

I. OPENING

CALL TO ORDER: The General Business & Developer meeting of Lower Saucon Township Council was called to order on Wednesday, June 17, 2009 at 7:00 P.M., at 3700 Old Philadelphia Pike, Bethlehem, PA, with Mr. Glenn Kern, Council President, presiding.

ROLL CALL: Present – Glenn Kern, President; Tom Maxfield, Vice President, Sandra Yerger, Priscilla deLeon, Council members; Jack Cahalan, Township Manager; Leslie Huhn, Assistant Township Manager; Kevin Kochanski, Township Planner; Brien Kocher, Township Engineer; Linc Treadwell, Township Solicitor. Stephen Prager, Jr. Council member arrived at 7:14 PM. Absent: Ron Horiszny, Council member.

PLEDGE OF ALLEGIANCE

ANNOUNCEMENT OF ANY EXECUTIVE SESSION (IF APPLICABLE)

Mr. Kern said Council met in Executive Session prior to this evening's meeting to discuss personnel issues and potential property acquisition. Attorney Treadwell said it was the non union contract negotiations they discussed.

II. PUBLIC COMMENT/CITIZEN AGENDA ITEMS

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

III. PRESENTATIONS/HEARINGS

A. DRAVECZ CONSERVATION EASEMENT & PROPERTY PURCHASE – PUBLIC HEARING

Mr. Kern said per Act 153 a public hearing is required to be held whenever the Township purchases a conservation easement or purchases property with open space funds.

MOTION BY: Mrs. Yerger moved to open the public hearing.
SECOND BY: Mr. Maxfield
ROLL CALL: 4-0-1 (Mr. Horiszny- Absent)

Attorney Treadwell said, as an explanation, prior to spending certain tax dollars, the township is required to hold a public meeting regarding the acquisition of open space property. The proposal before you tonight is to acquire approximately forty-three (43) acres in fee simple from Mr. Dravec and a fourteen (14) acre conservation easement. The purpose of tonight's hearing is to

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just open it up to the public to see if there is any comment, then we can close the hearing and move forward.

Mr. Kern asked if there was any comment from Council? No one raised their hand. Mr. Kern asked if anyone in the audience wanted to speak regarding the Dravec conservation easement and property.

MOTION BY: Mrs. Yerger moved to close the public hearing.
SECOND BY: Mr. Maxfield
Mr. Kern asked if anyone had any questions? No one raised their hand.
ROLL CALL: 4-0-1 (Mr. Horiszny – Absent)

Attorney Treadwell said it would be beneficial if Council made a motion for him to proceed with the agreement of sale.

MOTION BY: Mr. Maxfield moved to have Attorney Treadwell proceed with the agreement of sale on the Dravec property.
SECOND BY: Mrs. Yerger
Mr. Kern asked if anyone had any questions? No one raised their hand.
ROLL CALL: 4-0-1 (Mr. Horiszny – Absent)

Attorney Treadwell informed Mr. Dravec that he will be sending a proposed agreement to Mr. Pierce, your attorney.

B. LEHIGH & NORTHAMPTON COUNTY CONSERVATION DISTRICT – SILVER CREEK GOLF COURSE FLOOD PLAIN RESTORATION

Mr. Kern said Rebecca Kennedy from the Watershed Association would like to discuss with Council a restoration project that they are proposing to include portions of the Saucon Creek in Lower Saucon Township and Hellertown Borough. The Lower Saucon portion will be completely contained to the Silver Creek Country Club.

Ms. Kennedy handed out some maps, and said she's with the Lehigh Valley Conservation District (LVCD), not the Watershed Association. She's the watershed specialist for LVCD and the work they are proposing to do is not on the Saucon Creek, it's on the Silver Creek, which is a tributary to the Saucon as it runs through the Silver Creek Golf Course. She understands from her earlier conversation with Mr. Maxfield that you have some maps in your packets. She brought a couple larger scale maps. This project that they are proposing is an outgrowth of the Saucon Creek Watershed Assessment and Rivers Conservation Plan that they just finished and had the public meeting here a couple of weeks ago. One of the things that they did was a complete visual assessment of all forty-three (43) miles of the main stem of the Saucon Creek and its main tributaries looking at areas that would be potentially very beneficial for the environment to do restoration projects. There are a lot of different components that go into deciding what is a suitable location for a restoration project and land owner access and cooperation is always a major issue. It often turns out that country clubs and golf courses can potentially be very excellent restoration properties because they tend to own a large area and they are often along streams. The Silver Creek, as it runs through the country club, the total length of stream measured from one end to the other is about 4,500 feet, but there are in holdings of some private land, including Lost River Caverns, which owns a piece of that. She was the person who carried out the assessment of the Silver Creek on the golf course property and they sent out letters ahead of time asking all of the stream side landowners for permission to enter their property and asked them if they had any concerns to contact them. The country club contacted her and asked if they could be there when they did the assessment of their property. They met them out there and as she was explaining this whole thing, they noticed that they are mowing right up to the edge of the creek in most of the

areas, but they had already naturalized some of the areas along the stream and they were really, really interested in what to do. In some areas, they tried to naturalize, but had major problems with invasive plants and were kind of moving cautiously forward, so they leapt at the chance to have a professional stream restoration project carried out. That's what they are proposing now and they've submitted the permit to the DEP to do this project. They have partial funding for it already from the Department of Conservation and Natural Resources (DCNR) and she put in a real sizeable Penn Vest grant, which is under that green reserve. Part of the stimulus money is being channeled through Penn Vest, which normally does sewer and water projects, so why they are channeling this money through Penn Vest is unclear. They did apply for a couple hundred thousand dollars worth of funding to do two projects. One is a very significant storm water basin retrofit in Lehigh County and the other is this project. She will find out at the end of July whether or not we get the funding. If we don't, she will have to seek other funding to do that. They definitely are in the planning stages. If you look at the maps she just gave you, they all have the municipal boundary and you'll see that the portion that is in LST extends from Reservoir Road down to below the pond. The remainder of this is in the Borough of Hellertown. The numbers that are on there are the acreages of each of those blobs. The colored blobs are in a green, olive, and orange color and they all have the acreage numbers on them. Most of the patches are fairly small. We are proposing several different kinds of plantings. Depending upon where the various areas are located in relationship to the golf course, the guys at the golf course keep telling her, to make sure the area isn't "in play". Some of the areas that they have to hit golf balls over, which are the ones that are called "in play", they are proposing to plant a low growing plant which will top out at about eighteen (18) inches. The areas that are on there in an orange are proposed to be reforested and they are going to plant them in trees. The olive colored areas they are eventually going to plant in a wetland mix.

Stephen Prager, Jr. Council member arrived. The time was 7:14 PM.

Ms. Kennedy said she has a lot more additional information about what they are proposing. She wants to explain one more element of this because she wants to make sure there is no confusion as time goes on. In the areas they are proposing for wetland plantings, she's actually going to take a "canary approach". She's wasted a lot of money over the years on inappropriate plantings where they were certain the area was going to be a certain hydrological regime, like it was going to be dry or it was going to be wet, and they planted plants there and they died. What they are doing in these areas, she's planting a very expensive mix of wild flowers that go all the way from dry land upland plants to deep wetland plants and they are going to let that grow for two growing seasons, and then based on which canaries live and which ones die, she will decide which woody plants to put in there. She doesn't want to waste money on Swamp White Oak if it's going to be really dry. They are assuming there will be wetland plantings, but because of the cavern there, she's just not confident that they are going to accurately predict, so the woody plants will wait two growing seasons to go in.

Mr. Maxfield asked if Rebecca could describe what you would do in any of the areas you are going to create wetlands? Ms. Kennedy said normally when people think about stream restoration projects, they tend to think about taking a bank that is vertical and regrading it to a 3-1 or a 4-1 grade. We're not going to be doing that. What they are doing instead is starting about six inches to a foot above the current water line and doing that because they do not want to mess with the current stream channel characteristics. It's working now, it's not a grading or degrading actively, so she wants to make sure the existing stream channel maintains its function. They are going to start about six inches above that, and actually are going to go straight back for most of the distance covered by the area and then tie it in to the existing grade, a 3-1 or 4-1. They are doing that to create the maximum additional amount of flood plain capacity, meaning that when the water rises, more of that water will be able to sit in those low lying areas and less of it will cause damaging flows out on to the main areas of the golf course which is the other main concern of the Borough of Hellertown which is as you know has really been brutally impacted by flood events. We're trying to create the maximum amount of additional flood plain, flood water storage on the golf course.

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We're thinking it's going to be between, when they are done, seven to ten additional acre feet. An acre foot is an acre of a foot deep of flood plain capacity. The golf course is really kind of surprising us with how accommodating they are being with us. They prepared a draft letter to their membership that more or less says, hey listen, this is going to inconvenience you folks, and that's just going to be the way it is.

Mr. Kern said who does the grading? Ms. Kennedy said she has used the same operator on every stream restoration project she has ever done, and it's Bill Jones of Hilltop Excavating. He has an operator whose name is Dave who has done all of her projects, so she knows she can trust him. If she has to walk away or go out to lunch, she's worked with him enough, that she can absolutely rely on him and not come back and find anything that frightens her. She intends to use him. Bill Jones was out on the site with her looking at it as there are issues how they are going to get in and out, and we needed to discuss with him, the particular pieces of equipment that he is going to use.

Mr. Kern said what time of year would you be doing this? Ms. Kennedy said she wants to do this project in the dry season, and this stream actually dries out at the end of the summer and fall. If it's dry, then we minimize the damage to the course, we minimize soil compaction, so that's when she intends to do the project.

Ms. Kennedy said depending on various scenarios, if you look at the blobs on the map, you can see some of them are much more extensive than others. Given limited funding once we get the permit, we could go ahead with a partial project and seek funding. There's nothing inherent about this project that would make it ten times more expensive to do it in chunks than to do it all at once. Some of these areas we might actually work are in the high visibility areas. The golf course has mentioned that they are interested in going for Audubon certification. She's actually told them what she is really hopeful about, because they are tied into the community is that she'd like them to put out an APB to their Boy Scout and Girl Scout troops that are allied. There are a lot of different community projects that could be done as part of this like bat boxes, bird boxes, etc. Mrs. Yerger said she did Blue Bird boxes with Palisades School District and the kids had a blast. She did it with their seventh grade science class. They actually built them, got them on the posts and got the posts planted in 2-1/2 hours. Ms. Kennedy said she's also told them if there are any other areas on the course they are interested in doing like native plantings, it's possible we can incorporate that.

Mrs. deLeon said since this is a project that involves the Borough of Hellertown and we do have a COG, would it be helpful to your application to include the COG? Would that be supportive? Ms. Kennedy said she's sent the applications in and she has support from both the township and the borough. Charlie Luthar was out with her earlier. She didn't realize how much of this was in Lower Saucon Township until they started to map it. She thought the line was further up than it is. Mrs. deLeon said she's just bringing up the Partnership because they always say that when two municipalities work together, it usually bumps you up on an approval. Ms. Kennedy said they have observed that, and also, the fact that work in Lower Saucon is going to benefit the Borough of Hellertown, so that was noticed as part of the application. Going forward is where everyone will have to cooperate on this as it's a pretty sizeable project. Mrs. Yerger said its proximity to the school district will be beneficial, going forward, you can literally walk over to it. Mr. Kern said what Priscilla is trying to say is if there is anything you need from the COG as far as paperwork that would assist you in getting grant money, we can put things on letterhead in support. Ms. Kennedy said the answer to that may very well be yes, but she doesn't know at this point because they did this really silly thing. The Growing Greener grant application is due in on July 17 this year, but they don't make the decision about the Penn Vest funding until July 21. She's going to submit a Growing Greener grant for this project and getting support letters for that from any entities would be very, very helpful, going forward. Mrs. deLeon said the problem with that is the COG doesn't meet until August as we don't meet in July. Ms. Kennedy said if you want to go ahead with the support letter as the Going Greener grants take forever to process. Mrs. deLeon said if you need anything, let them know. Ms. Kennedy said any involvement as we go ahead, she's

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spoken to the golf course about this, when the moment comes for us to really move forward, we are going to bring everyone involved around the table and sit down and allow everybody with a stake and interest to sit down and talk to each other so we can make sure we are including all the components that everybody sees as important. She's said over and over again, she doesn't belong here as she's the Lehigh County Water Specialist, so at some point when this project is done, she will be backing out and turning it over to the two municipalities, the golf course, and Jim Wilson, her counterpart in Northampton County.

Mrs. Yerger said back to the grant situation, we only meet once in July and it's the 15th, so if you would like to officially request a letter for the DEP Growing Greener grant, you may want to entertain that tonight. Ms. Kennedy said she would love a support letter for the project.

MOTION BY: Mrs. Yerger moved for Council to provide the Lehigh Conservation District with a support letter for their Silver Creek Country Club stream restoration project for their DEP Growing Greener grant.

Mrs. deLeon said can we also add that Hellertown should really send a letter and in the letter mention we are part of a COG to get that in there.

SECOND BY: Mr. Maxfield
Mr. Kern asked if anyone had any questions? No one raised their hand.

ROLL CALL: 4-0-1 (Mr. Horiszny – Absent)

Mrs. Yerger told Ms. Kennedy to contact Mr. Cahalan and he will write you a support letter. Ms. Kennedy said she is going to include in the Growing Greener grant, one additional provision which is some money for some plantings at Dimmick Park to do some stream side plantings there. If anyone has any questions, please call her.

Mr. Kern asked if there were any questions from anyone in the audience?

Mr. Kocher said he does have one question on it, it does technically fall under the grading ordinance of the township, he has reviewed the project with Rebecca, but what they are suggesting is that if she gets approval from the County Conservation District and gets the DEP permit to do the work, she really will have satisfied everything that they would have looked for in the grading ordinance, so to eliminate an administrative step, they have no issue if you waive the grading permit from the township.

MOTION BY: Mr. Maxfield moved to waive the grading permit for this project, per Mr. Kocher's conditions stated above.

SECOND BY: Mrs. Yerger
Mr. Kern asked if anyone had any questions? No one raised their hand.

ROLL CALL: 4-0-1 (Mr. Horiszny – Absent)

Mr. Cahalan said on your GIF form that you filled out for the DEP application, question 2, is there a county comprehensive plan, check "no". Ms. Kennedy said she hadn't thought about that.

C. ORDINANCE NO. 2009-04 – SPEED LIMIT SIGNS FOR SAUCON VALLEY SCHOOL DISTRICT – PUBLIC HEARING AND CONSIDERATION OF ADOPTION

Mr. Kern said Ordinance No. 2009-04 has been advertised for a public hearing and consideration of adoption to enter into an agreement with Hellertown Borough and Saucon Valley School District for the purchase, erection, and maintenance of school zone speed limit signage pursuant to the Intergovernmental Cooperation Law.

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MOTION BY: Mrs. Yerger moved to open the public hearing.
SECOND BY: Mr. Maxfield
ROLL CALL: 4-0-1 (Mr. Horiszny- Absent)

Mr. Cahalan said this is the ordinance that enables us to enter into an intergovernmental agreement with Hellertown Borough and the school district in order to submit this agreement to PennDOT and that will enable them to do a study of the potential locations for the safety zone speed limit signs that would be in the Borough and the Township on the roads leading to the Saucon Valley School District campus. The agreement spells out that the township's responsibility is to erect and maintain the signage. The school district is under the obligation to pay for the signage and to replace any signs that are damaged.

Mrs. Yerger said do we have any idea how long this will take once we put in for it? Mr. Cahalan said one of the things Mr. Kocher pointed out at a previous meeting was that on the township's side, PennDOT would probably want to see people walking on Polk Valley Road, and that would be when our trail is completed. Would they just do it for Hellertown? Mr. Kocher said if you explain to them the trail, which is the reason we want it on the township side, isn't going to be built for now. They probably would do Hellertown now and then come out after you have finished that. Mr. Maxfield said how would that work for paying for the signage and maintenance, would they also pay for the signs being maintained in Lower Saucon? Mr. Cahalan said the school district is paying for all of the signs. Mr. Kern asked if anyone in the audience cared to comment? No one raised their hand.

MOTION BY: Mrs. Yerger moved to close the public hearing.
SECOND BY: Mr. Maxfield
ROLL CALL: 4-0-1 (Mr. Horiszny- Absent)

MOTION BY: Mr. Maxfield moved for approval of Ordinance 2009-04.
SECOND BY: Mrs. Yerger
Mr. Kern asked if anyone had any questions? No one raised their hand.
ROLL CALL: 4-0-1 (Mr. Horiszny – Absent)

IV. DEVELOPER ITEMS

A. BRE AIR QUALITY REPORT – REQUEST COUNCIL DIRECTION

Mr. Kern said BRE is required pursuant to the Special Exception approval granted by the Zoning Hearing Board to perform bi-annual emissions stack testing. These reports have been submitted to the Township and staff is requesting direction on the review desired for these documents.

Mr. Cahalan said there's a letter in your packet from Brien Kocher indicating that they've reviewed the compliance stack test report for the landfill gas fired turbine inlet and outlet stacks at the Bethlehem Landfill dated January 7, 2009, and he offers some comments in his letter. We're asking under the special exception approval that was granted by the ZHB for the BRE plant, there were some conditions requiring them to perform this testing and now that we are getting the results of that bi-annual testing, he'd like to get some direction from Council on how you'd like that reviewed.

Mr. Kocher said in summary, in looking at the results of the testing, some of the limits exceeded the original permit limits that BRE had as far as air quality. They have since then applied for and obtained a newer general permit, which is less restrictive and they are in compliance with that new permit. Beyond that, and since he's not an air quality expert, he doesn't know what the difference between the permits are and even if they are relevant since DEP has issued the permits. The issue

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before you is do you want your air quality expert to look at it or do you just want to say they are in compliance with the DEP permit?

Mrs. deLeon said it's very relevant because the difference in the permits, DEP can do what they want, but the township has regulations that we have to follow. If they presented facts to the ZHB and now those facts have changed, then that might open up a whole other avenue as far as what they have to do as now that they are operating under conditions that we didn't really approve regardless of what DEP says. They still have to have a permit. Her question now is they are going to this general permit which is less restrictive? We spent a lot of money having consultants review this design and if we've asked them and presented testimony to the ZHB that these are the conditions we would like to see imposed, and now they are submitting to the township these results, we don't have anybody to understand them, then what are we doing? We need to have a consultant to review this. Whether we hire a consultant or not, are they in compliance with the ZHB changing their permit? Mr. Kocher said in looking at what the ZHB did, they put specific noise requirements on them and they did not do that with air. Mrs. deLeon said the township still approved it based on certain permits. Mr. Kern said initially there was a permit that listed what the air quality standards were? Mr. Kocher said issued by DEP. Mr. Kern said it clearly stated what the parameters were, and they exceeded that? Mr. Kocher said yes. Mr. Kern said at what point did they apply for the new permit, before or after they exceeded that? Mr. Kocher said after the test. He doesn't know if it was a result of the test or they had planned do it all along is part of a change in design, he has no idea. Mr. Maxfield said there was a NOV issued? Mr. Kocher said yes. Mr. Cahalan said it was never issued. Mrs. deLeon said because they then applied for this other permit. Mr. Kern said what was exceeded, do you know? Mr. Kocher said he doesn't have it with him. Mr. Kern said they then applied for a revised permit and DEP approved the revised permit? Mr. Kocher said it's his understanding that they did issue, but he didn't see the paperwork. Mrs. deLeon said at the last landfill meeting, they talked about it and the new permit was issued and the old one went away.

Mr. Maxfield said the person we normally use, Lou Militana, why don't we farm this out to him and see what he can report back to Council and whatever his report is, forward a copy to the EAC and the Landfill Committee

MOTION BY: Mr. Maxfield said moved for approval as stated above.
SECOND BY: Mrs. Yerger
Mr. Kern asked if anyone had any questions? No one raised their hand.
ROLL CALL: 4-0-1 (Mr. Horiszny – Absent)

Mrs. deLeon said is BRE in compliance with their sound levels? Mr. Kocher said they did submit data on that and it was reviewed and he would have to think they were in compliance or they would have brought it back to Council. He believes they have a written report on that. Mrs. deLeon said she'd like someone to check on that. Mr. Cahalan said he thinks that HEA did give a previous report and that they were in compliance. Mr. Kocher said it could have very well been as they got their occupancy permit and it was all connected to that. Mrs. deLeon said even though DEP didn't spell out a condition that they had to meet on certain stack testing, it was presented to them. This is what they would need as testimony. Attorney Treadwell said you mean the ZHB, not DEP. Mrs. deLeon said when they went to the ZHB, they said this is what they were going to do and it was going to be designed and it wouldn't be exceeding these limits and now that's all changed, so technically the ZHB made a decision not based on the right information. Mr. Maxfield said wouldn't we have to go back and see the ZHB transcripts? Attorney Treadwell said he'd have to see what the testimony was. He doesn't know if they told the ZHB they would obtain a permit from DEP and that's it or that they would obtain a permit from DEP that met, A, B, C, D, etc. Mrs. deLeon said maybe we should wait until we get the consultant's report. Attorney Treadwell said the ZHB decision doesn't specifically talk about air quality. The testimony had to include

something about it. Mr. Maxfield said if they verbally agreed to something in order to get their approval from ZHB, that should count.

V. TOWNSHIP BUSINESS ITEMS

A. SADDLE RIDGE STREET SIGN UPDATE

Mr. Kern said Saddle Ridge HOA has forwarded us information regarding the sign manufacturer and location of the Sir Walter's Way and Flint Hill Road sign relative to the ROW. Township Engineer will provide responses to Council on these two issues.

Mr. Kocher said the information they received from the HOA saying where the signs were made; that sign manufacturer was not on the list of DEP approved sign manufacturers. Roger has confirmed that. He doesn't have anything on the posts. They appear to be wood 4"x4" posts sticking out of the ground, twelve to eighteen inches, and then steel posts placed over that. It doesn't seem to be in any of PennDOT's approved sign post drawings, and he's not sure who the manufacturer was on that. Regarding where that street sign is, it's 69' or 70' from the center line of Flint Hill Road. It's not in the Flint Hill right-of-way; however, it's in the Sir Walters Way right-of-way and 69' is a little far from the intersection. He doesn't think you can see the sign real well heading down the hill. Mr. Maxfield said do you know what the width of the pavement is on Flint Hill Road? Mr. Kocher said no. Mr. Kern said the next step is a meeting with PennDOT? Attorney Treadwell said he had a conversation with the PennDOT representative and his comment was "unless the post has holes in it and meets the PennDOT regulation, he didn't see any need for a meeting". At the moment, the posts do not have holes in them. He doesn't even know if you drilled holes in that specific type of pole, that it would meet PennDOT regulations as Brien said it's like a 4"x4" and looks like a pressure treated solid piece of wood. If you drilled a hole in it, he doesn't think it would necessarily be a breakaway post. Mr. Kocher said there are standards for that, but the standards are for a 100% wooden pole. It's not for a steel sleeve with a support on the bottom, that is not the same type of thing. Charlie or whoever you talked to may have thought it was a solid wood post. Mr. Kern said that was the reason for the onsite meeting with PennDOT so they could take a look at it. Attorney Treadwell said the PennDOT representative asked is it a wooden post with holes in it? Attorney Treadwell said as far as he knows it's a wooden post and he did explain with a metal sleeve over it and the wooden post currently doesn't have holes. The PennDOT representative said he sees no reason to go out there. Mr. Kern said the issue is not the wooden post, it's the metal sleeve over the post. You can drill holes into the wood post to be PennDOT compliant, but once you put a metal sleeve over it, that's what we needed the PennDOT decision on. Do you need to drill holes in the metal sleeve or how do you handle that? Mr. Maxfield said the last time they heard PennDOT classified a certain type of wood which pressure treated may not fit. Mr. Kocher said there are approved wooden sign posts suppliers. PennDOT regs are very clear as he's said many times. The signs along the highway, state or township, must come from an approved PennDOT supplier and that goes for the breakaway support on the sign as well. We didn't write the regs. We didn't say they are great, but those are the regs. Mr. Kern said the issue is the metal sleeve over the wooden post. The HOA can make the wooden post compliant, but once a metal sleeve is placed over it, that was the reason for the meeting with PennDOT. Mrs. deLeon said what is the reason for the metal sleeve being placed over it? Mr. Kern said for decorative purposes.

Mr. Maxfield said he drove out around there this week and the metal covering is steel. It's pretty substantial. He noticed that there are light standards there which are aluminum that are probably breakaway. There are regular street signs that have the regular perforated channel bar. Those look like if a car would hit them, they would shear off. The steel pole does not look like that.

Mr. Kern said we would still like to get that answer from PennDOT. Attorney Treadwell said he will try again.

Ms. Karen Langendonk, Executive Director of the Saddle Ridge Homeowners Association was present. She said the posts are aluminum because they can lift them up and off with one person. They are an aluminum sleeve. The post is a 6"x6" pressure treated and back in 1999, they were probably Yellow Southern Pine. They are anywhere from 14" to 18" out of the ground. They go 2' below the ground. The aluminum post is hollow all the way up. It slides over the top of the 6"x6" post and it's held in by four screws at the bottom, which are probably an inch off the bottom of the aluminum. They are a 7/16th hex head screw. That wood, if hit, being aluminum, being square, would probably shear off and the post would go over. Mr. Kern said that's the whole reason we are having this conversation to make sure the pole does shear off, and we need PennDOT to say that. If they don't, then it's a liability issue. Ms. Langendonk said she's waiting for PennDOT to come, she wants it done and over with. It's been two years. Mr. Kern said even describing that it's metal to PennDOT isn't going to work. They need to be on site examining it specifically. Mr. Maxfield said he thinks it's steel, the HOA thinks it's aluminum. PennDOT needs to see it, feel it, touch it and make a decision as to whether it can be remedied into what they would consider a breakaway post so we won't be held liable. Mrs. deLeon said can you take one apart and take it to PennDOT, she's just trying to make it easy. Mrs. Yerger said would that be possible? Ms. Langendonk said they've been in for ten years. There are no extra poles. Mr. Maxfield said what makes you think they were Yellow Southern Pine? To be in the ground for ten years, they are probably pressure treated. Ms. Langendonk said pressure treated pine. They are going to be in the ground on the highway and they have to be Douglas Fir or Yellow Southern Pine pressure treated wood to go in the ground, two feet, cemented in. Mr. Maxfield said he didn't hear the description of pressure treated from PennDOT.

Attorney Treadwell said he will call PennDOT again and he will be persistent.

Mr. Kern asked if anyone in the audience had any questions or comments? Mrs. deLeon said we are trying to meet with PennDOT for township road issues, and we've been waiting six or seven months. Mr. Roberts said everyone should contact the District Executive at PennDOT and voice their frustration and he guarantees we will receive a response from PennDOT. Mr. Kern said we'll give that a shot.

B. WHITETAIL BOWMAN – HERITAGE CONSERVANCY DESIGNATION FOR CONSERVATION EASEMENT

Mr. Kern said Heritage Conservancy has been directed to prepare a draft easement for the Whitetail Bowman property. They are asking for Council direction on whether they should be designated a land trust beneficiary or a co-grantee?

Attorney Treadwell said there's a difference and he would be more comfortable if he could meet with Jeff Marshall before Council makes this decision.

Mrs. deLeon said we can't take any action tonight? Mr. Cahalan said we want some direction on the Whitetail Bowman's Club project. Attorney Treadwell said you can go ahead with the Whitetail Bowman project, the question Heritage had was whether the township wants to be a co-holder or a land trust beneficiary and that's the one he would feel more comfortable having a meeting with Mr. Marshall. Mr. Marshall can go ahead and draft the easement, he's just got to leave that issue out until we make a decision, so you can make a motion and have him draft the easement for Whitetail Bowman. Mrs. deLeon said we did that at the last meeting according to the email. Attorney Treadwell said he doesn't know whether a motion was made, even though his email does say that. Mr. Kern said let's cover the bases and do another motion.

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- MOTION BY:** Mr. Maxfield moved to have Jeff Marshall, our Open Space Consultant from Heritage Conservancy, prepare a draft conservation easement for the Whitetail Bowman property per future discussions with Attorney Treadwell.
- SECOND BY:** Mrs. deLeon
- Mr. Kern asked if anyone had any questions? No one raised their hand.
- ROLL CALL:** 4-0-1 (Mr. Horiszny -- Absent)

C. VICTOR ROAD TRAFFIC STUDY- DISCUSSION

Mr. Kern said Amelia Court residents have requested that the Township consider installing traffic slowing and/or pedestrian friendly devices on Victor Road. The Township Engineer has conducted a traffic study and will provide Council with information regarding traffic calming devices.

Mr. Kocher said not unlike street signs, everything that you do on a local road has to comply with PennDOT's requirements. PennDOT does have some allowable speed calming items that they suggest and allow, the first of which is police enforcement. Police can't be there twenty-four hours a day so they do allow for some other things. The speed trailers are one thing. Not every road can have its own speed trailer. Speed humps are now allowed, at one time they were not allowed. PennDOT does allow them on very particular instances. They do not allow them on state roads nor on collectors. This road probably would fall under one that PennDOT would allow you to put a speed hump on. He has gone over, in the report, the advantages and the disadvantages of speed humps. Speed humps do have a fair share of disadvantages, but they probably would be allowed here. Another item to consider for pedestrian safety is painted crosswalks and those green yield to pedestrian signs that you have seen in the Borough. PennDOT even was giving them away for free. Mrs. deLeon said she asked for them at the Heller Homestead and you said they were not allowed. Mr. Cahalan said that was because the blinker lights were already there. Mr. Kocher said with the blinker lights, they are not allowed. They are small and fluorescent green. Those are the speed calming options that PennDOT would allow you to choose from.

Mr. Kern said does anyone have any comment? Mrs. deLeon said she has comments, but she thinks she'd like to hear from the residents and see what they would like. Amanda Tamburro resident from Victor Road, was present. She was the most concerned person as she has small children and everyone on that road seem to have small kids. They like to go for walks as they are by Four Seasons and you try to cross Skibo Road, you are like a sitting duck just waiting to cross. It's a bit scary and not a safe place to go as there are no sidewalks nor white painted pedestrian right-of-way signs. There's nothing. The road is wide, and people do not typically park on it, so when people do park on it, you have to pay attention as the drivers are coming out of Four Seasons or Meadows Road as this is their cut through, and are just doing this to get down to 412. Mrs. deLeon asked how wide it was. Ms. Tamburro showed where the problem on Victor was. They are coming west on Skibo and turning left on Victor and if there's nothing coming, you can make that left turn very easily, and you don't have to slow. There are twenty-two children under the age of 13 on Nancy Lee, Amelia and Victor Road. They range from 4 months to 13 years old. It's a whole bunch of little kids. What concerns her is what if they don't stop at the stop sign and they go right through it

Resident, Tom Dooley showed where the traffic was speeding and his suggestion was to put a stop sign there. It's the easiest way to do it. Mr. Kern said in the information you provided us, PennDOT won't provide a four way stop unless these conditions are met. What if it's maintained as a two way stop and we do exactly that? Mr. Kocher said he didn't know as he didn't look at that. PennDOT does have guidance on what approach legs to put the stop signs on, we've got two cul-de-sacs here and that could be a problem. When you are on the main through street and you're at a stop sign, your perception is it's going to be a four way stop especially since there are two stub streets there. They may think you are going to stop and coming out of Victor, they don't stop. We can look at it if you want. Mr. Kern said what's the downside of doing a four way stop? Mr.

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Kocher said you have the statutory authority to place stop signs. Mrs. deLeon said we could put a four way stop sign there if we want. Attorney Treadwell said yes, you could. Mr. Kern said that seems to be the easiest solution and the least expensive. Mrs. deLeon said she's not for those speed bumps as people will speed up in between them. Then there are the snow plows and someone could really get hurt. Mr. Kern said that seems to be a logical first step – make it a four way stop and see how that works and we'll see if more measures are needed like painted crosswalks. Ms. Tamburro said the other problem was, once the Toll Bros. development became complete, the traffic also increased. It's not even the trucks. They had trucks coming through Victor Road going to Toll Bros. They turn very slowly, and they drive respectable through the development. It's mostly cars and people cutting through.

Mr. Maxfield said you mentioned since you can no longer make the left hand turn, it's gotten worse. The only people that would make sense for would be for Victor on down to the bridge. Are you getting Meadow's traffic? Mr. Dooley said Meadows traffic is coming through as they can't make a left. They pull out of the Meadows food place? Mr. Dooley said correct. They can't go out there, so they come up Meadows Road, make a right onto Victor, then make a right and go back down to 412, so there is an increase in traffic. They notice it when the people leave the Meadows parking lot. Mrs. deLeon said we want people leaving the Meadows to make a left hand turn to save the bridge. Mr. Maxfield said they are talking about the left onto 412. Ms. Tamburro said there is also the whole Phase I of the Mill Run Court development. She can't tell you how many people come out of Four Seasons and go straight rolling down the hill. If you are walking down on the left side of the road around the curve, she's yelled at people. They are cutting real close to the curb. Mrs. deLeon said short cuts are short cuts, how do you keep people from slowing down. Mr. Kern said we got a letter from your neighbor who is a State Policeman stating that in his opinion, a stop sign would be a potential solution, at least an aid to the problem. Our Police Chief says he sees no problem with introducing more stop signs there.

Mrs. deLeon said she would also like to ask that we don't wait as long as we waited for the stop signs at the bridge. Attorney Treadwell said we have to do an ordinance, so he'll bring that back at your next meeting. Mr. Cahalan said we'll order the signs and put them up the day after you approve the ordinance. Attorney Treadwell said if you advertise it tonight, we can adopt it in July. It will be the standard stop sign.

MOTION BY: Mr. Kern moved that we put two additional stop signs at that intersection, making it a four way stop.

SECOND BY: Mr. Maxfield
Mr. Kern asked if anyone had any questions? Officer Barndt said he would also request that stop lines be painted on the road and that the signs post also be reflective. Mrs. Yerger said she knows some neighborhoods have "Children at Play" signs in addition to the stop signs as they are saying there are so many children on this block. She doesn't know if that would be effective or not or something we could add in addition to the stop signs. Maybe even further down so it slows them down at the other end so people pay attention to the signs. Mrs. deLeon said there is a center line on Victor? Mr. Kocher said no, not necessarily on a development road. Mr. Kern said he will amend his motion.

ROLL CALL:

MOTION BY: Mr. Kern amended his previous motion to make it a four way intersection and adding a "Children at Play" sign wherever the engineer determines it is feasible and include stop sign striping and reflective post on the stop sign per Office Barndt's suggestions

SECOND BY: Mr. Maxfield amended his second

ROLL CALL: 4-0-1 (Mr. Horiszny – Absent)

MOTION BY: Mr. Maxfield moved to advertise for the ordinance on the stop signs and children at play signs.
SECOND BY: Mrs. deLeon

Mr. Kern said he'd like to ask our Engineer about a "No Through Traffic" sign? Is that something that could be done? Mr. Kocher said not that he's aware of. Mr. Kern said that road wasn't originally designed for through traffic and now it's encountering through traffic. Mr. Maxfield said you'd never be able to enforce that. Mr. Kocher said the structure of the road really isn't affected unless tractor trailers are cutting through there. Mr. Kern said it was just a thought.

ROLL CALL: 4-0-1 (Mr. Horiszny – Absent)

Mrs. Yerger asked Officer Barndt to thank Officer Shelly for helping a friend of hers today whose car broke down. He was very helpful and so nice to her. He called the tow truck and took her home.

D. CLOVER VIEW DETENTION BASIN – CONCEPTUAL SKETCH PLAN AND ESTIMATE OF PROBABLE COST FOR RETROFIT AND NATURALIZATION

Mr. Kern said the Township Planner and Engineer will present and discuss a draft conceptual sketch plan and an estimate of probable costs for the retrofit and naturalization of the detention basin at Clover View.

Mr. Kochanski passed out an updated sketch. He said the plan itself does not change as we have not gone into a detailed planning design at this time. It's more conceptual as to what types of planting they recommend be planted there based on the hydrology of the area. The main difference between the two options is alternative No. 1 is a much more intense planting throughout the different zones in the different areas and alternative No. 2 scales back on that. They broke that down to the different zones on the cost estimate. One from a planting of the basin area alone ranges between \$32,000 and \$35,000 and then going out into the areas outside the basin and around the parking area. The whole total between the two from alternative No. 1 is about \$136,000 and the alternative No. 2 is \$101,000 for the different plantings. Alternative No. 2, seeding alone is probably twice the amount or half the amount of planting as option 1 from a tree and shrub perspective. That's going to naturalize the woodland edge and start to bring out natural plantings into the meadow area. We are really looking at direction on how you would want to move forward. If you do not want more plantings, we'll take direction from you. Mrs. deLeon said was this in this year's budget? Mr. Cahalan said we didn't allocate a cost for this because we purchased it as open space at the end of last year. Mrs. deLeon said this is a lot of money. Mrs. Yerger said the timing of this was done with some grant funding rounds in mind, but we obviously can't apply for grants until we know how much something is going to cost. Mr. Cahalan said some of the engineering and planting costs are going to be run by Roger from Public Works and see if some can be done in-house. We will come back and see if we can make some revisions. This is to just give you a first look. Mrs. deLeon said our PW guys are scheduled to do certain things in the township, and to take them away from their regular jobs to do this, we would save money, but then other things get delayed also. Mr. Cahalan said this is township owned property, so there are some responsibilities we do have for this type of work. We just wanted to give you an idea of what the overall plan looked like. If you want to make any suggestions or changes, Kevin can take those back. We also wanted you to see what they are recommending for some of the plantings in case you wanted to reduce that or make some other suggestions. Mr. Kochanski said with the grant round, there is going to be some delay by the time you apply, receive the grant, and get all of those details worked out, so you are pushing this later into the year, and possibly into early next year for some of the grant round funding. It's not going to happen immediately. Mr. Cahalan asked if the plantings could be phased in over several years? Mr. Kochanski said you could start to phase some of that in. It's always cheaper and efficient to do that so you are not driving through the meadow you've already established and that would probably be the one thing you would want to do first. Mrs. Yerger said some of the grant rounding is in July, so to be timely do we need permission to work with Kevin on this. Mr. Cahalan said the DEP Growing Greener grant has a deadline of July 17. They will be putting together this grant and including these costs. That was another reason we

wanted to do this, and of course, the concept plan. The goal would be to come up with as much money as we can from grants or Public Works doing it in-house to reduce the cost. Mrs. Yerger said the guidelines from DEP this year for the Growing Greener, they want shovel ready projects. She would like to have Jack work on this with Kevin. Mr. Kern said how much grant money might be available out of \$135,000? Mr. Kochanski said he's not sure. Mr. Cahalan said we would go in for the full amount. Mrs. Yerger said we'd go for the whole thing and then scale back, and that's what they usually do. It's like the TreeVitalize where we went for the entire thing and ended up with \$10,000 out of it, which is still better than nothing. We had hoped for \$20,000. Mrs. deLeon said we would be responsible for the balance. The balance isn't in the budget and looking at this map, it says parking pad, is that the cost for a parking pads, and what about the cost? Mr. Maxfield said that parking pad is there already, it's where the sales trailer was. As to Public Works and their working in this area, a lot of these areas were dump zones when the development was going on, so from a liability standpoint, we're probably going to have to go in there and clean it up anyway. Mrs. deLeon said that would be a normal expense. Mrs. Yerger said even if we apply in July, the monies aren't going to be coming right away, so we don't have to come up with match money in July or August. You can project the projects out and it can be pushed into next year's budget. Mr. Kochanski said if you aren't fully funded, you can scale back the project and start phasing it. Mr. Kern said the best approach seems to go for the maximum one for the grant. Mrs. deLeon said will we be competing against that other grant since it's in LST? Mrs. Yerger said hopefully not as it's a Penn Vest grant. Mr. Cahalan said they will bring back the grant application to the July 15 meeting and will submit it the next day. Mr. Kochanski and Mr. Cahalan will work on the grant application.

E. **ORDINANCE NO. 2009-05 – REPEALING ORDINANCE NOS. 91-5, 84-5, AND 78-6 – AUTHORIZE ADVERTISEMENT FOR PUBLIC HEARING AND CONSIDERATION OF ADOPTION**

Mr. Kern said Ordinance No. 2009-05 has been prepared to repeal Ordinance Nos. 91-5, 84-5 and 78-6 which pertains to accessibility to certain lots of land, and the issuance of building permits for said lots and other structures within the Township.

Attorney Treadwell said these three ordinances, 91-5, 84-5 and 78-6 are now obsolete after you adopted your code, so this is just an ordinance to clean that up and repeal those three. You need to authorize it to be advertised. Mrs. deLeon said what code? Attorney Treadwell said the Code of Lower Saucon Township, the thick green book. It now includes all of the subject matter that was in those three. Mrs. deLeon said her recollection of 91-5 had to do with paper streets. Attorney Treadwell said it had to do with private driveways. Mrs. deLeon said private driveways that were leading to lots that were already subdivided. Attorney Treadwell said they were construction standards for private driveways. 91-5 required that the private driveway be constructed to the same standard as a township road. Mrs. deLeon said we also had a reduced standard for paper streets that were already there. We didn't eliminate any of that. Attorney Treadwell said no, it's covered in your township code book.

MOTION BY: Mr. Maxfield moved for approval for advertisement Ordinance 2009-05.
SECOND BY: Mrs. Yerger
Mr. Kern asked if anyone had any questions? No one raised their hand.
ROLL CALL: 4-0-1 (Mr. Horiszny – Absent)

VI. MISCELLANEOUS BUSINESS ITEMS

A. APPROVAL OF JUNE 3, 2009 MINUTES

Mr. Kern said the minutes of the June 3, 2009 Council meeting have been prepared and are ready for Council's review and approval. Mr. Horiszny had sent one change in on page 4, line 46, SECOND should be Mrs. de Leon, not Mrs. Yerger who made the motion

MOTION BY: Mrs. Yerger moved for approval of the June 3, 2009 minutes, with corrections.

SECOND BY: Mrs. deLeon

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

ROLL CALL: 4-0-1 (Mr. Horiszny – Absent)

VII. PUBLIC COMMENT/CITIZEN NON-AGENDA ITEMS

- Mr. John Roberts, an attorney practicing in Lehigh and Northampton Counties, was present. He said he's here tonight to make a presentation. He's been hired to represent an Allen and Patrice Gross who live on Black River Road in Upper Saucon Township. The county and township property lines cut across the edge of their property. They have a problem with a neighbor across the street who lives in Salisbury Township. The residence is in Salisbury Township, but the portion of his property on which the problems are occurring is in Lower Saucon Township. He has prepared a nine page letter on the problem. Mr. and Mrs. Gross came to him in an extremely agitated, frustrated state of mind because they have made complaints over the past year to the Zoning Officer here at Lower Saucon Township and they just keep getting rebuffed. They talked to their neighbors up and down the road and all of their neighbors have the same complaints, and some of them have made complaints to Salisbury Township and Upper Saucon Township and they said, sorry, the problem is in Lower Saucon Township. The sign for the dividing of the township is at the end of the driveway. Clearly it's taking place in Lower Saucon Township. He has a letter that outlines the history of the problem, what is taking place, and what the Townships response to date has been which has been pretty apathetic. He has a two page petition signed by neighbors saying they have read this letter and agree with the points being made in the letter. He also provided you with some mapping. Mr. Kern asked for the executive summary of what the problem was. Mr. Roberts said the problem is that the property across the street is owned by a gentleman named Kipp. He came to Mr. Robert's clients more than a year ago and asked them if he could move their mailbox. Their mailbox was at the end of their driveway by at the end of the street. His clients, wanting to be good neighbors, said what do you want to move it for? He said he would like to put a small parking area in for visitors and guests to his home. It seemed like a reasonable request and his client said sure, go ahead and move it, so Mr. Kipp moved their mailbox and began to build a pull off parking area across the street from their driveway. You can see the photographs showing the construction vehicles. They depict what has been going on for the last year. His clients sat back and watched the parking area being constructed and it was just a clearing of trees and shrubs, and he began parking a red dump truck there. It said on the side door of the truck, Kipp Construction Company. They watched as Mr. Kipp brought in a large construction trailer with planking, a front end loader, a truck mounted snow plow, and all of these things stayed there. He then, over the course of time, built this metal fence which looks like a farm fence where you keep your cattle. That's built in the right-of-way. All of these things were done without a permit by any municipality. The frustration of his client comes from when they came to your Zoning Officer several times and were told first that it's a different township, then were told they couldn't do anything as they weren't taxpayers in LST. They went to Salisbury and they said they've had several complaints from neighbors about that, but they can't do anything as it's in LST. She came back and the LST Zoning Officer said try Upper Saucon Township. Mr. Kern said the fence and all the clearing in Lower Saucon Township and how many feet? Mr. Roberts said yes, plus there is an unnamed tributary. Originally the idea was for a couple of cars. Mr. Kern said the reason he asked is a certain amount of square footage could fall into the township grading ordinance which he would have had to get a grading permit. Mr. Roberts said with a review of your ordinances, there's probably a half of dozen ordinances

that probably have been violated in the process. He came into this after the fact. His clients are frustrated because they didn't get any response from Chris Garges. Mr. Kern said we as Council, are a check and balance to make sure Mr. Cahalan and staff are doing their job. This information about Chris is uncharacteristic as he's top notch and on top of his job. To hear this, he's very surprised. Mr. Roberts said Mrs. Gross made memos of her conversations at the time they had the conversation. The letter characterizes what happened. He's had experience with Chris, and frankly, that was his reaction, he thought he was a pretty top notch and knowledgeable guy. He looks to enforce the ordinances. They didn't feel comfortable coming in and complaining themselves. The letter shows a chronological order of events and lays out the contact with the township. It's nine pages long. Attorney Treadwell said this aerial photograph does not show the current status of the property, where the parking lot is? Mr. Roberts said it's in the lower right hand corner and the contention of the Zoning Officer was it's been there for years. It's from 2007. Attorney Treadwell said the areas that this depicts isn't shown on this. Mr. Roberts said correct. Mr. Garges insisted to his clients that it's been there for years and he said he's also confirmed it with the head of Public Works that there was a pull off area at that location for a long time. Mrs. Gross said she responded that she's lived there for fifteen years and she's telling him there isn't any and her husband's been living there for twenty-eight years and will tell you there wasn't any. The people who signed the petition that accompanies the letter all agree that there was no pull off area until Mr. Kipp created it. Council looked at the pictures of the parties involved. Mr. Roberts said the neighbors and Mr. and Mrs. Gross feel betrayed because Mr. Kipp said this is just for a pull up to the house. They have more detailed information, photographs and ledgers if you need to see them. He would like this investigated and would like to get an answer. It's a pretty obvious situation as the photographs show. They would like the ordinance enforced. Mr. Kern said they will direct the Manager and Zoning Officer to aggressively pursue this and report back to us at the next Council meeting on July 15, 2009.

Mr. Maxfield said he's unclear who the real enforcement agency would be even though there's a point to the taxes being paid, the point it's in our municipality, and would ask that we get an opinion from Attorney Treadwell who the real enforcement agency is for this. Mr. Roberts said the tax bill has nothing to do with it. Attorney Treadwell said it's more of a question at this point of where the line is. He sees what the pictures show, so he and Mr. Cahalan will talk to Chris and figure it out and come back and tell you what's going on. He doesn't know whether Chris said that it's not in the township as he thinks the line is in a different spot. We have to find out where the line is. Mr. Maxfield said there is a reason Chris is saying that. We need to get the bottom of who is going to take care of the problem. Mr. Roberts said there are township vehicles that pull up and talk to Mr. Kipp for fifteen minutes, and then turn around. Attorney Treadwell said he's sure that would play no role whatsoever in what Chris would do. Mr. Cahalan said our township vehicles do turn around and come back in on the township roads. Sometimes they do it on people's driveway to come back on a return trip to the township. Mr. Kern said he can assure you that if they find out the property is indeed in LST, the issues will be handled.

Mrs. deLeon said what is the process you talked about where we have thirty days to take action. Attorney Treadwell said they have to give us thirty days notice before they take action. Mrs. deLeon said until they take action, what would that action be? Mr. Roberts said they make a complaint to LST, they have the right to file a complaint, but they have to give you a copy of that complaint. Mr. Cahalan said this is the first he's ever heard of this situation tonight and he's been here five years and never had a conversation or a call from Mr. or Mrs. Gross about Chris's performance.

VI. COUNCIL AND STAFF REPORTS

A. TOWNSHIP MANAGER

- Mr. Cahalan said you recall, Jennifer Heisey was here from the Appalachian Mountain Club and was in the process of forming the PA Highland Trails Network for Upper Bucks and Lower Northampton County Steering Committee and that consisted of representatives of each of the municipalities and the PA Highlands. Sandra Yerger has indicated she

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would be interested in serving on this committee, so we'd like Council to move to appoint her to that position tonight.

MOTION BY: Mr. Kern said so moved.

SECOND BY: Mrs. deLeon

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

ROLL CALL: 4-0-1 (Mr. Horiszny – Absent)

➤ Mr. Cahalan said he got a call from Congressman Dent's office, and a representative there said the Congressman would like to come to the Township on Tuesday, August 25 from 10 AM until noon to meet with constituents here in our Council chambers. From 10 AM to 11 AM, the Congressman would update our residents on what is happening in Washington while getting feedback from the constituents. From 11 AM to 11:30 AM there would be questions and answers. From 11:30 AM to noon, Congressman Dent would like to meet privately with township officials to better understand our needs and provide solutions when possible. Mr. Cahalan indicated to the representative that our meeting room is open to the Congressman. If you have the time, you can schedule that. It's August 25 at 11:30 AM. Mr. Kern said how's he advertising this? Mr. Cahalan said Congressman Dent will generally put something out on his website. We'll put something out on our website also.

➤ Mr. Cahalan said we received news from Fran LaBuda's family. Fran has been having some serious medical issues and has been hospitalized. One of his family members sent in an email stating that Fran wanted to let us know he could no longer serve on the Planning Commission or the Pension Advisory Committee. He's been on Planning for nineteen years. If you want to accept his resignation, we will send him a card thanking him for his service and he will advertise the openings. They also sent him a "Get Well" card. Mr. Maxfield said can we say we accept it with grave regret? Mr. Cahalan said yes.

MOTION BY: Mr. Maxfield moved for approval to accept Fran LaBuda's resignation and have Mr. Cahalan sent him a letter of thanks.

SECOND BY: Mrs. deLeon

Mr. Kern asked if anyone had any questions? Mrs. deLeon said he's going to be missed on the Pension Board with his experience as he was really good.

ROLL CALL: 4-0-1 (Mr. Horiszny – Absent)

➤ He said the SEPTA Rail to Trails, and they are still trying to finalize the lease. He did speak to the Chief Engineer at SEPTA and they have agreed to put up Jersey barriers blocking any access to motor vehicles and ATV's at each of the access points in all of the four municipalities. The Public Works Directors in the four municipalities will be working with the contractor next week to place those barriers.

B. COUNCIL/JR. COUNCIL

Stephen Prager – None.

Mr. Maxfield

➤ He said in the past, we've contributed to the Lehigh Valley Watershed Conference, and he was going through some old papers, and in May the LVWC gave notification and he missed it. In the past we gave \$500 to them, and then we are in the sponsor category. He would ask that we do the same this year - \$500 to Lehigh Valley Watershed Conference, which is in October.

MOTION BY: Mr. Maxfield moved for approval to contribute \$500 to the Lehigh Valley Watershed Conference.

SECOND BY: Mr. Kern

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

ROLL CALL: 4-0-1 (Mr. Horiszny – Absent)

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- He said he knows that through the grapevine our Authority had a pretty good review in Hellertown and got the okay to proceed with the Act 537 plan. They've come before us to explain the plan before, but we never gave a final okay on the Act 537 plan. He went through some of the old information and now that we are going to be dealing with this in the future, he would like a couple bits of information if they could supply it to us before we get into any kind of discussion. In their needs study in the area they have a term they use which is confirmed malfunction. He would like to know what that encompasses, whether it encompasses fixable systems or all failures, and if they are not all failures, how many confirmed malfunctions would actually be system failures. There's a statement in there that says they divided the areas into sub areas, and they said all the sub areas meet the DEP criteria for need. He would like some more definition on that because one of the sub areas is one that we dealt with before which is Polk Valley Road, and we were talking about one system in eight that was a confirmed malfunction and somehow that demonstrated need. He would like to know more about that before we proceed. Mr. Cahalan said he can ask them to provide the information to us, and Gar can provide it in writing and if you want him to come in here to discuss it, he can do that. Mrs. deLeon said she knows Gar is pretty good about putting updates on his website. There might be information there. Mr. Maxfield said these are questions he had after reading the need study that was provided.

Mrs. Yerger

- She said thank you for appointing her to the Steering Committee for the PA Highlands Trail. She did go as the unofficial representative for LST last night and Jennifer is very excited about looking to incorporate the Rails to Trails system into that whole hiking section.

Mr. Horiszny – Absent

Mr. Kern

- He said he was curious whether the folks in Clover View, who made that request a couple of weeks ago, whether or not we responded to them? Mr. Cahalan said yes, the Solicitor sent a letter to the gentleman.
- He said he had the good fortune of golfing at Lehigh Country Club yesterday, and he was there a year ago and within a certain area, they had an unbelievable wildflower meadow in bloom in less than a year, so he's thinking it might not be a bad idea to get in touch with who was responsible for the garden at Lehigh Country Club and see how they created that magic in such a short of time. It was a magnificent wildflower meadow.

Mrs. deLeon

- She said if you recall when Ben Franklin Technology Center was here with their development, she complained about the drainage grates in the road and how they are three feet in. Now in the City part, they have painted white areas around them, so if you are driving along and you are coming to the grate, they painted it white like an L. You really see that they are there. Then you get to LST and they are not painted. It's kind of an obvious thing that should happen. Is there any way we can do the same thing on South Mountain Drive? Mr. Cahalan said what is the purpose of the painting? Mrs. deLeon said she really thinks it's a safety thing. Mr. Cahalan said he will look into it.
- She asked if Mr. Cahalan got the traffic report from the casino? Mr. Cahalan said that's still being compiled by Hanover. It hasn't been distributed to the municipalities yet. She said on the way over here, it took her twice as long to come to the Township. She's just noting it for the record. Have we heard anything about the committee selection yet? Mr. Cahalan said the last thing the County Council was considering was to revise the number of representatives on the Gaming Authority. They were going to replace the County Executive and County Controller with representatives from up in the northern part of the

County. Once that is done, they have to talk about getting the committee up and running. He hasn't heard anything about it.

- She said the stop sign on the down side of the Meadows Bridge, she stopped for the stop sign, she sees the bridge, she sees the hump, but she can't see over that hump, and she doesn't know if a car is coming. Mr. Kern said what's the alternative? Mrs. deLeon said she doesn't know. If you stop for that stop sign and you can't see anything, you stop and go through the motions, and then you go. Then you get into an accident, and they are going to say you went through the stop sign, but you really couldn't see anything. Mr. Kocher said with a lower car, you can't see. The stop sign hasn't changed. We had hoped that the stop sign would stop traffic on both sides of the bridge so they wouldn't come through at 45 MPH and fly over the bridge. Maybe while you are stopped there, by the time you stop and start again, if there is a car stopped on the other side and is starting to come over, you should be able to see it. The bridge wasn't designed for motor vehicles. Mr. Kern said the double stop sign does answer that. It makes it safer as otherwise they are coming over 35 MPH instead of from a stop. Mrs. deLeon said most people when they stop, and they step on the gas, they are going. Mr. Kern said but they are not going as fast as a momentum filled car coming over at 40 MPH. Mrs. deLeon said it's a foolish stop sign. Mr. Kern said what is the alternative: not have a stop sign, continue through, and then encounter a car? Mrs. deLeon said before the stop sign was there, she always would be going the same speed as when she stopped and went over the bridge. Mr. Maxfield said the inability hasn't changed, stop sign or no stop sign. Mrs. deLeon said all it does is makes the person who is in an accident at the top of the bridge, "oh you went through the stop sign, you didn't see the car", and you couldn't see the car anyway. She's just thinks it's not in a good place and should be removed. She's in an accident on the top of the bridge, the cop is probably going to assume you went through the stop sign. Mr. Kern said he doesn't get that reasoning how they would assume that unless you went through the stop sign. Mrs. Yerger said how would they blame you, as they don't know if it was the other car coming from the other side as it takes two cars to hit.
- She said we have that PennDOT meeting on Thursday? Mr. Cahalan said yes, the 25th at 10:00 AM. She said Mr. Cahalan had provided a pdf document for a meeting when they were going over the PennDOT roads, could you please send it to her? Mr. Cahalan said there was a bulleted list and yes, he can send it to her.
- She said after Kingston Park, we got an email from a resident and member of the Historical Society, and she was a little bit confused. She felt that some of the comments, he didn't want them to comment on the park plans because everything had been addressed before, did she miss something? What did we address before? Mr. Cahalan said do you mean the email from Fran Robb? Mrs. deLeon said yes. Mr. Cahalan said he thinks what he was talking about was the discussion about the location where the port-a-potty was going to be, had been addressed before and then it seemed to be going back to relocating them. What he was saying was that Council had already decided they wanted them over in the tree line by the parking lot. There was also a discussion on the trails and Council had already made a decision on these. Mrs. deLeon said we didn't make that decision. Mr. Cahalan said we brought up the concept plans, things were removed, the trail system on the school property was removed and for the port-a-johns Council requested that they be placed in the Kingston Park property by the tree line, so there had been decisions made and direction given to the Planner on that. Mrs. deLeon said her point being, even though they had made those plans, Council can change it and ask questions. Mr. Maxfield said the real question about the restrooms was the trails to make it ADA complaint and we did discuss that. Mrs. deLeon said Mr. Robb said we shouldn't have even discussed that because we had already approved it, but it doesn't matter if it was approved, we can bring up anything that we want. There were a lot of meetings that were held and didn't involve all of Council because of the quorum issue, so there might have been things discussed that she wasn't aware of, so she has every right to ask. She's a little bit offended by it. Mr. Robb doesn't understand the consequences of the Sunshine Law violation. She just wanted to bring it

out publicly. Does he need a letter sent to him addressing his statements? He technically wrote a letter to us and we need to respond to it in just saying we have a right to talk about whatever we want to talk about. Mr. Kern said if you want to respond to it, you can respond to it individually. He would not respond to the letter, but you can choose to. Mrs. deLeon said she just wanted to bring it up and have it on record. No matter what anybody says, we have the right to ask questions and talk about whatever we want to. Mrs. Yerger said he seemed annoyed. Mrs. deLeon said we didn't do anything wrong. Mrs. Yerger said no, we didn't. Mrs. deLeon said it's not going to change the way she does business up here. Mr. Maxfield said maybe Mr. Robb didn't know what we were talking about.

E. ENGINEER

- Mr. Kocher said if you go out to the Meadows Road Bridge on the southeast corner of the bridge, you will see a stake with orange ribbon on it, which is where he and Roger are suggesting you may want to put the historic sign. If you don't like that or have any comments, let Mr. Cahalan know.

F. SOLICITOR

- Attorney Treadwell said Chris Garges wasn't here to respond to what Attorney Roberts said and he can't believe some of the stuff he said, and he doesn't think it's as cut and dry as Attorney Roberts made it sound. He remembers the dog kennel that was in Salisbury Township, the address was in LST, he doesn't remember what the resolution to that was, but there is an issue on the house, the residence is located with the driveway, in one township. It's not really who pays taxes. It's not as cut and dry as he made it seem, but they will definitely look into it.

G. PLANNER

- Mr. Kochanski wanted to give you an update on the "No Mow" signs that they were working on. Back at your April 15 meeting, we had talked about the language of the signs and we came up with the idea of doing a township watermark behind to give it some kind of authority from the township's standpoint. They have been working with staff on getting the logo and recently got it incorporated. Before he goes ahead and contacts the sign manufacturer to get updated pricing, he wanted to bring it back to Council to see if you had any comments or suggestions before he made any more of an effort. Mr. Maxfield said the only thing he talked to Leslie and Jack about was the concern that the type has enough contrast in the background so there is no confusion about what it says. The logo in the background, contrast wise, should not be very far apart and the lettering should be very far apart. Mr. Kochanski said they played with it for a little bit of time manipulating it, but it's more of a concept he wanted to get over to the sign manufacturer and let them use their experience and tools available to do that. They have very limited ability with the software applications that they are using. It did actually lower it from the 30% resolution and took it down further, but he couldn't get a good copy of it to print. This is an idea of what it would look like. Mrs. Yerger said would anyone object to getting rid of the Inc. Keep the Lower Saucon logo as it's very recognizable, get rid of the Inc., it doesn't have to be there and it would be less busy. Mrs. deLeon said why does it have to be in the background, couldn't it be a little logo somewhere. Mr. Maxfield said if you make it that small, it's going to begin to distort and the type won't be recognized. Mr. Kochanski said when he made his first contact with Horizon Signs, they gave him a rough price and an electronic copy of what it would look like. Without knowing anything of what we were doing, they indicated a price of about \$38 to \$40 to give you a single sign and show you what all the signs would look like. If we could coordinate with them and get a sign and spend a great deal of money, take a look at it, and make adjustments at that point. They even indicated we could change wording on the signs, one sign or 100 signs, it was still the same price. Mrs. deLeon said where would we put these? Mrs. Yerger said in the naturalized areas which would be Polk Valley Park, Southeastern Meadow, and that's why it's universal so it could be applied to all of them. Mr. Cahalan said we do have the option of doing two different signs. They will bring

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both samples back. Are there any recommendations on color? Mrs. Yerger said our logo usually shows up in green and the print would be dark. Mr. Maxfield said maybe a dark green background with a light green watermark on top of it so maybe white letters, something that gives it contrast. Mrs. Yerger wants to get rid of the Inc. Mr. Maxfield asked Mr. Kochanski to eliminate that. Mr. Kochanski asked if the sign manufacturer will need to recreate that and is there a cost associated with that. It's not an issue to remove it in Photoshop. Forward it to Mr. Kochanski and he can make an adjustment to remove the Inc., that's not an issue. Mr. Maxfield said it will take him one minute to remove it before he sends it to Mr. Kochanski. If everyone is in agreement, he will send it to Mr. Kochanski. Council members said they are in agreement.

VII. ADJOURNMENT

MOTION BY: Mrs. Yerger moved for adjournment. The time was 9:16 PM.
SECOND BY: Mr. Maxfield
Mr. Kern asked if anyone had any questions? No one raised their hand.
ROLL CALL: 4-0-1 (Mr. Horiszny – Absent)

Submitted by:

Jack Cahalan
Township Manager

Glenn Kern
President of Council