Hearing Board Variances
  1. Edward Pastir & Gwendolyn Pilgert – 3561 Old Philadelphia Pk. – Variance Request of Side Yard Setback to Construct Pole Barn
  2. Leithsville Volunteer Fire Co. – 1995 Leithsville Rd. – Variance Request of Fall Zone Setback
  3. Thomas & Jane Schreiber – 1833 Viola Ln. – Variance Request of Rear Yard Setback to Construct Patio
  4. Saucon Ventures LP – 2200 Wassergass Rd. – Special Exception to Change Non-Conforming Use & Various Variance Requests
  5. L & P Holdings (Meadows Banquet Facility) – 1770 Meadows Rd. – Special Exception Request for Expansion of Pre-Existing Non-Conforming Use
- **B.** Request to Hold CycloCross Event at Town Hall Park
- **C.** Presentation of Conceptual Proposal – Phoebe Ministries
- **D.** Review of Proposed Parking Area at Easton Road Fields & Impact on Adjacent Trees
- **E.** Review Subdivision Options for Nor Car Property
- **F.** Recommendations for Saucon Rail Trail Development
- **G.** Ordinance No. 2010-05 – Authorize Advertisement – Revisions to Riparian Buffer Ordinance
- **H.** Ordinance No. 2010-06 – Authorize Advertisement – Amendments to Chapter 170 – Vehicle Code
- **I.** Resolution #55-2010 – Transfer of Monies
- **J.** Approval of Change Order for GeoServices, Ltd. Work on Site Characterization for PADEP Re: Spill from Public Works Fuel Dispenser
- **K.** Adoption of Policy on Driver's License & Records Check
- **L.** Award of Pervious Concrete and E3M Asphalt Material Bids

**VI. MISCELLANEOUS BUSINESS ITEMS**
- **A.** Approval of June 2, 2010 Minutes
- **B.** Approval of May 2010 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 Park & Rec Meeting: July 12, 2010
Next EAC Meeting: July 13, 2010
Next Council Meeting: July 7, 2010
Next Planning Commission Meeting: July 15, 2010
Next Zoning Hearing Board Meeting: June 21, 2010

## I. OPENING

**CALL TO ORDER:** The General Business & Developer meeting of Lower Saucon Township Council was called to order on Wednesday, June 16, 2010 at 7:00 P.M., at 3700 Old Philadelphia Pike, Bethlehem, PA, with Mr. Tom Maxfield, Vice President, presiding.

**ROLL CALL:** Present –Tom Maxfield, Vice President; Sandra Yerger, Priscilla deLeon, and Ron Horiszny, Council members; Jack Cahalan, Township Manager; Leslie Huhn, Assistant Township Manager; Brien Kocher, Township Engineer; Linc Treadwell, Township Solicitor; Kevin Kochanski, Township Planner. Mr. Kern arrived at 7:10 PM.

**PLEDGE OF ALLEGIANCE**

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

**Mr. Kern said Council is planning on having an Executive Session about real estate purchase after the meeting this evening.**

## II. PUBLIC COMMENT/CITIZEN AGENDA ITEMS

Mr. Maxfield said we have a microphone at the podium and two microphones up front. Please use them if anyone has any comment as it goes on our transcriptionist record. While she may recognize our voices, she may not recognize yours.

## III. PRESENTATION/HEARINGS

## IV. DEVELOPER ITEMS

### A. CONECTIV – APPLEBUTTER ROAD – REQUEST RELEAE OF MAINTENANCE PERIOD

Mr. Maxfield said the applicant has completed the 18-month maintenance period and is requesting release of their security.

Mr. Kocher said there is a letter from him dated June 11, 2010. They did an inspection and they are due to be released from maintenance. Everything is okay.

**MOTION BY:** Mrs. Yerger moved for approval, per the staff recommendation for Conectiv.
**SECOND BY:** Mrs. deLeon
Mr. Kern asked if anyone had any questions? No one raised their hand
**ROLL CALL:** 4-0 (Mr. Kern – Absent)

## V. TOWNSHIP BUSINESS ITEMS

### A. ZONING HEARING BOARD VARIANCES

#### 1. EDWARD PASTIR & GWENDOLYN PILGER – 3561 OLD PHILADELPHIA PIKE – VARIANCE REQUEST OF SIDE YARD SETBACK TO CONSTRUCT POLE BARN

Mr. Maxfield said the applicant is proposing to construct an accessory structure 4' (15' required) from the property line. Council simply gives an opinion and does not give a decision. By law, we are allowed to weigh in.

Mr. Pastir was present. He said it's pretty much of a hardship for this variance as they are landlocked as far as their structure. Every which way you go, he can't build a structure. It's for storage of a car and lawn mower and things like that. On the side yard, it's an empty lot and he's pretty sure it's owned by Dr. Feelgoodes. He sent them a letter to see if anyone minded, but he never received a response from them about it. The lot is not used, and it's right beside his house. Mr. Maxfield said on the prints, you characterized the lot "unbuildable", is there any reason for that? Mr. Pastir said just because of the way it's graded and he doesn't think they have plans to build. Mr. Maxfield said just so you don't have any illusions, every lot is buildable.

Mr. Maxfield asked if anyone had any questions.

Council took no action.

**2. LEITHSVILLE VOLUNTEER FIRE CO. – 1995 LEITHSVILLE ROAD – VARIANCE REQUEST OF FALL ZONE SETBACK**

Mr. Kern said the applicant is proposing to add 12' to the existing 138' tall tower. The required setback would be 225'. The applicant is proposing 210' from the property line.

Mr. Nicholas Kouchay was present representing the applicant. He said as noted, this is an existing mono pole within the Township. It's roughly 130' in height. What Metro PCS is seeking to do is to add 12' to the height of that. Without that 12', the only available height would be 107' roughly, and that would not allow enough height for Metro to achieve its coverage objectives in this area and likely would require some kind of new structure to be built. Essentially this is an issue of the fall zone. As the tower stands now, if it were to fall, it is designed to collapse on itself; however, hypothetically if it were to fall straight from its base, it would not reach the nearest property line even with the extension that is being proposed. Even though the fall zone is at issue, that tower still falling in that manner, and would not reach the property line and would not hit any residences. At this point, as Council is aware, they are going to the Zoning Hearing Board, but Council will see them again for their conditional use application. Mrs. deLeon said if it would just fall over, there is nothing it would fall onto? Mr. Kouchay said it could fall on the parking lot. Mrs. deLeon said the former existing height, would it fall on the parking lot? Mr. Kouchay said yes. Mr. Maxfield asked if it reached the fire hall? Mr. Kouchay said it does not.

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

Council took no action.

**3. THOMAS & JANE SCHREIBER – 1833 VIOLA LANE – VARIANCE REQUEST OF REAR YARD SETBACK TO CONSTRUCT PATIO**

Mr. Kern said the applicant is proposing to construct a patio 32' from the rear property line (40' required).

Thomas and Jane Schreiber were present. Mrs. Schreiber said they would like to construct a patio in the back of their yard so they can enjoy the beautiful views and the outdoors that attracted them to the home in the first place. The house is very, very wide, and as you may know, the lots in Saucon Valley Meadows are very shallow, so it's very difficult to design

something that appealed with the architecture of the house that stopped short at the 40' line. They presented drawings that the landscaper drew. They have extensive shrubbery and trees to go around it. They are very cordial with the neighbors to the rear and they verbally told them they don't mind. They think it will add to the property value and actually their view will be prettier when they put in all their bushes and attract butterflies. She said she looked up some of the bushes on the internet and the one does attract butterflies. Mrs. Yerger said she wants to warn her, they are very invasive and may crop up elsewhere, so be warned. You may want to keep it under control. It's right up there with bamboo. Mr. Maxfield said they recommend a native plant called butterfly weed and it attracts the native species and it's probably around the same size. Mrs. Schreiber said she'd be happy to do that as nothing is final as of yet. Mr. Maxfield said if you want any information, they can provide it to you. Mrs. Yerger said the EAC has information and brochures about different species of plants which are selected for Pennsylvania.

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

Council took no action.

**4. <u>SAUCON VENTURES LP – 2200 WASSERGASS ROAD – SPECIAL EXCEPTION TO CHANGE NON-CONFORMING USE & VARIOUS VARIANCE REQUESTS</u>**

Mr. Kern said the applicant is seeking a special exception and associated variances to convert the existing school building into offices.

Lisa Pereira, Ramzi Haddad of Saucon Ventures and Bryan Ritter from Jena Engineering was present. Ms. Pereira said they are here this evening to give a brief outline of what their relief is. You are familiar with the Lower Saucon elementary school building which is currently is a non-conforming structure in the rural suburban district. They are looking to convert that building into office space. As part of that, they are requesting a special exception to convert an existing non-conforming use into another non-conforming use. In the alternative, they have placed, as part of their relief package, a request for a use variance.

Ms. Pereira said the other relief they are looking for is a dimensional variance for the off-street parking. Currently, based on the net square footage of the building, they would be required to have 185 parking spaces. The existing spaces with the current parking lots total up to 120. What they are proposing to do with their plan, they do have an area reserved for future parking if it would be necessitated by the office use and they could always pave it. In order to maintain the open space area at this time, they would prefer not to have to put that in and put some green space in.

Ms. Pereira said additionally they are looking for a buffer yard variance. Under the current zoning, you are required to have a certain buffer area between residential and office use. Currently, there is an existing tree line and they would like to maintain that and would be requesting a variance from that particular section. Mr. Kern said in the future if you were to put in the additional parking lot, would that be visible from any of the neighboring properties or could the existing buffer handle that? Ms. Pereira said she thinks the existing buffer would be able to handle that. Mrs. Yerger said is the reserve on the upper or lower portion of the school? Mr. Ritter said on the lower section. Mr. Maxfield said the aerial shows a pretty substantial buffer.

Ms. Pereira said there was one final variance that they applied for and they will be formally withdrawing. It was for a sign variance, and they no longer need that. Mr. Ritter said your zoning ordinance requires the plans be on a scale of 1:50, but with the size of the site, they have a plan that is scaled 1:60, so they will be applying for a variance from that site plan

criteria of the zoning ordinance. It's very unusual, but yes, it's in your zoning ordinance. Mr. Maxfield asked Mr. Kocher and Mr. Kochanski if they had any objection with that scale change? Mr. Kochanski said the information that needs to be shown on the plan is shown on the plan. It's legible. He doesn't see any issue with the variance or the plans with that scale. Mr. Kocher said he actually prefers it to be all on one sheet.

Mr. Maxfield said from Planning Commission, it was tied up with the use a little bit and they were concerned with the definition of the use that would be occurring as office use. A question also came up at the EAC meeting about the ground injection laws from DEP about the type of waste that goes into the ground. They were concerned that the uses would be uses that would generate residential waste that could be injected into the ground and not laboratory wastes or medical wastes. Mrs. Yerger said they were concerned about medical offices being there as it is an on lot system and not a public system. They were looking for a tighter definition of the uses. There are members of our EAC of the medical field and they were describing some of the things that could potentially be put into the systems just as a medical office. It was of concern to the EAC. Mrs. deLeon said most people who go to a professional office building and rent spaces, they just assume it's a public sewage system. Mr. Maxfield said he doesn't know how we can address that. Attorney Treadwell said he believes the applicant, although they are asking to change from one non-conforming use to another, and the non-conforming use they are asking to change to is office building. You had limited what you are requesting and maybe you could explain that to Council so they have a clear understanding. Ms. Pereira said as part of the proposal on the plan itself, they were asked to include what the proposed uses might include. In there, they did include medical office, also professional offices for lawyers, engineers, CPA's, psychologists, and the other particular use they were looking to put in there is computer technology and software research and development. Computer chips, software, manufacturing, very basic computer manufacturing. They would have certain restrictions and limitations they would put on the uses as they don't want to see retail there and things like that. Everything was included on the plan. Mrs. Yerger said it was the medical offices they had concerns with. Mr. Maxfield said there was also concern with any sort of process that might use solvents.

Mrs. deLeon said she's in favor of reuse of our abundant resource buildings in our Township and she's very happy to see the gas station up the hill was redone into offices and there's parking issues there now. That jumped out at her, and also the hours by just going to various appointments, 9 to 5, the hours were listed. That's a little impractical in today's realm of business. Ms. Pereira said they had it 8 to 5. Mrs. deLeon said if she worked during the day and wanted to make an appointment and they said come in at 7 PM, now your occupying the building at 7 PM. If she was your lessee, that might defer her from renting office space. That's impractical in today's lifestyle as there are people working various shifts and it's not reasonable. Mr. Maxfield said they were very tight about that at the Planning Commission due to the fact that it's kind of stuck in the middle of a residential area. Mrs. deLeon said she was opposed with the other issue that was before the Board because of that reason and she's opposed to limiting those hours. She thinks this Township needs a tax base and we need to be business-friendly to the community and she doesn't see that happening. Mr. Maxfield said it's important to limit the hours. Mrs. deLeon said she has a different feeling on the hours. The hours should be a little bit more flexible and more friendly to our residents. Ms. Pereira said the hours are under the note saying "Office Hours will be Monday through Friday, 8 AM to 5 PM". Mrs. Yerger said the EAC's main concern was medical use because of the on-lot system. Mr. Kern said how can we address that issue, anything that would be introduced into the ground? Attorney Treadwell said he thinks Mr. Ritter can explain to you how the on-lot system works as he doesn't know how it works. Mr. Ritter said a traditional septic system has been associated with the property, obviously, since the school was built which is the standard septic tank with the drainage fields. They looked at this property through the years with various uses and none came to fruition as they were legitimate concerns. Mrs. Yerger said

pharmaceuticals in the septic field are not going to break down. Mrs. deLeon said would there be any way that if this goes through, how do you put controls on it as the Township isn't going to be there all the time. As part of your renter's agreement in order to sign the lease, whoever does the septic system has to look at it for what use is generated. The City regulates the discharge from the buildings and just because you have business and it's going into a public sewer system doesn't' mean the treatment plant can treat it. Mr. Kocher said he doesn't know what particular ordinance this, it can be just as damaging to discharge a pharmaceutical to a public sewer as it can to an on-lot sewer, so the City prohibits that. Mr. Maxfield said they talked to the woman who runs the sewer plant and she said they do not treat for pharmaceuticals. They go right into the Lehigh River. Ms. Pereira said this is something they can certainly look into. This is the first time they heard about this and will look and see what are the options before the Zoning Hearing Board on Monday.

Mrs. Yerger said her concern is with parking, what's going to trip the need for adding the additional parking? Will it be determined by our Zoning Officer or something that is going to be determined by you'll come back and say you have this reserved parking and we now need to utilize it. Ms. Pereira said it would be a little bit of both. There would be an issue with parking if their lessee comes to them and says there is not enough parking. They would then come before the Township to put that in. If the Township thinks there's a problem, they can certainly look at it at that time. Mrs. Yerger said that does put them over the impervious then. Mr. Ritter said he would work with the Zoning Officer very closely with each tenant moving in showing the parking needs to that tenant versus the parking that is there. Mrs. Yerger said she would like to see that building being used, but she has concerns about medical use. She knows that site and there were water and runoff issues. Mr. Ritter said they recognized pipes that were put on the property that shouldn't have been put there and they have that history to live with and they are addressing those items so the adjacent property owners don't get the water and the water goes down to the Silver Creek appropriately. Mrs. deLeon asked if the width of the parking space meets the ordinance? Mr. Ritter said there is no variance for that. Mr. Maxfield said could one of you explain what was discussed at Planning Commission about the thought process behind why you need less parking right now, regarding the auditorium inside and stairwells that were originally figured into the square footage. Mr. Ritter said what it was a current school with wide hallways of 8' to 12' width and normally it would be calculated into the square footage requirements. That's not basically used for office area, so that particular area, the mechanical rooms in the basement, that was pulled out of the calculations to get what you are really there square footage wise that will be used for offices recognizing that a 5' is wide enough for the hallways as opposed to 8' to 12'.

Mrs. deLeon said did we do that for the gas station up on the hill as they did it by square feet, and said they were supposed to have x number of parking spaces. Mr. Maxfield said they said something about the bottom floor only being used for paper storage, so they didn't include that. Mrs. deLeon said they still don't have enough parking spaces. Mr. Ritter said they have a mechanism in place where they can provide the additional parking spaces. Mr. Horiszny asked if the additional space was paved already? Mr. Ritter said no. Mr. Horiszny said you could use pervious concrete in the future. Mrs. Yerger said especially if it's overflow parking. Mr. Maxfield said the there is an auditorium in the school and there was a statement made at Planning Commission that he auditorium would only be used for the businesses inside. There wouldn't be a separate function occurring to warrant additional parking spaces. Is that one of the agreements? Mr. Ritter said yes. Mr. Maxfield said we're trying to understand why the need for less spaces.

Mr. Kern asked what the next step was. Attorney Treadwell said they are scheduled for Monday night's Zoning Hearing Board. He doesn't know that Council has heard an adequate answer yet concerning the on lot septic system. You have two options. You can either oppose the inclusion of medical offices in the special exception for the change to one non-conforming

use to another or you can ask the applicant to do some further research and come back with an answer on the septic system which would require continuing the Zoning Hearing Board from Monday night to a future date.

Mr. Kern said would Council include the no medical offices? Mr. Maxfield said a doctor's office is fine if we have guarantees that the wrong thing isn't going down the sink or the toilet. If we can get those definitions in place and tied to the uses that are allowed in the building, in other words, define medical use tighter, then he doesn't see a problem with it. What's wrong with a regular doctor's office as long as that doctor knows he can't be pursuing certain practices. Mrs. Yerger said it's going to be really hard to check and since we do have a doctor on the EAC, just the simple things like sanitizing their equipment and things that are a normal practice in a doctor's office puts some pretty nasty chemicals down in the system. It's not fair to the applicant to try and police every tenant and make sure they are in compliance. We don't think the applicant can enforce that kind of restriction. Mr. Horiszny said he would think they could as they have to protect their septic system. It's a landlord and they don't want one client messing up their whole building. Mrs. Yerger said how often is that going to be detected? Mr. Horiszny said they would have to write their contract saying this stuff can't go down. Mrs. Yerger said if a neighbor's well gets contaminated, then what. Ms. Pereira said since this is a new issue, they would be willing to table the Zoning Hearing an additional month and take a look at it and see what information they can gather and see how much of a hazard this is and come back before you. Mr. Maxfield said one of the things they talked about at Planning was additional filtration. There isn't anything that can filter out pharmaceuticals, but there is something that can filter out some of the other things we talked about. Mrs. Yerger said if you don't have a copy of the EAC's recommendations, staff can provide it to you.

Attorney Treadwell said if Ms. Pereira says they are going to continue it for a month, Council doesn't have to take any action. Ms. Pereira said she will have to talk to Chris Garges tomorrow to get the right paperwork.

Mrs. deLeon said have you decided on the type of septic system? Mr. Ritter said it's utilization of the existing septic system. The septic system itself as far as the use from the school to what they are proposing is about half the use that was there when the school was there. There would be an inspection of the existing system to its operation and to everyone's satisfaction.

Mr. Mike Kinker, resident, said it's wonderful they are doing something with this property. He's not opposed to anything. He is concerned about what goes into the septic system. He didn't get to see any of the plans to see what's going on and he's concerned about the parking lot and the buffer. Mr. Kern asked Mr. Ritter to show Mr. Kinker the plan. Mr. Ritter said he would.

Mrs. deLeon said when the applicant comes back in a month, she just wants them to understand that at 5:00 PM the whole place shuts down and if somebody is there, is that violation of a occupancy permit. She'd like to know those answers. Mr. Maxfield said he's guessing the hours are operation are a generalized kind of suggestion. They didn't want someone conducting office visits at 9:00 PM. If someone is there until 6:00 PM, what are they going to do? Mrs. deLeon said that's all subjective and who likes who when enforcement is given, when you give a time and you have to be specific. Mr. Maxfield said we need to think about the surrounding neighbors. Mrs. deLeon said she's not saying 24 hours. She's just trying to make it accommodating for the people who are going to be using it so the place exists and stays and it's not abandoned like it is today.

**5. L&P HOLDINGS (MEADOWS BANQUET FACILITY) – 1770 MEADOWS ROAD – SPECIAL EXCEPTION REQUEST FOR EXPANSION OF PRE-EXISTING NON-CONFORMING USE**

Mr. Kern said the applicant is seeking a special exception and several variances to allow improvements which were done without proper approvals to remain in place.

Dennis Benner, attorney for the applicant and Scott Mease, Engineer was present. He said they were here at the Council meeting two weeks ago. At that time, they left the meeting and wanted to take a look at whether or not they could eliminate the zoning relief request and present it to the Council for their information. They did that and tried to determine, what, if anything, they could eliminate. That took the form of a number of different kinds of considerations. One of the requests to the Zoning Hearing Board was the dumpster was in the side yard. On consultation with Scott and Russell, it is possible to move the dumpster out of the side yard and put it within the front yard; however, to do so, it has another kind of an impact. He brought a photograph for Council's information tonight so they could better understand it. When they do that, you are going to see all these dumpsters in plain view. Secondly, Scott's company has recalculated some coverage area. One of the variances they were seeking was they were exceeding 25% coverage on the site. On further calculations, they are not exceeding the 25%, so they will be withdrawing that request. Mr. Mease said when the first calculation was done, the whole property had not been surveyed and so the numbers were a little rough. As it works out, they are at 23%, whereas they were a little over 25% with the original calculations. Mr. Garges asked if they looked at the site capacity calculations when they did that? Mr. Mease said they are seeking a variance from site capacity because of zero for the flood plain. Mr. Garges said the site capacity calculations with most of the site being in the floodplain would basically generate not much land, so the impervious coverage ratio would be significantly higher because you don't have much land to work with. If they don't do the site capacity calculations, they are looking at the entire site saying there are no resources on it. It's eight acres or whatever it would be, so they can cover 25% of that eight acres. The site capacity calculations would say you have eight acres, only two acres of that would be useable. You're only allowed to cover 25% of that useable amount. Mr. Mease said what they also looked at was the fact if they could get that variance from site capacity calculations by definition, the coverage was defined as the bay side area, so then they'd be okay. Mr. Garges said okay.

Attorney Benner said an additional variance request was a loading area. They are going to withdraw their request and the request will be accommodated by the removal of a shed. That will allow a larger area for the loading.

Attorney Treadwell said going back to the 25% coverage, did anybody from Hanover, Boucher & James look at those numbers? Mr. Mease said that was on the plan that they last reviewed, however the review was limited mainly to do we have all the requirements for the check list items. They limited their review to just the site plan requirements. Mr. Kochanski said that is correct. The last plan review they did was for meeting the site plan requirements and not technical review of zoning issues. While there were calculations on there, we did not look at it to that depth as they were only looking at site plan requirements. Attorney Treadwell said he wonders if it would make sense to have someone do that. He'd hate you to go to the Zoning Hearing Board and when you come in, the next time around whenever you are back here again, someone would think the numbers are off. Mr. Maxfield said they should keep it in place until our staff sees the numbers. Mr. Mease said that's fair enough.

Attorney Benner said additionally they were seeking variances for buffer yards on the premises. That request is going to be reduced to a partial variance. He showed Council the reason why. He showed the buffer yard and Saucon Creek. He said there is one area on the

western side and that is going to be for the partial variance and it's only because the bank is eight feet high. Mr. Kern said on the rails to trails subject, what are you saying? Attorney Benner said at one point, there might have been some discussion with the Township and Russ using the parking lot. Mr. Cahalan said it was unofficial. Mr. Lebkuecher said a lady came to him and said they needed a place to park and he told them now that he bought the two acres on the other side of the creek, they could have use of those four acres and there would be enough room for turn-around, parking, fishing and he would donate it to the Township for use. Mr. Maxfield said is that in the floodplain? Mr. Lebkuecher said it's right on the creek.

Attorney Benner said there are two decks on the property. He showed where the decks were. There is a deck that is existing and it is in the side yard and a variance has been requested for that. Brides go up there and have their pictures taken and it's very scenic. He showed the second deck that's on the property and is a compliant deck. If Council wants a deck to go away, he will tear the second deck away as the one with the trellis seems to be more popular. Additionally, a variance request was to allow the deck that houses the tent and there was some concern about the impervious nature of that. His client is willing to put spouting on the deck to path and direct any kind of stormwater under the deck. In 1995, when this property flooded, FEMA came out and they asked his client to get the property up off the ground. That was about 30,000 cubic feet of intrusion when that was sitting on the ground. When they took it and raised it, they actually increased the flood capacity by 20,000 cubic feet, so it was really a benefit at this location. There is much more flood capacity underneath. Mrs. deLeon said these buildings have been here since 1995? Mr. Mease said yes, this is the main building. Mrs. Yerger said when was the tent added? Mr. Mease said about 2005 as it's on the plan. Mrs. Yerger said FEMA told you to get the main building up off the ground in 1995, but there was no tent there in 1995, so you just decided to add that in 2005? Mr. Lebkuecher said the first flood was 1993 when the dumpster went down the creek. That's when an architect came in and designed it and came up with the plan to raise the whole property 3' over the floodplain. If there was a pot of water, and put a rock in it, the water would be over at the neighbor's yard. They took the whole building out of the pot of water. Mrs. Yerger said you are talking the main building. Mr. Lebkuecher said they raised that whole building so that now it helped the neighbors. At that time the neighbors were very thankful. In 1993, they raised the deck and in 1995, they raised the building. In 1999, they had another flood and in 2003 there was a flood. In 2005, there was Katrina and that's when each time the National Flood Insurance came out and kept telling him to get everything off of the ground. He used to go out in the field and get his beer kegs. The deck went up over the bridge. By getting everything off the ground, everything was handicap accessible and no one could get hurt. The back yard, by putting the tent off the ground, everything is clean. There is nothing that can go down that creek but mulch. The heaters, the blowers were underneath the deck and that was all removed. Each time they got an insurance check from the flood insurance company, they worked on it. He was in the hospital and his wife was calling contractors and said get everything off the ground. That's where he was guilty as he didn't get permits on the decks and the buildings. Mrs. Yerger said none of your contractors ever thought of coming to the Township to get permission? Mr. Lebkuecher said some of the contractors, he bartered with, and that's where he was guilty. It was mainly to protect the property and his employees.

Mr. Maxfield said his problem with this whole thing is exactly the kind of thinking we are talking about. If you are talking about FEMA making suggestions to you back in 1995 with the structures that were there, that wasn't going to solve the problem. That might have mitigated it a little bit. FEMA was probably making suggestions to make what was there as good a situation as possible, but then after successive floods to keep adding structures on to that property and to have the continue to be told to raise those structures up, he doesn't understand this at all. This makes no sense. Mr. Lebkuecher said everything is raised if you look at the pictures. They were concrete footers there. There were buildings there. They made them nicer. Mrs. Yerger said all those buildings were there. Mr. Lebkuecher said there

were concrete pads and pylons under everything they built. Mrs. Yerger said from 1993 on? Mr. Lebkuecher said absolutely. If you had an inspector go in the building, you'd see them. They are everywhere. When they went into the first building, rain was coming through the roof on an electric panel. How did that get passed? That's when an electrician came in and put on a new roof. The very first building was just a constant fixing. Mrs. Yerger said when you bought the property, all these buildings were there? Mr. Lebkuecher said there were buildings and sheds in all different places. They were just like shacks. The Chalet was there. There were mobile homes in the back with port-a-johns and three septic systems. That's where the slabs were. Mrs. Yerger said you did all this construction without ever coming into the Township? Mr. Lebkuecher said no, back when Charlie Senick was there, most of the big buildings and tanks, anything giant, they got permits. He wouldn't do a $50,000.00 addition without a permit. Right now, they are out $250,000.00 and six people are going to lose their jobs and they are losing $2,000.00 a week in deposits as they aren't booking it for next year not knowing what we can do.

Mr. Maxfield said he went to a wedding there in 1975 and there was a pavilion there on the property, that was it. It seems that everything has happened since then has happened without a permit. It has grown in a dangerous and unsafe organic fashion over a period of time. You may have gotten an occasional permit, but the vast majority of things were unpermitted and unapproved, and unsanctioned. Mr. Lebkuecher said the main hall was there, the east wing was there, the Chalet was there, the shed in the back was there. In 1993, they got a permit to rebuild the building. Attorney Treadwell said he remembers last time the applicant was here, the deck that has a tent on it, when did that get built? Mr. Lebkuecher said 2005. Attorney Treadwell said that hasn't been there when you bought the property? Mrs. deLeon said was there a pad underneath it? Mr. Lebkuecher said there was no pad underneath it. The tent used to be on top of the grass. Someone asked if there was a reason he raised it? Mr. Lebkuecher said to make it safer and cleaner and keep it off the ground. Mr. Kern said he thinks the question is why was it built to begin with without a permit? Mr. Lebkuecher said he never thought about it. Mr. Kern said is the additional banquet facility and some sheds built without a permit also? There's aerials, supportive evidence taken previously and currently that support that there were no pads there. There was construction done without permits. Mr. Lebkuecher said there were pads there.

Mrs. Yerger said she lives by a creek and they always made sure there is no construction of any kind near it. Her garage is smaller; her house is out of the flood plain just because she doesn't like her stuff being under water. If you have been dealing with this flooding year after year and what you continue to do is put more structures into the floodway. She doesn't care whether you raised them or not, they are still in the floodway and there are consequences for putting them there. She really has a hard time understanding that.

Mr. Maxfield said you've made a lot of proposals to us tonight. He would like our staff to examine the impervious coverage figures. He would like to see them in a written proposal that these things can be mitigated. He asked if they would grant an extension so they could have the figures examined, look at the other proposals, and maybe we can come to a realistic place that we can go through the future with. Mr. Horiszny said if all the variances have changed, it's hard to vote on them without knowing what they are now. Mr. Maxfield said without formal proposals, we'd have to oppose it now the way it stands, and he's sure you don't want to go to the Zoning Hearing Board with them opposing your application. Attorney Benner said the first item is the dumpster area in the side yard, we can do it if you want it to look worse. Mr. Kern said some of these variances are minor and some of them aren't. How are some of them going to get remediated? Attorney Benner said any remediation or attempt is possible to put storm water in an area where storm water otherwise would have been. Mrs. Yerger said then we need our experts to take a look at it. We're guessing at this point. Mr. Maxfield said this is the first time they heard these proposals and we need some examination

by our consultants. Attorney Benner said they will submit to the Council an extension. They will give them the written proposal.

Attorney Treadwell said if Attorney Benner said they are going to request an extension, then you can call Chris Garges tomorrow and work out the details and you don't have to take any action tonight. He's sure the applicant will get you a proposal very shortly so we can revisit the issues. Mr. Maxfield said we are not trying to shut the Meadows down, but we are looking for some concessions. He does appreciate they came in with some concessions and we need to examine this situation more.

Mrs. deLeon said she's very supportive of not building in floodplains, but this is a pre-existing, it's been there. She's not saying we want people to go out and build in the floodplain, but yet, you want to make concessions, what would you be willing to conceive? Mrs. Yerger said he really needs to address the calculations. He's asking for relief which we understand, but the numbers are not coming through clearly. He's asking relief for the 25% impervious, but he's also asking relief from the site capacity calculations. We're not even sure at this point what we're conceding. Attorney Benner said it's in a floodplain so no matter what the calculations are, it becomes zero. Mrs. Yerger said he has nothing outside the floodplain. Mrs. deLeon said this has been there forever and it's an institution in our Township. Mr. Lebkuecher said the main reason he bought the Meadows was because a wedding hall, if it wasn't in the floodplain, would cost $3 to $4 million and he got it for $180,000.00. He took out a loan and everything he'd done is because he had nothing and he's sorry he made mistakes. He has a lot of employees who depend on the Meadows. Right now six employees are going to lose their jobs. Everything who comes down there thinks he's a saint. He'd invite the whole Council to go down there and show him something that hurts Hellertown. There's nothing. He protected Hellertown. Mr. Maxfield said let's find out what we can do with these proposals and go from there.

**B. <u>REQUEST TO HOLD CYCLOCROSS EVENT AT TOWN HALL PARK</u>**

Mr. Kern said Chris Garges, on behalf of Lamprey Systems Cycling Club has requested Township approval to hold a cyclocross event at Town Hall Park on Saturday, October 2, 2010. The event will comply with all of the requirements of the draft Special Events Policy and the plans have been reviewed by the Parks & Recreation Board and the Director of Public Works and they have recommended that the Township approve this event.

Mr. Cahalan said there's a memo in Council's packet. He gave you a couple items of information about this event. Chris has appeared before the Parks & Recreation Board twice to present information to them and go over the details for this event. He'll give you some more information tonight. The Parks & Recreation Board heard all of this information and they recommended Council give approval for the event at Town Hall Park. The Director of Public Works, Roger, has met with Chris and they've discussed any wear to the park property with this event and restoration that would be necessary. Roger has also recommended approval of this event.

Mr. Garges said he gave Council a rough outline of the course which was in their packet. He wanted to give cyclocross a definition and he has a couple of videos if you want to get a feel for what it is. It's basically a bicycle race. The bikes are similar to road bikes with some mountain bike characteristics so they can go off-road. The events are pretty common in this area. Allentown, down in Bucks County there are a few, and the goal for this event is to have it on the PA series and our first year we'd like to hit at least 100 people throughout the day. There would be a series of events, basically starting every hour and going 40 minutes to a little over an hour for each event. It would be spread out throughout the day so all participants wouldn't be here at one time. It would be a good way to show case the park with the surroundings we have. We have all the facilities here with plenty of parking and the pavilion and on site rest rooms. The one thing with cyclocross is we're not going to have it in a

hurricane, but it is in the fall when we could have some wet weather. They are typically not cancelled unless there is some huge event. As Mr. Cahalan mentioned, he talked to Roger and numerous promoters that do the events. Jordan Park does an event like this and there is one out at Riverfront Park in Philipsburg on their park lands. He included in the packet a little brochure someone put together the after effects of a cyclocross race. Two or three weeks later, if the grass is mown down from the tires, it springs back itself. If there are ruts and those types of things, you would go through it with a rake. Before the race, in wet areas, you would go and seed that so the bikes would actually plant the seed ahead of time. Typically, within two to three weeks, and this is worst case scenario, and we have to plan for that, it would be back and be established. They aren't planning to use any of the playfields; it would be areas that are not utilized for play. There are events held on the Dupont Farm in Delaware and they do allow it and it bounces right back. When he talked to Roger, they actually moved some of the proposed course out of some of the wet areas that are out there right now. The goal for the event would be for the Lamprey Systems Club, which is a company based out of Allentown. On the Club there are three residents of the Township. They would set up the day before, mostly volunteer oriented and the goal would not be for a profit type thing, it would be so they could break even and have an event next year. If there's any money left over, there's a foundation called the HCM Foundation out of Emmaus that helps family affected with cancer that they would make a donation to as well. They'd also like to open up concessions like the Relay for Life, maybe bring the Emmaus Bakery in to sell things, that type of thing. The goal would be to show case the park and make it a community event as well.

Mrs. deLeon said this is good use of the park. They had their Volunteer Appreciation Picnic on Monday night and were at the pavilion and it brought back many memories of SauconFest. It was like a mini-Musikfest and they had polka tents. At least you get people into the park and it's being used other than the minimal use now. Mr. Garges said the facility is incredible what we have here and it would be very well received. They tried to pick a weekend that would fall within the schedule pretty well. Chris showed a video of Rockwell out in Harrisburg. It's laid out with plastic stakes and ribbon. It would use the grass, gravel, asphalt. This would be the average size of an event, 30 or 40 riders. There might be a few races that might have more and some that would have less. There's always a popular children's race at noon. Mrs. deLeon asked what the ages were? Mr. Garges said it's set up two different ways. There's a category based on your ability. They start out earlier in the day and towards the end of the day they have an age group that would be 35 and older, 45 and older. It would be sanctioned through USA Cycling, permitted through them, insurance would come through them. It would count for points for this series. Mr. Maxfield said you would be responsible for litter clean up? Mr. Garges said yes, they would clean everything up and bring it to where Roger wanted them to take it. Mr. Cahalan said he's followed the draft Special Events policy. If that policy was in place, he'd be required to follow everything in there. Mrs. deLeon said it will be a good test for the draft policy. Mrs. Yerger said it would be good to have recyclable bins. Mr. Garges showed another clip of a race in Malvern at the Phelps Charter School. Mr. Horiszny said IESI has recyclable boxes that you can fold up, and Mr. Cahalan knows about that for the recyclables. Mr. Garges said they also have the holders you can put the bags in and drop the bottles right down into.

**MOTION BY:** Mr. Kern moved for approval of the cyclocross event.
**SECOND BY:** Mrs. deLeon
Mr. Kern asked if anyone had any questions? No one raised their hand
**ROLL CALL:** 5-0

**C. <u>PRESENTATION OF CONCEPTUAL PROPOSAL – PHOEBE MINISTRIES</u>**

Mr. Kern said Phoebe Ministries would like to discuss a conceptual plan regarding their organization which specializes in healthcare, housing and support services for senior adults.

Attorney James Preston was present. He presented to Council a slide show. He said he is the Attorney for Phoebe Saucon. Phoebe Saucon is a special purpose entity that is being created for the project they

would be like to introduce this evening. Phoebe Saucon is affiliated with Phoebe Ministries, which he's sure most of you are familiar with. Phoebe Ministries, the President and CEO, Scott Stephenson is seated to his left. We also have Mr. John Beckman with Wallace, Roberts and Todd, a planning agency. He is a certified planner and a principal with that firm. What they'd like to do this evening, is Phoebe Saucon has a use that is referred to as a continuing care retirement community which it's an amalgamation of uses. If we look at the uses, it's defined in the ordinance. The situation is such that it's likely that your ordinance does not permit the use not because it intends not to permit the use, but just by virtue of circumstances. It's likely used, but may not be permitted in the Township at this time. There's another unique component of this proposal and this is the site we have in mind. It is the Heritage piece that is involved with some litigation with the Township. As we've acquired equitable interest in that property, we've also acquired the right to strike, settle and discontinue that lawsuit. They are here this evening to present to you their concept for the site and to be quite frank with you, they are in their due diligence period and have a significant number of deal points they need to close out. They are at the point where they need to engage with the Township to discuss some of the ordinance and legal issues concerning the lawsuit; some engineering and design issues. At the end of the presentation, he will be asking respectfully if they can get Council's permission to meet with your staff going forward. They would set up an escrow account and would be happy to do that. Hopefully they can convince you it's a worthwhile undertaking. He's going to turn it over to Scott.

Mr. Scott Stephenson said Phoebe Ministries has been around a long time. They are a faith-based, not-for-profit organization headquartered in Allentown. They have twelve communities that they serve elderly seniors at. Four are CCRC's and eight are senior housing projects. They also have a large pharmacy operation. They have the Phoebe Institute on Aging which focuses on providing community education programs in the communities they serve as well as a risk retention group that is a captive insurance company of the organization. Size wise, they are about $100 million from a revenue perspective. They employ about 1,100 to 1,200 employees. The bulk of those, about 600 to 700, are actually in the Lehigh Valley. They were founded in 1903 by member deacons of the Reformed Church which is a predecessor of the United Church of Christ. They are affiliated with the United Church of Christ although they have no ownership interest in Phoebe. They have their own governance board. They are very focused on our mission, and they serve approximately 2,300 seniors. They also have 500 volunteers who work at their different communities. Their mission is a community of faith called by God to serve the needs and enhance the lives of the elderly and their families in a broader community. They really seek to promote fullness of life and it's clear from this that they are a faith based organization and want to be a good citizen in the communities that they serve. They do that, they are respected where they serve and they have good relationships everywhere they are located. Their vision for the organization is to be a faith based ministry that is recognized for innovative services, education, and community resources that promote fullness of life. What is a CCRC? You may have heard that term before and it's "Continuing Care Retirement Community". Typically what you'll see on a CCRC, and Phoebe has four CCRC's, in the mix of products they offer, you'll see independent living, assisted living and skilled nursing. There can be adult daycare. Typically there is physical therapy provided if you have a skilled nursing facility. There can be memory support so you could have skilled Alzheimer units. You could have memory support from an assisted living perspective for persons with cognitive impairment. You'll see chapels on those locations. Typically in a CCRC, you'll now see more of an independent living component. He will explain the differences between the Allentown and Berks campuses as the Allentown campus is older. Talking about the Allentown CCRC, it's in the center, two square block areas. It is a CCRC because of the age of the facility. It's been there since 1903. CCRC's didn't exist in 1903. What you have there is a large nursing and assisted living faculty. You also have an 88 apartment unit independent living facility. He showed a picture of their Berks campus. It's more of a product designed as a CCRC, so the bulk of what you see if apartments and cottages which are independent living. There is an assisted living product there for about 55 units and you'll see a skilled nursing facility there. This is an older picture and if you would see a newer picture, you'd actually see them wrapping up a development there with more cottages and apartments and some memory support assistant living. This is more focused on the independent living side.

Mr. John Beckman said thank you for listening. He's principal at Wallace, Roberts and Todd. It's a national planning and design firm headquartered in Philadelphia. They have designed several dozen continuing care retirement communities and other varieties of senior housing. To orient you to the site, it's a trapezoid in the middle with Saucon Valley Ridge to the left. Four Seasons and Society Hill to the right and then Lehigh Valley graduate housing to the north and Hellertown to the right. Looking a little closer, some of the land in the shaded area, although not the entire area, there is some low and high density housing and of course the graduate student housing which is a different type of product. When they approached these kinds of projects, the first thing they do is take a look at the context. What's around, what is the community we want to fit into? He will talk about design approaches, their instincts, their process, their values. They don't have a specific design. They haven't been able to engage with the Township professionals, but this is the values and the mission behind it. Looking around the area, there's some very history here. The Heller Homestead, not only in terms of cultural history, but also gives us some visual clues because they will be designing the physical envelope that accommodates the program and the services. There is Saucon Valley Ridge, the Saucon Country Club and Lehigh University to the north of the site. The site itself is partially invisible from the roads and there are various views into the site. Most of the perimeter has mature vegetation. There are a couple of opportunities to connect to a larger community along Meadows Road, the sidewalks going to Hellertown, possible trail connection to the east, which are all things to be considered with your professionals. When we think about this site, there are three categories of principals that are very important to them and inform them the way they think and plan and want to talk about. Obviously, you pay attention to steep slopes. There are very limited areas of steep slopes, mostly along the swale at the north. There's a real opportunity not only to protect your ground water quality but to improve it. Agricultural use put some pretty nasty things into the groundwater. This kind of reconstructed landscape with different kinds of practices, you can actually improve the quality and do a great deal to control storm water runoff as well. We need to pay attention to the geology and know where the fracture lines are. In addition to all the stuff in the hedgerows and perimeter, there are some wonderful specimen trees and these need to be protected. There's a variety of habitat, although quite limited as it's largely agricultural and we think that can be protected and expanded when you get away from the monoculture from the agricultural fields. It's a great opportunity to reintroduce native plant species because much of that's been erased because of the agricultural use. In terms of thinking about the neighbors, it's relatively easy on this site to accomplish a major objective which is to buffer neighbors from something that's been different than what they are used to which is the open fields. There's a lot of existing vegetation. The grades are such that any taller building can very easily be hidden down the slope so they are very difficult, if not impossible, to see. There's also a pretty dangerous intersection at Meadows Road and Meadows Ridge Court where Meadows makes that turn from east to west and that needs to be addressed. Where there are entrances to the CCRC, they need to be made safe and attractive, not only for the neighbors, but also for the residents of the community. When we start to think about the community, this is a terrific opportunity to use the sustainable design practices in a design, construction and also management of the community. This is a place you can make tremendous strides over conventional design, development and management by really paying attention to life cycle and stream of use practices. We want to maximize the landscaped area because frankly, we want to appeal to people who want to live in this kind of rich environment and create a sense of internal community where there will be relations with the larger community. This will be because of the age of the folks who live here, more of an internally focused community. One of the very things is to develop an architectural pattern that is compatible with local history and materials because the folks who may be living here may be living next door or very close by, so there's a real importance to paying attention to that. Maximizing the views to nature and there are a number of inherent social and economic benefits to the Township which are pretty obvious – allowing people to age in place and a substantial payroll of jobs and other economic benefits. We put together a couple of embarrassingly simple minded sketches of possible entrances to Friedensville Road and the next one on Meadows to indicate the intent is to have green landscape-rich entrances. We don't believe you are likely to see any buildings from Friedensville Road and if you do from Meadows Road, they are likely to be set back at some considerable distance buffered from the traffic and neighbors by this incredible existing line of trees along the street. One of the things we pay attention to is design precedence. How are we

going to develop the vocabulary that leads to the actual design and construction of buildings and landscapes. He would say half of the images you see are projects that were designed by WRT. This happens to be the quadrangle outside of Philadelphia where there's a real sense of history, but also the newer pieces creating a homelike and kind of stable and solid atmosphere through materials and colors and the like. There's a lot of wonderful stone work in this area and in these examples it could be incorporated in a variety of ways into the buildings. There are lots of recreational opportunities for the residents of these communities. The scale is quite different and not like Lehigh playing fields as its different recreation. In the upper right example, it looks like a barn, but it's actually the aquatic center and recreation facility and a meeting facility attached to it behind which you can't really see. He showed more landscaping designs. He said there will be a chapel which isn't designed yet. There are walking trails. These are some of the initial thought we have going into this and would like to work with your professionals and go to the next step.

Attorney Preston said as a land use attorney, they don't get to pick their clients. He's been in here many times trying to put that square peg in a round hole and this is not that case. This client has gone above and beyond in assembling a team of experts and professionals to put together what is going to be a very nice quality product that the Township can be proud of. We're going to respectfully ask that we can work with your professionals at this time. He mentioned the litigation of Heritage and it's only in play for the litigation. Phoebe does not intend to litigate. If they cannot do it with the cooperation of the Township, they will not do it. That's their request and they thank you for you time.

Mrs. deLeon said you know where the hurdles were, so let's hope they can get smoothed out.

Attorney Treadwell said you don't have to take any kind of action. If you're okay with the concept, then we will go ahead and set up a meeting with the people from Phoebe and take it from there. Attorney Preston said there may be multiple meetings. Mr. Kern said you are establishing an escrow account where you will be paying for all of the Township's time? Attorney Preston said that is correct. Mrs. Yerger said you are going to realize very soon that we value our consultants and their opinions and you will find it a nice experience to work with them. They are very creative. Mr. Stephenson said if they don't want to litigate and if they can't come to a common understanding, they won't do the project.

Mr. Kern asked if there was anyone in the audience with any comment? Stephanie Brown asked what the zoning was? Mr. Kern said right now it's R-20. (COULD NOT HEAR STEPHANIE, SHE DID NOT HAVE THE MICROPHONE ON).

Mr. Maxfield said he was impressed by their presentation and wished them the best of luck.

Someone asked if this wasn't the site where they proposed to have the park to begin with? It's farmland now? Mr. Kern said yes, it's farmland. She said do we in the Township have any percentage that we want to keep as open space of farmland? Mr. Kern said the answer to that question is going to be as much as possible. She said a lot of this is just getting eaten away and it should be a concern. She wondered if we had any type of percentage of the Township we want to keep that way. Mr. Maxfield said it is R-20 zoning and there is sewer there so if it doesn't go now, it's going to go soon. It's inevitable. Mrs. Yerger said they will be aware very soon of the number of EDU's or hookups that are available so it will limit the amount of construction that will take place on that site. They can't do whatever. That's why they need to talk to our consultants as there is limitation to the amount of sewage hookup there. Mrs. deLeon said we do have our open space plan where we're trying to buy properties and easement for open space preservation. The property owner can develop the land and that's why we have zoning. Mr. Kern said this was originally under Heritage Building Group and it was going to be almost 43 houses. That was the plan and there was litigation because of certain issues. It was slated for cookie cutter housing. Mr. Maxfield said they are aware of the hurdles there and talking with the consultants would be the best way to go.

## D. REVIEW OF PROPOSED PARKING AREA AT EASTON ROAD FIELDS & IMPACT ON ADJACENT TREES

Mr. Kern said the Township is proposing to locate an interim parking area off of Easton Road to provide off street parking for visitors attending baseball games at the Easton Road Fields property, which was acquired by the Township in 2010. The proposed parking area will impact nearby sugar maple trees and the Township Planner and Engineer would like to discuss their assessment and recommendations of these trees.

Mr. Kochanski said you have a memo dated June 3, 2010 as well as some diagrams of the sketch of the parking lots and the locations of the trees that are in question. Tree no. 1 in their memo is closest to the parking lot. Tree no. 2 is in the middle and tree no. 3 is the last tree off the edge of the sketch. They went out and looked at the trees and tried to evaluate them. Trees 1 and 2 were in dire need of assistance. Tree 3 did need some assistance, but looking at respect of how construction of the parking lot could impact the trees, they really looked at the trees and made a determination that they are in serious need of help. They looked at what it would take to possibly nurse the trees along and our alternative recommendation is trees 1 and 2 be removed. If you wanted to preserve those and construct the parking lot around those, it's kind of where they put some ballpark numbers together. Leaving out tree 3, in either scenario would still need some help with some minor pruning and trimming and removal of the invasives. We are dealing with trees 1 and 2 and ball parking figures of $1,500.00 to $2,500.00 upfront cost to do some pruning, fertilization, and mitigation of the compaction around the trees. Then you are probably looking at about an annual cost of $500.00 to continue to go in there, prune some of the dead wood that is going to occur and continue fertilization. Their recommendation would be you would probably be better off using some of those funds to replant new trees along the parking area. Mr. Kern said the pictures are very helpful as tree 1 has the PPL Mohawk Tree 2 looks dead. Mr. Kochanski said they are in dire need of some assistance. Tree 2 is more than half dead. Mrs. deLeon said didn't someone donate trees? Mrs. Yerger said they are in the park and all planted. Mrs. Yerger said one of the things she has read is that sugar maples as beautiful as they are, are really susceptible to road salts and all the chemicals coming off the road. Mr. Kochanski said there are certain varieties susceptible to those of the sugar maples. There are some that are becoming more tolerable but he couldn't tell you the specifics. Mrs. Yerger said there were some sugar maples where the Bethlehem Steel property was and they are not doing well either and she thinks it has to do with the fact that they are not tolerable of the road salt and the chemicals that they had to endure all these years. Mr. Kochanski said he's not sure that is the case here. If you look at tree 3, it's relatively in good shape. There could be a variety of factors, stresses that occurred to some of the trees. Looking at replacement fee, four to six trees from that initial outlay of funds, you could replace the trees and replacing tree 2 is a no brainer. Mrs. Yerger said why is it listed in the recommendations "interim" parking? Mr. Cahalan said the goal this year when they purchased this property was to provide off-street parking. Right now people are literally pulling off the road. We want to get something in as quickly as possible this year. The overall plan is to put a larger parking area and access off Mockingbird Hill. That parking, which will be a lot larger, will allow us to have walkways to both the upper and lower field. The upper field is not accessible because of parking and where it is located. It was designed to get it in as quickly as possible this year. Mrs. Yerger said it's not the best location for parking. Mr. Cahalan said it will be a gravel parking lot and will allow people to pull in. It will have handicap parking. It has the portable restrooms. It gets all the facilities in there this year. Long term they are going to work on the improvement of the other parking lot. Mrs. Yerger said coming towad Hellertown, off that curve, it's not the easiest place to pull in and out of. Mr. Kochanski said the immediate attention was to get something in to address the safety and concern of people just pulling off of the road while we develop the long term solution. Mr. Kern said what do you call long term? Mr. Cahalan said this field parking area will remain there and they will work on the parking lot on Mockingbird Hill Road. Mrs. Yerger said will you get rid of this one when you get the second parking lot? Mr. Cahalan said they don't plan to. They'd like to keep both. Mr. Kern said baseball season is over, so for 2010, there is not really a need at this point. Mr. Cahalan said they'd like to get going on the upper field. The Township Engineer is working on a plan. There are some issues that have to be

addressed up there like some waterways that have to be crossed and other things. If the trees are removed, the parking spaces increase. Mr. Kochanski said the initial sketch was to preserve the trees. The concept that Hanover came up with his sketch that was in the packet is going to change slightly to include more parking spaces. Mr. Kocher said we should be able to get to 28 parking spaces. Right now they are at 14. Mr. Cahalan said that would at least provide adequate parking spaces and you would have the off street facilities.

Mr. Kern said for clarification, knowing that baseball season is over this year, would you be able to just go to the regular lot or use this lot in the future? Mr. Kochanski said there's a need for both lots. Mr. Kocher said the upper lot will maybe hold 40. There's going to be two fields in play now. Right now you only have the front field and people are pulling up on the grass. The back field will be open so they can be both be open at the same time. They want to provide adequate parking for both fields. Mrs. deLeon said when you are on Easton Road, there's a private road, we are not using that access? Mr. Cahalan said no, that was the issue. We're going to use Mockingbird. Mr. Maxfield said he's not really in favor of this being a permanent lot. If you notice on the map, you have an existing stone wall which is 4' tall. That's going to block part of your vision. Getting into the school area there is hard to get in and out. People are on your tail. He doesn't know if we are going to have signage there to warn people about an entrance being there for the interim, but if we can make it a safer entrance off Mockingbird, he'd rather not see that as a permanent lot. It's really dangerous pulling out to Easton Road. Mrs. Yerger said the speed limit is 45 MPH and the site distance is not good off of a curve. Mr. Cahalan said it can be removed at some later date when the upper lot is finished. Mr. Maxfield said even when coming out of Hellertown, it's a low hill there and people pick up speed plus it's a deer crossing. It's a very dangerous place there. People are using it now, so we might as well make it an interim lot. Mr. Kern said here's another interesting issue having coached and used this field. Once that interim lot is in there, that's where everyone is going to park. They aren't going to go up to the big one. Mrs. Yerger said we should just go to the big one and not let people park there. Mr. Kern said people will pull off onto the grass as no one is going to go up to the field as this one is going to be more convenient. Given that, would there be sufficient parking with just the permanent lot? Mr. Kochanski said he doesn't know that that's been designed. They've just been talking about the two fields, and four teams coming and four teams leaving, you could have up to 120 people plus or minus their needing parking spaces all at one time. Mr. Maxfield said you might be able to work out parking with the church across the street. Mr. Kern said then you'd be crossing Easton Road. Mr. Maxfield said they cross Easton Road anyway. Mrs. Yerger said it's not the safest way. If we put a parking lot there, they'd never go up there. Mr. Cahalan said if you are talking about ease getting to the fields, the upper parking lot is going to be easier to get to the upper field as they are both up on the plateau. This field is going to involve a little hike. The upper field is going to be for all types of visitors including people who are handicapped to get to both of the fields and there will be bleachers up there. Mr. Maxfield said if the trees are going to come down, is there an possibility of putting the entrance to the parking lot on the other side of the parking lot? Mr. Kocher said there's an issue of a driveway there now, and people use that to park. We can make the argument that we don't need a permit as it's already an access way. If we move that, it's okay, but then we are going to have to get PennDOT's permission. Mr. Maxfield said that stone wall is tall and it's got that wooden V structure on it. Mrs. Yerger said can we start up at the big parking lot? Mr. Cahalan said we just got done with the property surveys, so that's moving along and we do have some other park facilities we want to get into. We are going to be working at Steel City. This was coming along and we were probably going to come with you with the approvals later this year or in 2011 and it might not be finished in 2011. Mr. Kocher said that driveway that's going to cross a waterway and some wetlands. That's going to take a little longer. The pipe that comes under I-78 has created quite a wet area. Mr. Kern said March 2011 is a goal is unrealistic. Mr. Cahalan said it could then go into 2012 until the parking lot is available. Mr. Kocher said if it takes us into the fall or winter to even get the permits, then we won't be able to build it in January or February. Mr. Maxfield said in reality, and people are going to use that and we are aiming at the upper fields, shouldn't we just leave it the way it is. Why build an interim parking lot if they are going to use the grass? Mr. Cahalan said it's kind of disorganized and that's what they were trying to do with it when we purchased it was improve some of the activity out there and get it more organized

and a little safer. That's the best we could come up with without going to PennDOT and getting a whole new driveway access and permit. Mr. Kochanski said leaving it in the manner in which it is now; you have multiple cars pulling in and out in multiple areas on the entire roadway creating more conflicts with each other especially as games are ending. Funneling it down to one entrance, we'd be able to control it a little easier with other measures and take some street trees and line them up so people just can't leave the parking lot and drive onto the road even if it is an interim parking lot. Mr. Maxfield asked what rough cost would it be to install a gravel lot like this? Mr. Cahalan said they didn't come up with that but he thinks it can all be done in-house and it's minimal cost just for the stone. We can cut in the parking lot and put the stone down. Mr. Horiszny said do we need a motion to cut down the trees? Mr. Cahalan said they wanted to bring this to Council for approval before they considered cutting the trees. Mrs. Yerger said the baseball season is over, would it be a benefit for us to go out and look what's there and bring it back in July? Mr. Cahalan said we can table this and bring it back in July. Mr. Kochanski said the best time to plant is in the fall. Mr. Kern said the simple sketch we have for the lower field in our packet, could you just generate a simple sketch where the placement of the upper field would be. He coached here and he knows what it's like to get equipment out of the car. If it's easier to get equipment out of the car on the upper field, then they will definitely use the upper parking lot. Mr. Cahalan said it will definitely be better for the upper field. Mr. Kocher said the coaches will park down at the lower lot anyway. Mr. Kern said you are saying the upper field would be less convenient than the upper parking lot? Mr. Kocher said the upper parking lot will be less convenient for the lower field. Mr. Cahalan said the upper field, the dug outs are in the far side along that lane, and that's why that lane was used as you could get out and just go right out to the field. From either lot, to get to the dug outs for the upper field, it's going to require some walking. Mr. Kern said he'd like to talk to the coaches and get some input from them on this whole concept. Mr. Cahalan said what they are doing is following the concept that the Hellertown-Lower Saucon Little League had with this field which they weren't able to complete due to finances. That entrance and parking on Mockingbird Hill is part of their long term plan.

Mrs. deLeon asked if we were following our ordinances with the width of the parking spaces? Mr. Kochanski said they would be 10'x20' which meets the ordinance.

Mr. Cahalan said he will bring this back later in the summer. Mr. Maxfield said did we ever officially appoint the Joint Recreation board with Hellertown and the school district? Mr. Cahalan said we designated representatives. Glenn was designated as the representative and they have been meeting. Mr. Maxfield said why don't we run a courtesy copy to them? Mr. Kern said that's a great idea.

## E. REVIEW SUBDIVISION OPTIONS FOR NOR CAR PROPERTY

Mr. Kern said the Township Engineer has prepared several options for subdividing the portion of the NorCar parcel that contains the Rentzheimer House.

Mr. Cahalan said Dan Miller had gone over these once before. We had provided them to you again. It has the layouts for the three options. He provided you with the historic property report on the house which is called the Matilda Rentzheimer House which was done by Bob Wise back in 2007 and we did arrange for all the Council members to see the interior of the house so they have an idea of what it looks like.

Mr. Kocher said in your packet, layout No. 1 basically takes the house and barn and forms a one acre lot approximately around it. The zoning around it is two acres, but this gives you an idea of what a one acre lot would look like. No. 2 increases the size to two acres by taking land behind building lot 2 to get it to two acres, but it does create an unusually shaped lot to preserve your frontage on Polk Valley Road. Layout No. 3 also complies with the two acres and creates a more square lot and has about half the frontage you have on Polk Valley Road. Mrs. deLeon said when we talked about this before, her preference is the one that meets zoning and that would be Layout No. 2. Mr. Kocher said 2 or 3 would comply with the two acres. Mrs. deLeon said what bothered her with No. 3 was she didn't like "likely

complies". We expect developers to come in here and comply with our ordinances. Mr. Kocher said it likely complies to the extent of the amount of effort we put into the sketch. Mrs. deLeon said the other one was more positive, it did comply. Mr. Kocher said that one likely complies as well. When you draw the subdivision plan, you could come up with issues. We don't anticipate any with 2 or 3. Mrs. deLeon said the sand mounds comply with the two acre minimum. Does Lot No. 3 comply with the sand mound? Mr. Kocher said yes. Mrs. deLeon said what's the difference between No. 2 and 3? Mr. Kocher said just the shape. Mrs. deLeon said what's the zoning there? Mr. Kocher said the zoning is one acre but because it's sand mound you have to go to two acres. Mrs. deLeon said both would allow for alternate systems? Mr. Kocher said correct. No. 1 allows for an alternate system as well. Mr. Kern said we haven't decided the fate of the house yet. If Council deems it appropriate to remove the house, then this sand mound is not an issue. If there's no house, we don't need a septic system and we just keep the house. Mr. Maxfield said he was going to suggest if we do go through some sort of subdivision process that we try and market the house for a year and if it doesn't happen, then we merge it back into the park and tear the house down. Mrs. Yerger said she needs to hear what potentially it's worth. To put it on the market, what can we realistically put it on the market for? She has no clue. Do we establish a minimum amount we're willing to accept for the house and how do we realistically do that? Mr. Maxfield said get an appraisal. Mrs. Yerger said that's the first thing we need to do and get the house appraised.

Mrs. deLeon said the existing septic system that is there, it looks like there is a depression. Should that be filled in as it looks like it collapsed? Mr. Kocher said it probably is an old cesspool. They haven't looked at that in two or three years. Mrs. deLeon said isn't that a safety issue? Don't they usually fill them in? Mr. Kocher said not necessarily if they are working and functioning and not malfunctioning to the surface of the yard, they are left alone. Mrs. deLeon asked Mr. Cahalan if he could have someone check that out? Mr. Cahalan said yes. Mr. Kocher said if it's a deteriorated steel tank, that's a different idea. Mr. Cahalan said it's not steel. Mr. Maxfield said the other thing you need to remember on this site, is the barn is now gone so there is an area to do more things there. He actually doesn't like No. 2 or 3. He likes No. 1 as it's more to the character of the neighborhood. It runs in line with the next door neighbors property line, and he likes the fact that it doesn't cut way into the park. Mrs. deLeon said if a property owner would come in here with this plan, you would reject it because it doesn't meet our zoning. She is very uncomfortable turning around and supporting something we wouldn't support a resident to do. Mr. Maxfield said what the property owner would do is apply for a variance or waiver and we're allowed to do that for ourselves. That's MPC. Mr. Kern said we'd evaluate whether an irregularly shaped lot is more detrimental than the lack of secondary sand mound area. Mr. Maxfield said not only does it make for a weird lot shape, but it makes for a weird cut into the park shape. Mrs. Yerger said it would also encourage inadvertent trespass because of the weird lot. Mr. Kern said it all hinges on the house, so should we get an appraisal? In this market, it's not going to be a lot. Mr. Maxfield said we might want to think about an inspection. Mrs. Yerger said she doesn't know if it's structurally sound or not. Mr. Cahalan said they can come back with those options at another meeting and will lay that all out what the consultants recommend and you can look at that.

Mrs. deLeon said when you walk in the kitchen and to the left, there was a walk in fireplace. Obviously they opened up the fire place and added on that back room, so is that what they did? Mr. Cahalan said yes, they added on. The fire place is working, so they closed the fire place and put an opening through it and added that lean to structure in the back which was where the farmer and his wife spent the winter in their cozy little spot there and they didn't have to heat the rest of the house. There's a door in the back section where you can go to the barn. They used that as their winter quarters. Mrs. deLeon said the fire place was open on both sides? Mr. Cahalan said yes, you could walk through. He doesn't know if it was used as a fire place. They might have disabled it and heated the back portion with maybe a pot belly stove. Mrs. deLeon said it's a beautiful house and it's a shame it's in the shape it's in.

Mr. Horiszny said Mr. Wise didn't come up with any historical value? Mr. Cahalan said he wasn't asked. He just did the outside. He also did some title searching.

## F. RECOMMENDATIONS FOR SAUCON RAIL TRAIL DEVELOPMENT

Mr. Kern said the Township Manager will review recommendations for the development of the Saucon Rail Trail portion in Lower Saucon Township.

Mr. Cahalan said we are trying to move ahead with the development and the opening of the rail trail sections, at least in Lower Saucon Township. Hellertown is on board also, and we're working together to get our two portions open for the public use in 2010. The lower sections in Upper Saucon and Coopersburg, they want to hold off until a later date. They did give an overview to Council at a previous meeting and identified in the presentation what the issues were. Primarily there are some structures and bridges that need railings on them. There are also two crossings in Lower Saucon Township that need some safety equipment and we also need a surface to go down on the rail trail. They've had meetings with the Rail Trail Advisory Committee, which we have appointed representatives to and so has Hellertown Borough. We've had recommendations and discussions from that group. He also gave you recommendations that were from the Township Parks & Recreation Board. That is for fencing for the bridge crossings, rail trail surface, rail trail access management gates and also horses on the trail. At the presentation that he gave you, there were several options for the fencing. It came down to chain link and wood rail and we discussed those with the Parks & Recreation Board and they are recommending that the Township Council consider installing a wooden three-board plank railing instead of the chain link fencing. You should have a sheet in your folder that has some costs on there for the surface material and the fencing to give you some idea. The cost between the chain link, which would be 6' high and the installed wooden railings, which would be three boards with a top railing, 54" high, is only several thousand dollars difference - $18,000 for the chain link and $22,000 for the wood railing. Over on the left, they indicated the linear feet that would be needed. That would be for the culvert at Bingen Road, the Saucon Creek crossing at Old Mill, the Bingen Road crossing and the bridge we share with Hellertown and that is 145' that we would do one side and Hellertown would do the other 145'. The recommendation is for the wood railings.

Mr. Cahalan said the second recommendation from Parks & Recreation is on the surface materials. At the previous presentation, there were three materials being considered which were slag that was readily available locally, crushed crete and No. 9 stone called screenings. He's given you a sample in front of you and that's what No. 9 stone looks like. It's a good material that can be compacted and can provide a good, smooth surface for walkers and for bicyclists on the trail. There's a breakdown on the cost. Slag was the cheapest; crushed crete was the next; and No. 9 stone gave you a cost of $13,000.00 for the linear feet that would be needed for the Lower Saucon portion of the trail.

Mr. Cahalan said the third recommendation that the Parks & Recreation Board made was for a simple trail access management gate. It would be a basic swing gate that could swing open for emergency access. It would be locked and block access for the trail for ATV's or other motorized vehicles. There would be bollards on both sides which would allow pedestrians and bicycles to access the trail. Mr. Kern said he can't get the image of what that would look like. Mr. Cahalan said he doesn't have one here, but it's a standard on most of the trails. Mr. Kern said it's a gate that goes across the length of the trail? Mr. Cahalan said yes. It would block any access from anything motorized. It would be blocked off until maintenance would use it.

Mr. Cahalan said the last recommendation was the issue of horses on the trail. We had the meetings of the Saucon Rail Trail Advisory Committee and have been meeting since August. There have been discussions on uses for the trail. Horses have been mentioned as one of the uses. The characteristics of the trail, it's a 30' right-of-way. We are recommending, when we talk about surface material, that the main trail for walkers and bicycles be 10' wide and be made up of the gravel. That would leave large sections on either side of the trail. At these meetings, there were discussions about allowing horses to use the side of the main trail and there were discussion about some material like wood chips or other natural material to be put down for the horses. It's not good for them to ride on the ballast stone. If we are able to open up the rail trail in 2010, it will be considered a recreation space in the

Township and would be treated just like the other parks and other recreation spaces. It would be maintained and patrolled by the police and is also subject to the park regulations and rules that govern the other recreation spaces. Those rules specify certain behaviors that are not permitted. It also specifies that the only animal that is allowed in those recreation spaces is a dog, a canine. They must be on a leash. The only exception is in the dog park where they can be off the leash. This would be a recreation space and currently the ordinance prohibits horses on that space as it does in all the parks currently. What Parks & Recreation Board is recommending that Council consider a change to allow horses on the rail trail. Donna Bristol is here and is a member of the Parks & Recreation board and also a representative on the Saucon Rail Trail Advisory Committee and is a horse enthusiast.

Ms. Bristol said she's here to answer any questions you may have. One of the things that wasn't mentioned was that there are more horses in PA than in Kentucky. If you drive around the country side, you'll see a lot of different horse farms that have come into our area which has beautified the eastern part of PA. Secondly, the horse Council is very active and in the parks where they permit horses like Nockamixon, Green Lane, different state and county parks, that allow them, these horse groups come out and help. They have clean up days. They come and help maintain the trails. They are involved in that type of thing and we also discussed having signage wherever there is a parking area where you have access to the trail that would say that horses and dogs are to walk to the right so they aren't on the trail where people are walking or bicycling. They are on the wood chip area. They also need to clean up after themselves. They also talked with the Parks & Recreation Board about having signs that say there is a $300.00 fine for not picking up after yourselves. When they ride, they take with them something that ties to the saddle which is like a scoop for a kitty litter box. We call them pooper scoopers. They also have plastic bags, so you can just scoop it up where there are residential areas. Further on the trail where there are trees and weeds, you get off the horse and throw it into the brush. Everything like that, even with people, it takes good people to have a nice decent trail and that means people have to be diligent and pick up their trash. The horse people have the same attitude that if they want to use the trail, then they are going to have to help to keep the trail beautiful. They've used horses when they had floods to put the bridges back in place up at Jacobsburg. They are a lot of good people out there just like everybody else. Mr. Kern said he'd like a little more information from other trails that have incorporated horses successfully and some which may have incorporated horses unsuccessfully so we can have a little background on that. From a Township taxpayer perspective, there's going to be a cost in creating a horse trail of some sort. The cost will be borne by the taxpayers and he's wondering what segment of the taxpayer base actually will be using the trail. Ms. Bristol said this has come up in the Rail Trail Advisory Committee meetings, a question she has for them. They developed a sub-committee for fundraising where they would go to different groups like the horse council, hiking clubs, all these different organizations contribute money for purchasing land for trails and for maintaining land and so forth. They've had a lot of input from people from the community that want to come and help. They want to do actual work. We've never done that in any of our other parks. Are we open to having real community involvement. We've talking about sections of the trail where there could be signs saying such and such Boy Scout group maintains this section of the trail. They haven't had any input from the Council whether you want them to raise money for that. If they put down wood chips, they are free. There are all kinds of contractors that cut down trees and grind up chips. They can get volunteers to lay it down for free who want horses and dogs and so forth on the trail. The Eagle Scouts are more than willing to make signs for us for their projects. They can put another trail beside the trail the people are on and it can be done completely through volunteers if you are accepting of that. They also had people volunteer to put up the fencing on either side. It depends on whether or not you want to make this a community thing. In all of the books she read on the Rails to Trails, it's usually a community project in that once the community is involved, then they help to monitor the trail also. If they see someone throw something down, they are going to say take your trash with you, don't throw it on our trail. Mr. Kern said community involvement is always a good thing. Ms. Bristol said when they set up their sub-committee for fundraising, they were thinking about going to groups and talking to them and appeal to individuals for funds. We need to just do a little tweaking about how we're going to set up a bank account and who is going to monitor the bank account. Who is going to funnel funds to Coopersburg,

Hellertown, Lower Saucon or Upper Saucon, all of that type of thing has to be worked out. Mr. Cahalan said they can get Council some information about usage. They have some information from the Ironton Rail Trail. They had horses, but one of the unique things about our trail than other trails is a lot of the other rail trails are just one track, so there's only space for a 10' wide section. To put all those uses on one trail, you are going to have some impact. The Ironton people said they did allow horses but then later they changed their minds as the hooves were putting divots in the gravel. Ours is a two track trail, so there's space on either side of the 10' wide gravel trail. Jacobsburg does allow multiple uses and so do many of the state parks. Lehigh Parkway up in Allentown also allows horses. Mrs. deLeon said the more uses, the more people that use it, the better the trail is going to be. Not everybody is into sport recreation and this is a way to provide a means of recreation to another area of our population.

Mrs. Yerger said do you have a tentative timeline and is it being coordinated with Hellertown? It would be good if Hellertown and Lower Saucon would open in the same month. Do we have any idea? Mr. Cahalan said the pedestrian/bike trail we are hoping to do by the end of this year. We have some obstacles and Hellertown has some issues. Meadows Road is our big issue where we have to get approval from PennDOT for a system of blinking lights we want to put there to warn motorists and to warn the pedestrians there are cars coming to that intersection. Hellertown has asked by PennDOT to move the blinking lights on Water Street. They are waiting for a cost estimate on that. They are limited, budget wise. We are going to work with them as much as we can on labor, etc., as it's critical that if we want to open, they need to open also. The issue is that we have no trailhead access in Lower Saucon. If we can't open our trail because there is no place to park, they can't access the trail. We need Hellertown for the Grist Mill and Water Street Park access. Mrs. deLeon said whoever gets through the hurdle first, both municipalities can open. Mr. Cahalan said hopefully we'll do it together. We'll be linked together this year so that you can get on the trail, access it in Hellertown, go into Lower Saucon and go back to Hellertown to get back in your car. It's critical to them that Hellertown is able to open up and be able to cross Water Street and Walnut Street so we can have parking and other trail access. He did point out that we are still working toward the future when this would be opened through Upper Saucon to Coopersburg. The committee that Ms. Bristol was talking about is not fully formed and not fully official. You have not received any official recommendations from them. She mentioned fundraising and some other development issues. They have not been able to make those recommendations as not everyone is signed on. Mr. Maxfield said it's important to get at least Hellertown's idea on it. Mr. Horiszny said does Hellertown agree using the more expensive fencing and surface treatment? Mr. Cahalan said yes, but again cost is a concern with them, so that's something they are going to have to work on.

Ms. Bristol said regarding the fencing, the reason they were in favor of wood is because it would be aesthetically better because you are going through the woods and it's going along the creek and would be more beautiful. They have had volunteers that in most areas except where it goes across the bridges, they could put up the fencing themselves. If you are just paying for boards and posts and you just need manpower, they will come out and do it.

Mr. Cahalan said in answer to Mr. Horiszny, Hellertown only has one bridge that they have to span and it's the one they share with us. Most of their costs are for street crossings and the cost of the surface material. They have the longest stretch of the trail from Saucon Creek up to Bachman Street. That's something they have to deal with.

Mr. Kern said he knows the Parks & Recreation Board recommended that we use the crushed stone as opposed to the crushed crete and he just wondered why as there's a pretty substantial difference in the cost, almost twice as much. Ms. Bristol said the slag had an odor to it and it created a lot of dust that would be bad for people's lungs. The other one that was mentioned other than the slag, they didn't think you could ride a bicycle over it. Mr. Cahalan said the crushed crete was the material they put down on the compost center driveway and they had an issue. When wet, it becomes a little slimy. Ms. Bristol said the crushed stone can be rolled and it creates a really nice surface. They use that on the

canal trail by the Delaware River. It's a different color to it as that area the quarries are more red stone. It's the same material you are looking at. Even down by the ice house in Bethlehem, they use that same type of stone. You can add to it as time goes by if you get low areas and roller it and it makes a beautiful smooth surface to walk on, to ride bike on.

Mr. Allan Johnson said he lives on Martin Lane. He recently rode his bike on the Palmer Township trail which is all macadam. He rode on the canal in Bethlehem between Sand Island and Freemansburg and then rode up from Sand Island to the State Hospital. At Nockamixon, their bike trail is paved with macadam and they allow horses. He didn't go on the whole horse trail. At one end of the bike trail where the horse trail starts, there is just dirt and as the horses use it, they wear it down and the roots stick up from the trees and the rocks stick up. He did notice that that part of the horse trail was sloped but our trail will be relatively flat. They dig more when they walk up a hill. He'd like to see the trail have a type of surface on which bicycle tires can roll smoothly. There's a certain type of crushed stone they use where it's a mixture of small chips and then pieces that are very, very small like a powder. The mixture of these two compacts very well. Mr. Kern said the No. 9 stone is providing the type of surface that Mr. Johnson is talking about. Mr. Cahalan said it's rolled and compacted and can be used for bicycles. Mr. Kern said that's what the No. 9 is. Mr. Johnson said this seems to be similar to what you have on your pathways out in the park. They were looking at it the other night when they had their picnic and it looks like it's soft and not going to be hard. Mr. Cahalan said he's not sure that's the same stone that's out there. This stone is what can be compacted to a firm surface. Mr. Johnson said the easier it is to ride your bike on the surface, there is a greater part of the population that will use it. A lot of us older bike riders are out there for pleasure and to get a little heart exercise. As far as the horses go, there are a couple of people who have horses out by where he lives and he lets them cross his property and they ride in the field. He sees where the hoof prints are. The hoofs make very deep holes in the ground if it's soft. If they go over the same place over and over again, they essentially dig up the ground and wear it down. They are big heavy animals. It was said that the trail has a 30' right-of-way. Instead of having a 10' trail in the middle for people, he'd rather have a 10' trail on the one side and a 20' trail on the other side for the horses. He's going to feel a little intimidated riding his bike past a horse that's 4' higher than he is plus he's always afraid they are going to get skittish and a lot of the people riding the horses, they don't seem like they are very much in control. If we could separate the horses and give them 20' and put a little low wall in-between and keep the people on the other side, which would be the best arrangement. You definitely don't want the horses on the bike trail as they will chew it up. Horses aren't potty trained and they not only defecate, they also urinate. That would be quite surprising to a lot of our citizens to see a horse urinating along the trail while they are going past. No one ever mentioned that. He's seen it already. If you keep them on their 20', he'd be okay with that. Ms. Bristol said now you are talking money. A horse basically just goes down the trail. It's not more like a foot and a half wide. She agrees that he walking biking trail should be on one side, not right down the middle track and the other one on the other side. In the long run, you are going to save money as we have talked about in our meetings if they ever take the trails back, then if your hiking biking trail is already to the side, they may just put one track down the other side. Mr. Cahalan said the only reason they are going down the middle is because they are crossing several bridges and you want to keep people on the center of the trail. When you start getting over on the side at some of the spots, that's fine, but when you are going over a bridge, you can't do that. You need to have the pedestrians and bikers in the middle of the trail. Mr. Horiszny said couldn't your curve it back to the middle at the intersections? Mr. Kochanski said in addition there were some steep slopes along the trail which dropped down to the creek and the concern was keeping the trail close to that without any access protection. They were looking at that and centering the trail and the ballast on the sides between the trails and those steep slopes and they would act as a barrier if any bikes got out of control. Mrs. deLeon said you could meander through that. Mr. Kochanski said there could be an opportunity to provide some separation. He wouldn't think we would do it to the extreme edges. Maybe go 7' and then the trail and then maybe a separation and then the horse trail as a physical separation. You definitely want to keep those areas where it's steep, the pedestrian side 5' to 7' minimum. Mr. Cahalan said we don't really know what the other communities want to do about this issue. We wanted to have a trail that is uniform and looks the same through the four communities.

Mrs. deLeon said since Lower Saucon and Hellertown are taking the initiative, then it is what it is. They all had the same opportunity.

Ms. Bristol said to answer his other question about macadam, it's great for bicycles but for runners and people like herself that just had knee surgery, it's a lot better to walk on this type of surface. Mr. Horiszny said will it be wood chips where it isn't the No. 9 stone? Mr. Kerns said no. Mr. Cahalan said it would be 10' wide and then the ballast.

Ms. Brown said twenty years ago riding on stones with a bike, before they redid Seidersville Road, she wiped out on some stones. She's not exactly a big fan on riding on stone either especially on a trail. She's been on some other trails and she likes to ride her bike there. If it's the least expensive and the only thing we can do, then she thinks we have to do it, but she's not a big fan of it because of what happened to her. Mr. Cahalan said one of the big reasons they didn't recommend any pavement is because this is a leased surface from SEPTA. They have a right to come back and put rail service in. If they notify us of that, we have to remove any pavement we put down at our cost. Ms. Brown said she worked with horses, cats, and dogs. She's not a big fan of horses, but they should have every right to use the trail. Some of her concerns that if we are going to allow it, it needs to be done on a trial basis and see what happens. If her dog is going to defecate, he's going to stop. A horse keeps going, and how do you know and are you going to go back. There are people who are not going to be too happy if she just throws her dogs feces into the brush like Gerry Holum. Funneling the dogs and the horses together, a dog could be afraid of horses, so that might not be a good thing. Most dogs don't see horses too often and she's not 100% sure about the whole thing with dogs walking on wood chips because of splinters.

Mr. Johnson said horses don't need big paths. They can walk on just about anything. When you come to the end of the trail where there's a road, horses can easily walk over and go across the bridge. You don't have to build a special access for them to get on the bridge. It seemed that Mr. Cahalan was concerned about the horses at the end of the trail getting off the trail on to the road, on to the bridges, things like that and that's why you had to have the people trail in the middle. The horses at the end of the trail could walk on the people trail for a coupe of feet to get on the bridges.

Mr. Gerry Holum, Meadows Road, said he's concerned about intimidation. He knows we are trying to encourage kids and families to go out there. He's a little concerned about how intimidating a horse might be next to children walking down a trail. Mr. Cahalan said it's done on other trails. Mrs. Yerger said not to defend horses, but she walks a lot on a lot of trails. She takes her dogs with her and sometimes the most intimidating things are dogs. There are people who never discipline their dogs, don't know how to control their dogs. There are downs to anybody using the trails. There are some bikers who are rude, so we have to balance it all out. One suggestion is in some of the areas that do allow horses, and if we do allow horses, maybe we can figure out a way to circumvent any of the problems that come up. She agrees horses can be intimidating, so can be dogs. Mr. Holum said a lot of it is a raised trail. It's very limited as far as the mobility. If a family is walking down one way and a horse is coming the other direction, there's not much mobility here. Mr. Kern said there are a whole set of issues that need to be explored. A horse could be spooked by a dog or a dog by another dog. Mrs. Yerger said it goes on and on and on. It's going to have to come down to trail etiquette and have people take responsibility. Mr. Holum said the advisory committee was set up for consistency and he would assume we are going to be consistent from one borough to the other. Mr. Kern said the goal is consistency. Mr. Holum said you wouldn't want to open a portion of it with access to only dogs and a portion with just access to horses. Mr. Maxfield said the intimidation issue is important as to size. If your dog is acting up, it's on a leash and you can yank it back. Mrs. Yerger said you have to depend on people's responsibility. She has seen some people who think they have control of their dog and they don't. It's happened at the Farmer's Market where they had to ban these dogs from coming as there was no control over their dogs. She's not advocating it one way or another, but we have to look at all the pros and cons.

Mr. Cahalan said he would like action on the fencing and rail trail surface. If you are comfortable with the access management gates, they have funds budgeted in the 2010 budget to take care of this. Some of these will have to be bid out, so he'd like to move ahead with the preparation of those documents and this way he can talk to Hellertown and work with them on what's possible. We still have to come back with the Meadows Roads lights, but a lot of this is budget driven. If we have these three items approved by Council, we can move ahead. The bid results will come back to Council. The horse issue was for your consideration and what he's hearing is you want some more information brought back about how this is handled on other trails. They will work on that with the Rail Trail Advisory Committee and the Parks & Recreation Board. He will bring that information back to Council.

Mr. Maxfield said to get back to this consistency issue, if we okay these three items, before any action or bids or taken, will that be conveyed to Hellertown. Mr. Cahalan said he has conveyed that and Hellertown is okay with that. They are up in the air about the lights and what is will cost.

**MOTION BY:** Mrs. deLeon moved for approval for the wooden fencing, No. 9 stone for the trail surface, and the proposed access management gates for the Saucon Rail Trail.
**SECOND BY:** Mr. Horiszny
Mr. Kern asked if anyone had any questions? No one raised their hand
**ROLL CALL:** 5-0

Mr. Kern said regarding the Meadows Road crossing on the trail, the safest of all would be to have a stop sign at the crossing. He may have not been present when Mr. Kocher said it's not a possibility for some reason, or can you put a stop sign at the Meadows Road Rail Trail crossing to stop cars instead of the flashing lights? Mr. Kocher said he never looked at that, but he doesn't believe pedestrian crossings are one of the warrants for stop signs. Mr. Kern said even a rail trail? Mr. Kocher said no. That's why they think a blinking light is warranted. The site distance should warrant that.

Mr. Holum said the consideration should be putting two stop signs there - one at each of the roads that are only within 15' and 15 yards of that track. One at Wilmette Lane is and have one of Railroad Lane. Mr. Cahalan said Mr. Kern is talking about one on Meadows Road to stop the traffic. Mr. Holum said stopping the traffic on Meadows. Mr. Kern said stopping the traffic at Meadows before they come down the hill before the crossing. Mr. Kochanski said in lieu of having the stop sign at the trail crossing and further north, what is being suggested is a stop sign may not be warranted; put the stop signs at Wilmette and Railroad Lane. At that point, it would be a vehicular intersection, which may slow them down before they cross. Mr. Holum said you are going to stop at a stop sign. Blinking lights are not going to stop them. Mr. Kochanski said as you are coming down Meadows Road, there is a road at that bend, Wilmette, so you are suggesting putting a stop sign on Meadows Road at that road intersection, which may have enough visibility to see the trails crossing and then south of the trail crossing is Railroad Lane, which you would have a stop sign on Meadows Road as well and in essence is slightly offset from the trail crossing but would provide some sort of vehicular stop. Mr. Maxfield said you have a trail which is part of the park system that has hours of usage and you are going to have a stop sign 24 hours a day. People are going to complain about that. Mr. Holum said you have a problem on Meadows Road as it exists today. Mr. Kern said yes, but he'd rather put up with those complaints than a kid getting hit on Meadow's Road who isn't looking. Mr. Holum said a blinking light is not going to stop a car. A stop sign is going to stop a car. Mr. Kern said he agrees with him. Mrs. deLeon said the blinking lights at the Heller Homestead in her opinion are useless. Mr. Kern said he thinks the safest thing to do is to stop the cars there. Mr. Holum said in addition to that, you put a speed bump right before that stop sign. Mr. Kochanski said the issue with the speed bump was the blindness coming around the corner and the curve of the road was not creating a safe condition. Stop signs would also have to meet warrants for PennDOT and there are some questions as to whether that intersection would warrant a stop sign from a vehicular standpoints on Meadow Road at those two side roads. Mr. Kern said there's no way to plead the obvious to PennDOT that you

are protecting kids who will be riding on the trail on Meadows Road. Mr. Kocher said the issue is in order for you to construct a stop sign, it's got to meet PennDOT warrants. You do not need PennDOT approval on Meadows Road. You do for a blinking light, but not for the stop signs, so that's your discretion. We looked at this at Victor and Amelia and put stop signs up and the disadvantage is now people speed between the stop signs. That's the disadvantage to putting up a lot of stop signs in a row, they just go faster between the stop signs, so you have to balance that. Mr. Holum said he thinks it should be pursued instead of spending the $23,000.00 for the lights, you could better utilize that cash for the water problem you have on Meadows Road. Mr. Cahalan said he agrees, but they are looking for the best solution here and the safest one. He asked Mr. Kocher if this could be incorporated into the traffic study and address some of these issues that have been brought up like the stop signs. Mr. Kocher said they can look at that, but their report will be based on do those intersections meet PennDOT warrants, not somebody might get hit. As valid as that is, you know that's not part of the studies. Mr. Kern said didn't you just say we don't need the PennDOT warrant because it's not a PennDOT road, we can just put a stop sign there if we deem it necessary. Mr. Kocher said stop signs, it's very clear that in order for you to construct a stop sign, the intersection must meet PennDOT warrants for a stop sign. You do not, however, need PennDOT approval if it's not a PennDOT road, there's a difference there. Mr. Kern said reading between the lines, that means that we can put a stop sign there. Mr. Kocher said you are not complying with the state vehicular code and second, that blinking light PennDOT says no matter where you put those, they have to issue you a permit. Those are two different traffic control devices. Mr. Holum said what about the stop signs on the Meadows Bridge, if it was warranted there, it should be warranted at the rail trail. Mr. Kocher said there were site distance issues regarding that study why they were warranted, so they could justify that. Mr. Cahalan said can we come back with a report that we can address those. Some of them had been addressed previously and we keep revisiting some of them, so we need to get a study to get that back to Council. Mr. Kocher said okay.

**G. <u>ORDINANCE #2010-05 – AUTHORIZE & ADVERTISEMENT – REVISIONS TO RIPARIAN ORDINANCE</u>**

Mr. Kern said Ordinance No. 2010-05 has been prepared according to Council's direction to amend certain provisions of the existing riparian buffer ordinance. Council should authorize the advertisement for a public hearing and consideration of adoption. This revision will also be sent to the Lehigh Valley Planning Commission, the Planning Commission and the EAC for their review.

Mrs. deLeon asked if someone could go over the changes. Mr. Kochanski said there have not been any changes to this since this was discussed at the last meeting. Under Section 1 of the ordinance they are providing some clarification on definitions and the word usages and defining what riparian corridor protection and activities are. Section 2 clarifies what the permitted uses by conditional use would be in the ordinance now. Section 2-10.1 further defines the ordinance control and riparian corridor protection activities. Before it was just erosion control and now we've added riparian protection and management. Section 11 has been revised to add additional things that are specifically prohibited within the riparian corridor such as removal of vegetation, except for when it's part of normal routine maintenance in accordance with manufacturer's specifications. There are also further defined under 11, what motorized vehicles would not be permitted in there and certain lengths of terms like a trailer, and what parameters a trailer could be, what size trailers. If trailers are part of the management activity, they could be permitted there for a longer length of time. Mrs. deLeon said she didn't quite understand the reasoning behind that. Mr. Kochanski said if there is a property that is actively engaged in maintaining the riparian corridor and they are removing invasive materials, they are probably going to need some equipment to do that. The process of taking the equipment in and out every day could be more harmful than leaving it there, doing the work, and then getting it out. That's why they didn't want to leave the same six hour time line for the average person who may want to store their vehicle there versus someone who is actively maintaining it. That's why they added that longer window both times to that people who were actively maintaining it weren't coming and go every day which would

end up being more destructive to the riparian corridor. Mrs. deLeon said she didn't get that out of reading it, so maybe it could be tweaked a little better to understand the wording. Mr. Kochanski said that was the rationale behind the time line, and it's not obviously explained word for word in there, but that's why you would have a longer time for a trailer or vehicle that is used for maintenance of it. They further went on to define other things such as erosion control materials, salt, ice sand, cinders, and other deicing materials, specifically prohibiting them. The last section 12.1 is getting into reforestation for any encroaches in there and further defining what the minimum requirements would be for revegetating the riparian buffer, which is something we do not currently have. Mrs. deLeon said if she had a house and lived next to a creek and what if her house had a garage and it was there ten years ago, is she allowed to park her cars there? Mr. Kochanski said that would be covered under an existing non-conforming situation. There are certain uses permitted by rights. You have a 15% disturbance. If the house was constructed and was in the riparian corridor or the driveway was in the riparian corridor and you met that 15%, then that would be permitted as a pre-existing versus new. If it's pre-existing, it's a pre-existing condition. If it's new, it's an existing non-conformity. Mrs. deLeon said it's okay. Mr. Kochanski said there's nothing you could do as it exists. If it's new construction, they are permitted 15% disturbance. If they meet the 15% disturbance, then they would be alright. If they did not meet 15% disturbance, then it would not be permitted and would be caught at the building permit stage. Mrs. deLeon said she's a little uncomfortable with that entire paragraph the way it's worded and maybe if we vote to advertise this, tweak something easier to say. Mr. Maxfield said we really had a long discussion, which is in the minutes, at the last meeting. We decided not to change it for a particular reason which is also covered in the minutes. He'd really like to not go and explore this whole issue again.

**MOTION BY:** Mr. Horiszny moved for approval of Ordinance #2010-05.
**SECOND BY:** Mrs. Yerger
Mr. Kern asked if anyone had any questions? No one raised their hand
**ROLL CALL:** 4-1 (Mrs. deLeon – No)

**H. <u>ORDINANCE #2010-06 – AUTHORIZE ADVERTISEMENT – AMENDMENTS TO CHAPTER 170 – VEHICLE CODE</u>**

Mr. Kern said Ordinance No. 2010-06 has been prepared at the direction of Council to amend the vehicle code relative to speed limit reductions on Lower Saucon Road, establishing a 3-way stop intersection at Meadows & Skibo Roads and prohibiting truck traffic on Meadows Road.

Attorney Treadwell said he had a question that needs to be discussed regarding the no trucks on Meadows Road. When he was putting this into ordinance form and went through your vehicle code sections, you currently have a section that prohibits truck traffic on Helms Road. It's a $50 fine. What you are doing now by putting the no truck restriction on Meadows Road is you are going to have to eliminate the weight restriction. The weight restriction has already resulted in an $11,000 fine. The current weight restriction you have now appears to be more of a deterrent for trucks than the $50 fine is if you just said no trucks allowed. He wanted to point that out as it isn't something that was discussed before and that maybe for you to reconsider whether you wanted to leave the weight limit on as it seems to be more of a deterrent than just saying no trucks allowed. Mr. Kern said we actually got $11,000.00? Mrs. Yerger said yes, that's what she was told. Mr. Maxfield said first of all we talked in the past about the regulatory nature of trying to weigh trucks and second if it's no trucks, if there's a truck, it's a clear violation and $50 could add up. From an enforcement standpoint, it would be easier if it were no trucks. Attorney Treadwell said when in the future when an enforcement happens with the no trucks restriction in place and there's a $50 fine, just be cognizant that we aren't going to have the $11,000.00 fine which is a pretty big deterrent. That's the type of thing that the people who drive on that road with trucks will talk to each other about. Mr. Kocher said does the ordinance prohibit that on the whole stretch, not just at the bridge, so the 10 ton is on the whole road, not just the bridge? Attorney Treadwell said yes. Mr. Kocher said that's interesting. If you give a truck a $10,000.00 fine, they go to the Magistrate. They don't just pay it. If they say okay, show us your engineering and

traffic study, and they haven't reached the bridge yet, what would we give them? Attorney Treadwell said that 10 ton restriction has been in place for a long time. Mr. Kocher said it's easy enough if they are at the bridge, but if they are not there yet, it might be a little tricky. Ms. Huhn said Roger also mentioned that because there is a weight restriction, Toll Bros. currently has a bond in place to cross the road and we'd have to give that bond back as it wouldn't be needed. Mr. Maxfield said what would we have to do to allow them to use the road? Mr. Cahalan said local deliveries are allowed. Ms. Huhn said then you can't charge them $50.00 either. Mr. Cahalan said the bond is basically to cover any damages they do to the road. Mr. Maxfield said are they allowed to exit Meadows and go over the bridge? Mr. Kocher said the bridge restriction is different. Did we look to see if we have an old study on file to see if the rest of the road was tagged for ten tons? He's not sure without that how we could have even gotten the bond. We probably ought to look at that. Mr. Kern said what's the bottom line? Attorney Treadwell said we can do it one of two ways. We can hold off on advertising the entire ordinance until we re-examine that issue or we can just take that part out of that ordinance and just advertise the speed limit and the three way stop sign. Mr. Kern said what do you recommend? Attorney Treadwell said why don't we just do the speed limit and the three way stop sign. That way we have the two out of the way and we'll re-examine the other one. Mr. Maxfield said if we do re-examine it, he would love to get the Police opinion on enforcement which will make a big difference. Attorney Treadwell said we are removing Section 4. The motion would be to advertise Ordinance 2010-06 with the amendment that Section 4 and all references to the items contained in Section 4 be removed.

**MOTION BY:** Mrs. Yerger moved to make the motion as per recommendation of our Solicitor.
**SECOND BY:** Mr. Maxfield
Mr. Kern asked if anyone had any questions? No one raised their hand
**ROLL CALL:** 5-0

**I. RESOLUTION #55-2010 – TRANSFER OF MONIES**

Mr. Kern said Resolution #55-2010 has been prepared to transfer $1,859.00 in funds from the Contingencies Account to the Police Ammunition Account to cover the cost of ammunition needed by the Police Department for additional weapons training such as "Night Fire" and prior to weapons qualification.

**A RESOLUTION AUTHORIZING THE**
**TRANSFER OF MONIES FROM ONE TOWNSHIP FUND TO ANOTHER**

**SECTION 1.**
The Council of Lower Saucon Township hereby authorizes the transfer of monies from one Township fund to another in accordance with Article XXXII, Section 3202 (f) of the Second Class Township code as follows:

| | FROM | | TO | |
|---|---|---|---|---|
| Amount | Account No. | Account Name | Account No. | Account Name |
| $ 1,859.65 | 01.493.000 | Contingencies | 01.410.243 | Police Ammunition |

**SECTION 2.**
The Township Manager is hereby directed to make the necessary transfers to implement this Resolution.

Mr. Cahalan said the Police Department assigned Officer Shelly as a Firearm's Instructor and he reviewed their training and recommended that they conduct some additional Nightfire training at the shooting range and also to prepare for some practice firing prior to the weapons qualification. That increased their use of ammunition over the amount that we budgeted for, so we're asking for a transfer of money of $1,859.65 from the Contingently Fund to the Police Ammunition Fund to cover the cost of the ammunition.

**MOTION BY:** Mr. Horiszny moved for approval of Resolution #55-2010.
**SECOND BY:** Mr. Maxfield
Mr. Kern asked if anyone had any questions? No one raised their hand
**ROLL CALL:** 5-0

**J. APPROVAL OF CHANGE ORDER FOR GEOSERVICES, LTD. WORK ON SITE CHARACTERIZATION FOR PADEP RE: SPILL FROM PUBLIC WORKS FUEL DISPENSER**

Mr. Kern said GeoServices, Ltd. Of Camp Hill, PA was previously approved by the Township to perform site characterization work for PADEP on the fuel spill at the Public Works fuel dispenser. They are requesting approval to conduct two (2) additional ground water samplings at an additional cost of $3,750.00 which should complete the required characterization sampling for PADEP to close out this site.

Mr. Cahalan said he provided an email from Joseph McNally from GeoServices to Cathy Gorman. He outlined the work they have done under the contract with the Township. We believe we are close to getting this whole matter closed out with DEP. Everything is looking good and positive in terms of the results they are getting from the samplings. He just wants to do two more of samples and draw those and he did speak to Kevin Walker from PADEP and Mr. Walker has indicated that if those samples are done, that should close out this matter. There's an additional cost of $3,750.00.

**MOTION BY:** Mrs. deLeon moved for approval for the additional cost of $3,750.00 to GeoServices.
**SECOND BY:** Mr. Maxfield
Mr. Kern asked if anyone had any questions? No one raised their hand
**ROLL CALL:** 5-0

**K. ADOPTION OF POLICY ON DRIVER'S LICENSE & RECORDS CHECK**

Mr. Kern said the Township Manager is recommending that the Township adopt a policy requiring the verification of CDL and driver's licenses for all Township employees who are required to hold an operator's license to perform their assigned duties. In addition, employees would be required to immediately notify the Township of any suspension or revocation of their driver's license.

Mr. Cahalan said we do obtain copies of driver's licenses on individuals who are hired here who are required to operate motor vehicles in the performance of their duties. We felt we needed to beef that up in terms of doing it and rechecking it periodically. What this policy will do is we will, at least for Public Works people who have a CDL license, be checking with PennDOT on a yearly basis to verify that they have a valid license and for all other employees it would be every two years we would check with PennDOT to see that they are holding that valid license. This policy sets that down. We discussed it with the Union and they have no problem with it and we're recommending that it be adopted.

Mrs. deLeon asked if our insurance company asks for a list of all the employees who drive our Township vehicles? Mr. Cahalan said yes. Mrs. deLeon said she thinks this is a great idea.

**MOTION BY:** Mrs. deLeon moved for approval of the adoption of policy on driver's license and record check.
**SECOND BY:** Mrs. Yerger
Mr. Kern asked if anyone had any questions? No one raised their hand
**ROLL CALL:** 5-0

### L. AWARD OF PERVIOUS CONCRETE AND E3M ASPHALT MATERIALS BIDS

Mr. Kern said a bid opening was held on June 11, 2010 for pervious concrete and E3M Emulsified Asphalt material. The Township Manager will review the bid results with Council.

Mr. Cahalan said we did not get any bids for the pervious concrete so we have to rebid that. We feel sure there will be some bidders. There may have been a communication issue. On the E3M emulsified asphalt, there were two bidders who were Eastern Industries from Center Valley, PA and AMS Asphalt Solutions from Center Valley, PA. Eastern Industries submitted a bid of $2.21 a gallon for a total of $35,360.00. AMS submitted a bid of $2.37 a gallon for a total cost of $37,920.00. Eastern Industries is the low bidder. They submitted all of the required materials with the bid and he's recommending Council approve their bid.

**MOTION BY:** Mr. Horiszny moved for approval for the bid for the E3M emulsified asphalt to Eastern Industries, for a total of $35,360.00.
**SECOND BY:** Mr. Maxfield
Mr. Kern asked if anyone had any questions? No one raised their hand
**ROLL CALL:** 5-0

## VI. MISCELLANEOUS BUSINESS ITEMS

### A. APPROVAL OF JUNE 2, 2010 MINUTES

Mr. Kern said the minutes of the June 2, 2010 Council meeting have been prepared and are ready for Council's review and approval.

**MOTION BY:** Mrs. Yerger moved for approval of the minutes from June 2, 2010.
**SECOND BY:** Mr. Maxfield
Mr. Kern asked if anyone had any questions? No one raised their hand
**ROLL CALL:** 3-1 (Mr. Horiszny – No; Mrs. deLeon abstained as she wasn't at that meeting)

### B. APPROVAL OF MAY 2010 FINANCIAL REPORTS

Mr. Kern said the May 2010 financial reports have been prepared and are ready for Council's review and approval.

**MOTION BY:** Mrs. Yerger moved for approval of the May 2010 Financial Reports.
**SECOND BY:** Mr. Horiszny
Mr. Kern asked if anyone had any questions? No one raised their hand
**ROLL CALL:** 5-0

## VII. PUBLIC COMMENT/CITIZEN NON-AGENDA ITEMS

- Allan Johnson, Martins Lane said he wanted to mention a couple more things about the rail trail. If you are going to have horses on the trail, you are going to need a large parking lot because the people are going to bring the horses in trailers and usually they are pretty large and have a big pickup truck pulling them. Mr. Kern said they would probably use the trailhead in Hellertown. Mr. Johnson said on the Palmer Township trail, it crosses two pretty busy streets. What they've done is they have a big sign for the people on the trail that says "You must dismount your bicycle and walk it across the street". He would assume you would say the same things for the horses, dismount and walk it across the street. They don't have any blinking lights, no stop lights, it's up to the people using the trail to use their sense. Some people don't, but at least the signs are there. Mr. Kern said what is the site distance there? Mr. Johnson said it's where it crosses a road. Their trail crosses Freemansburg Avenue, but goes over a railroad bridge. Mr. Kochanski said the

problem with this particular intersection is there is the blind corner on Meadows Road. It's because of the safety concerns and unique situation that we are looking at this crossing.

## VIII. COUNCIL AND STAFF REPORTS

### A. TOWNSHIP MANAGER

- Mr. Cahalan said the EAC asked that Terry Clemons, who was appointed as the EAC Open Space Solicitor, come to an EAC meeting to talk about issues regarding conservation easement appraisals. They are asking for Council approval to have him attend the EAC meeting.

**MOTION BY:** Mr. Horiszny moved for approval to have Terry Clemons attend the EAC meeting to talk about issues regarding the conservation easement appraisals.
**SECOND BY:** Mr. Maxfield
**ROLL CALL:** 5-0

### B. COUNCIL

**Mr. Maxfield**

- He said the 40 MPH signs did go up on Easton Road. He noticed our Police force was out nabbing drivers. They are doing a great job.

**Mrs. Yerger**

- She said next Tuesday, Polk Valley Park will be on the sustainable landscapes tour that was pretty much run by DCNR and some of the other local organizations. It is centered in Northampton County and she and Tom will be the site tour guides. There are about 110 people on the tour.

**Mr. Horiszny**

- He said thanks to Diane, Leslie and Jack for the Volunteer Recognition Picnic efforts that they made. It was extremely well done by them. He thinks the volunteers felt appreciated and appreciative. Mrs. deLeon said thank you also. Mrs. Yerger thanked Ron for starting the whole ball rolling.
- He said the Lower Saucon Authority has hired Lawrence Carl who happens to be a Se-Wy-Co. fireman and he made a fire call today.

**Mr. Kern** – No report.

**Mrs. deLeon**

- She said last Thursday, June 10th, the SV Conservancy held a reception for the artist exhibit. They had four photographers who had beautiful pictures of different things and the exhibit is just beautiful.
- She said on Wednesday, June 23rd at Town Hall Park, the Hellertown-Lower Saucon Chamber is holding their clambake, which starts at 6:00 PM. Tickets are still available if anyone is interested.
- She said they got an email from the Gaming Board and they finally got the glitch out of when you go online and you are able to interact with the application. The period that they are accepting applications is until July 31, 2010. Cathy Gorman is very busily working on fulfilling the applications.
- She asked if we had an update on the garage pad that was removed by the Public Works crew? They did a really nice job. Mr. Cahalan said it's removed and they need to probably have another meeting out there to discuss the next steps. Mrs. deLeon said she's curious to find out what the white bricks were as they are so neatly arranged; and we were right, it was a rectangular foundation.

**D.** **SOLICITOR** – Attorney Treadwell said they have a really short Executive Session after the meeting.

**E.** **ENGINEER** – No report

**F.** **PLANNER** – No report

Mr. Kern said Council will recess to go into Executive Session. The time was 10:46 PM. Mr. Kern said Council reconvened. The time was 10:55 PM. Attorney Treadwell said they discussed real estate and open space acquisition and also the settlement with the PA Insurance Department. Mr. Kern asked if there was a motion by Council on the PA Insurance Department settlement.

**MOTION BY:** Mr. Horiszny moved to approve settlement claim No. USTIF2007-0062, per their determination.
**SECOND BY:** Mr. Maxfield
**ROLL CALL:** 5-0

## IX. ADJOURNMENT

**MOTION BY:** Mrs. Yerger moved for adjournment. The time was 10:58 PM.
**SECOND BY:** Mr. Maxfield
Mr. Kern asked if anyone had any questions? No one raised their hand.
**ROLL CALL**: 5-0

Submitted by:

| | |
|---|---|
| Jack Cahalan | Glenn Kern |
| Township Manager | President of Council |