

**I. OPENING**

**CALL TO ORDER:** The General Business & Developer meeting of Lower Saucon Township Council was called to order on Wednesday, June 21, 2006, 7:04 P.M., at 3700 Old Philadelphia Pike, Bethlehem, PA, with Mr. Glenn Kern, Council President, presiding.

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

**PLEDGE OF ALLEGIANCE**

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

**Mr. Kern said Council did not meet in Executive Session tonight.**

**II. PUBLIC COMMENT/CITIZEN AGENDA ITEMS**

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

**III. PRESENTATIONS/HEARINGS**

**A. PUBLIC HEARING – ORDINANCE 2006-06 – BALLOT REFERENDUM FOR OPEN SPACE TAX**

Mr. Kern said Ordinance 2006-06 has been advertised for a public hearing and possible adoption at tonight’s meeting. This ordinance, if passed, would authorize a question to be placed on the November ballot asking whether residents would approve a quarter of a percent (.25%) increase to the Earned Income Tax (EIT) in order to acquire and preserve open space within the Township.

**MOTION BY:** Mr. Horiszny moved to open the hearing.

**SECOND BY:** Mr. Maxfield

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

**ROLL CALL:** 5-0

Mr. Kern said the hearing is now open. Is there any comment from anyone on staff? Attorney Treadwell said it’s ¼ of 1% tax and the only purpose of this ordinance is to place it on the ballot to see what the electors want to do. At this point, you just need to take public comment. Mrs. deLeon said residents have approached her and support this. Mr. Kern said this ordinance 2006-06 is one of the clearest ordinances he ever read.

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Mr. Kern asked if anyone in the audience had any comments? Allan Johnson, resident, was sworn in. He said he's in favor of this ordinance and of an increase in the EIT, the proceeds of which shall be used to preserve open space including agricultural land. He believes it is important to preserve the agricultural land that is remaining in LST because, as many people know, there are scientists and oil geologists that feel that the world is running out of oil. The peak production of oil in the world has already been reached, and from this point out, there will be less oil available for people to use. Oil is a major component of the production of food. Oil is necessary to run the tractors and farm machinery to produce the food. It's necessary to produce fertilizers to produce the food, and it's also very important to transfer the food from the various places in the world where it's produced to LST. As oil becomes more and more unavailable, and more and more expensive, the cost of transporting food to LST is going to become more expensive. Consequently, it's important for us to preserve the existing farmland that we have in LST so that people in the future can grow food locally to help support themselves. Many people won't be able to pay the increased price of food that is transported from other places in the world. Another reason, here in PA and Northampton County, there has been money set aside to preserve open space and agricultural land. Most of the agricultural land is prime agricultural land and the way they define whether or not it is prime for agricultural use, is the type of soils that the land is. Here in LST we don't have a lot of land that is defined by the State as prime agricultural land. We also know that the farmland we have in LST grows lots of crops. Because it's not prime agricultural, we are not likely to get money from the State to preserve it, so that's a reason why we have to raise our own funds here in LST to preserve our farmland.

Ms. Stephanie Brown, resident, was sworn in. She said this is a bad idea. It's too late for this area in terms of open space. The bigger problem is the state law of PA and municipal planning codes. That is what needs to be fixed. We pay enough taxes around here. Part of the PA municipal planning code says there is supposed to be variety types of housing, etc., and she doesn't see that in a lot of PA. She can't support this because basically all you are doing is raising taxes and putting a band aid on something that needs stitches. How many years ago when they first put I78 through - that's the time to have done something. Where she lives there will be no chance to have open space. You are creating little isolated patches of environment. She'd like to hear from Council what they are going to do with this land.

Mr. Kern said the ordinance says "the township shall use the money to do one or more of the following: (a) acquire agricultural conservation easements. The township could purchase agricultural conservation easements, or participate in State or County land preservation programs that acquire agricultural conservation easements, an agricultural conservation easement allows the landowner to retain his/her land and use if it is for farming and other agricultural purposes. (b) Finance the acquisition of open space. The township could purchase undeveloped land in the township in order to protect sensitive natural areas such as woodland, stream, valleys or other unique natural resources or habitats. (c) Finance the acquisition of recreation or historic land. The township could purchase land in the Township for the purpose of developing additional recreational facilities for residents or for historic preservation purposes. (d) Acquire property development rights. Under this option, a landowner would sell the development rights of a property to the township. The township would retain the property, but the property could not be developed". That's what the township plans on doing with the increase in the EIT. It's a public document.

**MOTION BY:** Mr. Horiszny moved to close the hearing

**SECOND BY:** Mr. Maxfield

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

**ROLL CALL:** 5-0

**MOTION BY:** Mr. Horiszny moved to approve the referendum – Ordinance 2006-06.  
**SECOND BY:** Mr. Maxfield

Mr. Kern said Council has experienced a lot of public hearings before where the audience is packed. To him, that's an indication that it's not packed tonight, it's a positive sign. Everyone on Council has made it clear as to what their position on open space is. There's a trust that we are going to do the right thing when it comes to open space. Mrs. deLeon said back when we did our Comprehensive Plan, that was the big thing then, open space preservation. Mrs. Yerger said she doesn't know the last time Stephanie was to the eastern part of the township, but there is quite a lot of agricultural land left and also a tremendous amount of natural resources left, a lot of wooded valleys with streams. One of our guiding documents will be an open space plan that is in its final stages. There will be criteria on why this land is important to preserve as open space. Mr. Maxfield said the other day he was coming home on I78 and looked at the eastern part of the township and it was a sea of green. It's not too late right now. This Council is on the ball right now and we intend to push this agenda. Mr. Horiszny said we need to have money available for matching grants. If we don't have that money available, we'd lose out on state and national grants. Mrs. Yerger said the "Growing Greener" was passed at \$625 million that is being made available to municipalities who can come up with some funding to finance their open space as it is match money. We need to have that money. Mr. Kern asked if anyone in the audience had any more questions or comments? No one raised their hand.

**ROLL CALL:** 5-0

**B. RESOLUTION 44-2006 – RECOGNIZING LOUIS P PEKTOR, III AND ASHLEY DEVELOPMENT CORPORATION FOR THEIR GENEROSITY IN ASSISTING WITH THE REPAIR AND RENOVATIONS TO THE LUTZ FRANKLIN SCHOOLHOUSE**

Mr. Kern said resolution 44-2006 has been prepared to recognize and thank Lou Pektor, President of Ashley Development for his generous donation to the Historical Society to help with the completion of the Lutz Franklin Schoolhouse.

Mr. Kern read the resolution:

**LOWER SAUCON TOWNSHIP  
RESOLUTION #44-2006**

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**RESOLUTION RECOGNIZING LOUIS P. (LOU) PEKTOR III AND ASHLEY DEVELOPMENT CORPORATION FOR THEIR GENEROSITY IN ASSISTING WITH THE REPAIR AND RENOVATIONS TO THE LUTZ-FRANKLIN SCHOOLHOUSE**

**WHEREAS**, the current Lutz-Franklin Schoolhouse was constructed in 1880 on a site located at Limpar and Countryside Lanes that had been used for educational purposes and social events since the mid-1700's; and

**WHEREAS**, the building was utilized to educate township children from 1880 until 1958 when its use was discontinued; and

**WHEREAS**, the Lower Saucon Township Historical Society operated the Lutz-Franklin Schoolhouse Museum in the building from 1971 through 1984; and

**WHEREAS**, due to a lack of maintenance the building gradually fell into a state of disrepair which endangered the valuable artifacts stored in the building and forced the closing of the museum; and

**WHEREAS**, the Township took ownership of the building in 2003 and through the efforts of the Township Council and the Lower Saucon Township Historical Society plans were formulated for the repair and renovation of the building; and

**WHEREAS**, Lou Pektor and Ashley Development, stepped forward and generously donated \$150,000 toward the cost of these repairs which have included a new slate roof, a refurbished bell tower, interior ceiling, refurbished porch and chimney, new ceiling lights, floor restoration, interior and exterior painting, and heating and electrical upgrades which will allow the building to be used by Historical Society as a historical educational museum.

**NOW, THEREFORE, BE IT RESOLVED**, that the Council of Lower Saucon Township, Glenn Kern, President; Priscilla deLeon, Vice President; Thomas Maxfield, Council Member; Sandra Yerger, Council Member; and Ronald Horiszny, Council Member; hereby recognizes and salutes the generosity of Lou Pektor and Ashley Development which was instrumental in completing the restoration and returning the schoolhouse to a symbol of great pride in the township.

ADOPTED and ENACTED this 21<sup>st</sup> day of June, 2006.

**MOTION BY:** Mrs. deLeon moved for approval of resolution 44-2006.

**SECOND BY:** Mrs. Yerger

Mr. Kern asked if anyone in the audience had any questions or comments? A representative for Ashley Development said Mr. Lou Pektor couldn't be here this evening. They had 100 people from the township at the dedication and President Kern and Councilman Maxfield were attending this wonderful event for the township. While sometimes developers don't have the kind of positive spin or interest from residents, Ashley Development's whole philosophy is to protect land where it has the opportunity to do that. People want to live in LST. It's a desirable area to live. There's a lot being done by Ashley in the township. This is a pleasurable thing for Lou Pektor and he's very proud of this. Mrs. deLeon said she was also there that day and it was a great day to celebrate. Mr. Maxfield said it was really a beautiful experience to walk into that building. Mr. Kern said it is a testament to what can happen when everyone has a similar focus. He acknowledges all the residents that are here today. Without the Historical Society, Lorraine Torrella and all the volunteers, this would have never happened. The President of the Historical Society said they couldn't have done it without Ashley Development and Lou Pektor and all the volunteers. They can't wait until they can open it and give it back to the Township and bring the children from the schools for the dedication.

**ROLL CALL:** 5-0

### **III. DEVELOPER ITEMS**

#### **A. TURNBRIDGE PARTNERSHIP – REQUEST COUNCIL TO REVIEW CUL-DE-SAC AND IMPERVIOUS SURFACE**

Mr. Kern said the applicant is requesting Council review their proposal regarding a cul-de-sac and impervious surface issue and give them some type of direction so they may formulate their plans.

Mr. Andrew Schantz, Attorney, representing Turnbridge Partnership was present. He said they introduced this plan some months ago to the PC. When they were there, a question arose as to whether or not the PC desired a cul-de-sac in the two lot subdivision. The PC suggested that we design the plan with a cul-de-sac in mind. They went forward with those plans. Because of the cul-de-sac, they were forced into requesting some additional variance requests and impervious coverage, which is the last time he was here in front of Council. At that point, the impervious coverage was a little bit uncertain from their end as far as the exact calculations. They were sent

home to better calculate their impervious coverage. They've been working with Staff, Engineer and the Planner. They've been at a stalemate with their design as they don't know if Council wants to see the plan with the cul-de-sac or without the cul-de-sac, he has a small chart that shows the impervious coverage where they are under the allowable impervious coverage by about 450 square feet. With the cul-de-sac, they are over by about 4,000 square feet, so they are looking for direction from Council so they can move forward with their plans with the cul-de-sac and more impervious coverage or no cul-de-sac and less impervious coverage. Mr. Maxfield said the PC recommended the cul-de-sac. Attorney Schantz said the last time they were before the PC, Chris Garges said he would check into if they could design a cul-de-sac with a planting island in the middle of it. It's his understanding through Chris that when he went to Public Works, they were not in favor of the island. Mr. Maxfield said it's an oddly shaped cul-de-sac because of the available property. It's not really a full cul-de-sac.

Mrs. Yerger said wasn't there some possibility of looking at sharing a driveway? Mr. Maxfield said it was suggested to reduce impervious coverage. Attorney Schantz said which ever way you decide to go, they will be back for some other variance requests. There were the site capacity calculations where they were under the two lots at 1.942 and there are some requests for the disturbance of greater than 25% of steep slopes. Mr. Maxfield said the natural resource calculations, have they been examined by our Planner? Attorney Schantz said it's his understanding that their engineer and the Planner have been working closely and she's been very cooperative and on the same page with this.

Mr. Kern said the township requested the cul-de-sac because of fire considerations and snow plow considerations. Once you did that, it triggered impervious coverage problems. The choice before us is exceeding the impervious coverage and having fire safety and snow plow ease versus not increasing impervious coverage and just keeping infiltration at an optimum level versus having the snow plows back up and having fire truck issues. Mrs. Yerger said with all the variances, they are going to have to be granted to make this two buildable lots. This could be one lot. Will this solve all these issues and variances? Will it make it go away? Attorney Schantz said it is already two lots. We're consolidating the two lots and then re-subdividing them into two differently configured lots. Mr. Horiszny asked if they were buildable lots? Attorney Schantz said one definitely is, and you might be able to put a modular home up there on the other one and put a long driveway in. It's an existing non-conforming lot. He doesn't know what you could do with it.

Mr. Maxfield said the problem is we're asking them to do something they probably don't have to do for safety. He wouldn't have a problem waiving the impervious surface if our Planner had not witnessed storm water problems on the site. He needs to know more about the storm water problems on the site. We need more information and make sure the storm water is dealt with. He thinks we should put in a cul-de-sac for fire safety. The plow can take its time, but the fire truck has got to get there.

Mrs. deLeon said we have two lots. The one lot, she can't imagine putting a house on the little lot. That gives you a bigger area now. For you to have two lots, you still have to subdivide it. Mr. Maxfield said there isn't a problem acreage wise. Attorney Schantz said he's not certain if on that lower lot alone if you could subdivide it and make it two. Mr. Maxfield said even after you merge the two pieces, you can get two lots. Mr. Birdsall said they've tried to make two lots out of the merged property, and are having problems doing that with a reasonable development pattern unless they get some variances. They are close to allowing two lots but there are some variances. Mr. Maxfield said one of the things the PC was looking at was the original lot was pretty strangely shaped and we would be getting rid of that and creating two more normal shaped lots, and also cleaning up the vacated street. Mrs. deLeon said if you just had one lot there, you wouldn't have all these other issues. Mr. Maxfield said again, they are at 1.9. Mrs. Yerger said the issues are some of the other variances.

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Attorney Treadwell said the question before you tonight is just the cul-de-sac because they will have to come back with the other variance. Mrs. deLeon said they wouldn't need a cul-de-sac if there was only one lot. Mr. Birdsall said it would be an existing non-conformity where they could get one building permit on the one large lot without coming through the PC. There could still be problems with storm water, but your lot grading ordinance would protect you there. Either way, there will be a storm water management plan.

Mr. Horiszny said considering it's carbonate geology and the cul-de-sac presence, if we don't want the water to go into the ground anyway, then having a cul-de-sac there is probably not a bad idea. Mr. Birdsall said it's not going to make that much of a difference in recharge versus runoff. The soils are pretty tight in that area, especially as you get down to the flood plain. The area they want to develop is a little bit steeper, so the runoff is already faster than what it would be if it were flatter land. Mr. Horiszny said what about pervious concrete, pervious macadam? Mr. Birdsall said he'd have to get back to you on that. The soil probably isn't the type of soil suitable for recharge, but he'd want to look at that first.

Mrs. deLeon said she was at the conference last night on storm water and they said the developer should look at ways to reduce their storm water offsite and this would be an instance to ask them to do this.

Mr. Maxfield said we have to make a decision right now as to whether we want to see a cul-de-sac, one or two lots, no matter what goes in there. Mrs. Yerger said if you have one building lot, it's going to keep your impervious coverage under. You won't have a second driveway, a second building site. Mr. Maxfield said that's in the hands of another body.

Mr. Kern and Mr. Maxfield agreed that if there are two lots there, they want a cul-de-sac for fire and safety. Mrs. Yerger said if we're operating under the assumption it's going to be two lots, which is not the issue tonight, she has a problem with making all these exceptions. Attorney Schantz said we're not required to put the cul-de-sac in and not pushing it. They are here for direction. Mrs. deLeon said she wants to hear the answers to the water issues on the site before she can decide whether or not it's going to be one or two lots.

Mr. Birdsall said Mrs. Yerger was moving in the right direction. We have ordinances. The ordinances require cul-de-sacs and the Public Works and Emergency Services people have asked for a cul-de-sac. If there are variances, let them take their risk in front of the ZHB. Mr. Maxfield said since they are going to have to deal with storm water anyway, and since this was initially triggered by the concerns of the emergency services, it's a good idea if we just base it on the emergency services recommendations. Why don't we just do a conditional recommendation? If the applicant goes to the ZHB and gets two units, then the cul-de-sac goes in. If there is one unit, the cul-de-sac doesn't go in. Attorney Treadwell said we'll get a recommendation from the Township Planner first. You will have a chance then to take a position. They just wanted a feel from Council. The feel he's getting is if there are two lots, you want a cul-de-sac. Attorney Schantz said that's what he is hearing, but if they are going to move forward with a cul-de-sac, they will need variances for impervious coverage. Mr. Kern said they are aware of what those overages are. Attorney Treadwell said he thinks what Council is saying is they need to know the extent of the other variances which we don't know at this point. Attorney Schantz said that's understandable. He is here tonight to find out if you want the cul-de-sac or not.

Mr. Kern said are you clear about the general consensus? Attorney Schantz said he's clear. Mr. Maxfield said the only thing we can say tonight is if you end up with two units, we want to see a cul-de-sac. Attorney Schantz said he understood.

**B. CREEKSIDE MARKETPLACE (GIANT) – ROUTE 412 – FUELING ISLAND**

Mr. Kern said the developer has requested to come before Council to give a brief overview of a proposed fueling island to be located near the Giant store in Creekside Marketplace.

Helen Gemmel, Attorney for Giant, was present. She said with her is Doug Gossick, an Engineer and Ed Malsavage who is also an Engineer. They are back here to provide you with more information because probably since they were last before you, they've done some additional site investigation work. This is an informational presentation for Council. This site is located in your carbonate geology overlay zone. Their next step would be to go before the ZHB to allow this fueling facility to be put in.

Mr. Gossick said it will be located in the southeast corner property. It's an area that was initially earmarked for a drive in bank as part of the original development plan. The bank was never constructed. At this time, the Giant owner and shopping center owner would like to construct a fuel island. It would be a three double sided pump containing six fueling positions. It would also have two subsurface underground storage tanks. One would be 10,000 gallons for the premium fuel and one would be 20,000 gallons for the regular fuel. The existing site contains 479 parking spaces. As a result of this development, some of those parking spaces would be shifted to surround the fuel island and there would be a net gain of five parking spaces to the shopping center. Per the ordinance, the fuel island would necessitate an increase in the parking by one just for the fueling attendant who would be there for all hours of operation. The actual impact to the previously approved land development plan would be a slight decrease and impervious coverage over what was depicted with the bank. They would expect a minor decrease in the trips generated by a fuel island versus a bank and they would provide documentation for that issue. The fuel island would have the latest technology with respect to environmental and safety concerns. The pipes would be seamless double wall plastic pipe. The pumps would all have sumps underneath them for any type of minor leakage that could occur at the pumps. The hoses would all have break away connections at the pump and at the handle. Every safety feature that can be incorporated will be done so by Giant. If Giant would cease operations of the fuel island, they would be responsible for restoring the site to existing conditions. The biggest issue being discussed with the Township staff deals with the carbonate geology area and the fact that the ordinance specifically prohibits underground storage tanks unless certain documentation can be provided to the township. They've done two separate reports. Mr. Malsavage was responsible for the second report. The storage tanks are stored at a depth of 15 to 18 feet.

Mr. Malsavage said they were retained by Giant to complete a geo physical study of this fueling site. They induced charges into the site, produced sound waves, and then using a very sophisticated set of listening devices, recorded how quickly the sound returned to the surface. With computer programs, they mapped what the sub surface in the fueling area looks like. The summary of it is they found very dense and stable soil overlying the bedrock and the bedrock was located at a depth of about 45 to 60 feet below existing grades. The data they collected using the geo physical methods, correlated very closely with the test borings that were done some two or three years ago in the fueling area. There are two sets of data which correlate very closely to each other. The summary of this and the purpose of our work was to establish if there were any issues with limestone, sinkholes, graveled or weak soils, any issue associated with this limestone that does underlie the site. The data and his opinion was there were no indications of any concerns with the sub surface conditions at the site.

Mr. Maxfield said he seems to remember that what was labeled as an existing storm sewer line that goes under part of this site is actually a stream that was enclosed. Mr. Birdsall said right. Mrs. deLeon said why aren't your plans marked to say that's an underground stream? Mr. Malsavage said they were aware of that and there was no intention to mislead anybody. It was a storm line.

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Mr. Kern said that stream runs about 24 feet from pump no. 1. Mr. Birdsall said it's a concrete box culvert that has joints about every six or eight feet. There was one section that had a roof collapse because of construction vehicles and the top of that roof was rebuilt. The parking area they have for their gasoline station is at the lower side of a ramp that is actually going up hill. From their parking area, the box culvert is probably down with only maybe three feet of cover and the box may be four feet high. It's probably got a couple feet of cover, but then it's the concrete box and that is three or four feet in height and six or eight feet in width. Mr. Malsavage said the initial report that was based on the boring information made a series of recommendations with respect to construction of the infrastructure. It cut off trenches at all storm lines in order to prevent water from migrating around the outside of the pipe rather than going through the pipe, curb stops, concrete curb without stone under base, those types of things. There would be an alarm system in the sump pump. Mr. Birdsall said in one of the prior submissions, you were talking about putting the tank in concrete vault built underground. Is that idea off the table? Mr. Malsavage said the goal with that suggestion was to get it out of the classification of an underground storage tank. Through conversations with DEP, they indicated that would still be considered an underground storage tank. Mr. Birdsall said are you removing that extra level of protection that you were discussing at one time? Mr. Malsavage said at this time he can't answer that question, but it's something Giant would probably consider doing. Mr. Birdsall said he's not encouraging them to try to put an underground storage in a limestone area. He doesn't want them to take his comments as any hint for endorsement of alternate technology. Our ordinance is very clear and we're very protective of the Saucon Creek and the streams meeting the creek. Attorney Gemmel said as part of the variance, they would want to have a different type of an underground storage tank than the double wall tank.

Mrs. Yerger said everyone is going to have to drive through your parking lot to get to and from this station? Mr. Malsavage said correct. If you see the other Giant fueling facilities, you'll recognize that at least 50% of the customers using the Giant fueling facility are Giant customers in the shopping center. Many of the vehicles are already in the parking lot. Mrs. Yerger said this gas station would be the only one at that end of town. Mr. Horiszny said have you considered putting it closer to the center driveway? Mr. Malsavage said they focused on that area simply because that's where the bank was going to be. If they are hearing that would be a preferred location then that is an area which could be considered.

Attorney Treadwell said we need to know how many variances the applicant thinks they need. Attorney Gemmel said the only variance she is aware of is the variance to put the underground storage tank in your overlay zone. Mr. Birdsall said there are actually two overlay zones. One is water protection and the other is the carbonate geology, so there would be two protection zones.

Mr. Kern said we are very concerned when it comes to issues like this. We have an ordinance in a watershed area where someone tried to put propylene glycol in an enclosed system for a heat generation system in a house. We're quite concerned about gasoline. It's not what we really want.

Mr. Gossick said there was a comment about circulation and if we would look at shifting the fuel island into an area that would work better, and drastically increase the separation distance from the stream, would that be something more workable? Mrs. deLeon said that's only one of the issues. The other is the carbonate geology issue. Mr. Maxfield said there's no way of guaranteeing that something couldn't happen.

Liz Gross, resident, said she has before her 1,500 signatures who want this gas station in, who like the idea of Giant moving in and have accepted us in the community. She works for Giant, but she is also in the community for 30 years. In working with Giant, she noticed their customers love the fact that we are here. She's very proud of their store. These 1,500 signatures tell you how much they have confidence in Giant and in their knowledge in bringing this gas station in and the ability

to shop the way they want, how they want. Most of the signatures when they were signing it, asked where the gas station was going to be located. They were concerned there were four gas stations in Hellertown towards Bethlehem. They were concerned about the traffic and a lot of other things, and in telling them it will be on the premises, and will be maintained, they have confidence in Giant that they will take care of it.

Mr. Gossick said Giant is not forcing this on the Township. It's something they feel is necessary to try to maintain a competitive presence in the community. It's a one stop shopping experience.

**C. LONG RIDGE – BERGSTRESSER DRIVE – CONSERVATION EASEMENT**

Mr. Kern said the developer would like to discuss with Council a proposed conservation easement for Lot 2 of the Long Ridge Development. They were required, at plan approval, to obtain a conservation easement to the satisfaction of Council.

Andrew Donchez said the idea is we are offering this land in a conservation easement as part of the Long Ridge plan with the Council to appoint a managing entity. They are going to fund the whole thing through the HOA. Attorney Treadwell said he believes Heritage Conservancy is the third party. Mr. Donchez said they haven't received any numbers or had any conversations with Heritage. Attorney Treadwell said the question for Council tonight is, is Heritage okay for Council? Mr. Maxfield said if they are willing to do it. Mrs. Yerger said this easement would be on the wooded section. It would not include the detention basin in any way, shape or form? Mr. Donchez said that is correct. Mr. Maxfield said who would actually own the open space? Attorney Treadwell said the HOA would own it with an easement to Heritage and the Township. Mr. Donchez said the funding would be provided through the HOA. Mrs. Yerger said you will have to discuss that with Heritage as there are usually endowments provided. What happens the first two years it's being built? Attorney Treadwell said he thinks Heritage would require up front money. If Council is okay with Heritage being the third party, then we'll go ahead. Mr. Kern asked if there was any comment from anyone in the audience? No one raised their hand.

**D. CHURCH HILL ESTATES – REDINGTON ROAD – PRELIMINARY/FINAL MINOR SUBDIVISION APPROVAL**

Mr. Kern said the applicant has submitted plans for a two (2) lot subdivision of single family, detached homes and associated improvements. They have received conditional approval from the PC and are now before Council for final approval.

Andrew Donchez was present representing the applicant. He said they are seeking final approval from the Council. They don't have any issues with any of the comments. They will comply with all of them as well as providing Linc with all of the documentation he needs. Mr. Lutz said there have been a couple of wavier requests for Council consideration associated with the application. One has been a request of the fee in lieu of land dedication for open space and recreation. The second request was a waiver of the request of all existing features and contours within 500 feet of the site. They have provided additional information to the satisfaction of the township engineer to address issues they were concerned with.

Mrs. deLeon said the one is a waiver and the other one is in the letter where we have to make a decision. She doesn't know if she'd consider that a wavier. Attorney Treadwell said it's up to the applicant whether they dedicate the land. The applicant makes the offer and you decide what to do with it. Mr. Lutz said they are requesting to offer a fee in lieu of land.

Mrs. deLeon said was everything consistent with LVPC because she kind of saw a letter that said it was inconsistent with the Act 167. Mr. Lutz said they have received a compliance letter with Act

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167 that has been forwarded to the township engineer. Mrs. deLeon asked if there were any issues with the fire company? Mr. Maxfield said if there was anything controversial, we would have added it in. Mrs. deLeon said the EAC made two recommendations. Mr. Maxfield said that was early on and it was mostly about the nature of the site and where the limits were.

Mrs. deLeon said starting with the Hanover letter, she has to understand the conditions. Under A, it says a new access drive is proposed. Is that on the current plans? Mr. Lutz said yes. Mr. Birdsall said in those introductory statements, they are just trying to give the Council a little flavor on what they are proposing to do. They do show everything they need to show. Mrs. deLeon said the pink sheet says this is preliminary/final, but the motion doesn't say what it is. The letter says "On January 29, the PC recommended preliminary plan approval." She doesn't ever recall them coming to Council for preliminary plan approval. Mr. Birdsall said the plan first came in as a minor which would have gone through in one step, preliminary final. As it became apparent that maybe there were some improvements required, and as the time period started to stretch out, around the end of the year, they asked the PC to allow it to move ahead as a preliminary so there could be some movement on conditional approvals. They did not ever come to Council. They decided instead to just go back and correct and simultaneously file a final plan application and wound up back at the PC as a final. PC voted on it as preliminary and final. He's not sure why it didn't say that in any memos that came up from PC. Mrs. deLeon said the PC did vote for the waiver. That's okay. The next one is the easement covenants, which is clear. The next one is clear. No. 4 it talks about the applicant is proposing to install landscaping improvements, who will maintain that? Mr. Birdsall said they are on private property, right outside of the right-of-way. It's not the Township's responsibility. Mrs. deLeon said the Boucher & James letter, under water and sewer, that's clear that the sewer permits need to be provided and it goes on to the environmental. She's confused with B, the zoning permit will be required for trees. What does that mean? Mr. Lutz said that's simply indicating that we are required to obtain the proper permits prior to removal of any trees on the property. Mr. Birdsall said they are talking about the twelve trees. Those twelve trees have been shown to be removed. She's pointing out a permit has to be obtained. Mrs. deLeon said the next one is clear, the plan should be revised. No. 3, the open space and that's what Mr. Lutz said the discretion of Township Council, and Council was leaning towards "we'll take the money". No. 1 and 2 are clear. No. 5, based on last meeting discussions, the applicant shall satisfy all these conditions within six months of the date of conditional approval of this plan or the application shall be considered to be withdrawn by the applicant, and therefore, null and void. That's not entirely true now. How do we word that to make it legal? Attorney Treadwell said do you believe you can do it within that time frame? Mr. Lutz said yes. Mrs. deLeon said she doesn't have a problem with setting a time limit. What she has a problem with is if not, it's considered null and void. That clearly did not happen with the other developer. Attorney Treadwell said no, it did not. Mrs. deLeon said to her, she was always confident that if they didn't do that, the plan would be withdrawn and null and void, but you told us last meeting it wasn't legal to do that. She has big issues with that wording. Attorney Treadwell said the only option we have is to change it to five years. His suggestion is we leave it at one year. The applicant signs it and they just told us they could get it done within a year. Mrs. deLeon said are we going to leave null and void in there as it's not necessarily true anymore? Attorney Treadwell said we can leave that in there. Mrs. deLeon said it's meaningless. Mr. Kern said the alternative is far, far worse. Mrs. deLeon said that doesn't mean anything. Attorney Treadwell said we only have two options. Leave it five years or leave it like it is. Mrs. deLeon said she doesn't have a problem, it just doesn't mean anything. Mr. Donchez said they will do their best to get the conditions within a year.

Mrs. deLeon said no. 5, can we say the applicant agrees to satisfy all these conditions within six months? Just get rid of null and void. Attorney Treadwell said we can take out the null and void language. What normally happens is the applicant comes back and requests an extension. Mrs. deLeon said the MPC says we can't deny them the extension as they technically have five years. Mr. Maxfield said let's come up with wording for no. 5. Mr. Maxfield said to change it, "the

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applicant shall satisfy all these conditions within one year of the date of conditional approval of this plan unless an extension is granted in writing by the township.” Mrs. deLeon agreed with that. She wants to use that language from this day forward. Attorney Treadwell said okay.

Mr. Kern asked if there was any comment from anyone in the audience? No one raised their hand.

**MOTION BY:** Mr. Maxfield moved for recommendation to grant the waiver for depicting features within 500 feet of the edges of the site.

**SECOND BY:** Mrs. deLeon  
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.

**ROLL CALL:** 5-0

**MOTION BY:** Mr. Horiszny moved to approve the draft recommendations for preliminary/final and the new wording for no. 5.

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

**ROLL CALL:** 5-0

**IV. TOWNSHIP BUSINESS ITEMS**

**A. UPDATE ON CASINOS**

Mr. Kern said the Manager will provide Council with an update regarding the casinos.

Mr. Cahalan said Council had a meeting with County Executive, John Stoffa, back in April. At that time, we were starting to discuss the impacts we anticipated from a casino in the city of Bethlehem. Mr. Stoffa asked us to put together a letter documenting these impacts. Subsequent to that, the consultants looked at the impact statements that the Sands casino had posted on the PA Gaming website and provided Council with reports on that. They were the traffic impacts that Jim Birdsall had provided comments on. Chief Lesser provided comments on the impact to the crime in the township and fire and emergency people provided impacts that they anticipated. They put that in a memo to Council previously, and since then, sent a letter to John Stoffa. It contained an itemization of the impacts. He summarized: traffic – we anticipate impacts that would cost \$3.5 to \$3.7 million. Police - we anticipate impacts that would cost \$41,000 to \$82,000 annually to hire additional staff. Fire and rescue services we anticipated a cost of about \$86,000. The second item, Council asked for some information on House Bill 517. Information was received from a representative from an organization called “Casino Free Pennsylvania”. He asked Bob Freeman for information about the bill and if it had any impact on the township and a copy of the letter came in and Rep. Freeman indicates that as he reviews the bill, he doesn’t see any impact on LST. It primarily deals with the host municipalities. What it would do if the bill passed, it would give more money to the host municipality. The other update, we had a meeting with Hellertown and Freemansburg, and since that time, we’ve had discussions at the partnership meeting. Mr. Kern said regarding our SVP meeting, Tony Branco, Council President of Hellertown prefaced his comments by saying don’t shoot the messenger, but he was trying to arrange a meeting between the casinos and the partnership. Tony informed us that Donna Taggart, the local representative for the Sands Casino, told him that if we were to have a meeting, the casinos would in no way attend that meeting. First, he would actually like to confirm it came from the casinos. If so, he’d be in total disbelief that it came from someone who is trying to market the casino in this area. Mr. Maxfield heard Sands has refused to meet with anybody. Mrs. deLeon would like Jack to write a letter to the principals of the casinos and tell them that Township officials would like to meet with them to discuss our reasons for opposition. Mrs. Yerger would like to include Bob Freeman. Mrs. deLeon

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said they were going to set a date for the adjacent municipalities and meet with Boscola again. She wasn't very interested in our impacts when we met before. Also, we would like to meet with Bob Freeman and say this is what we've come up with. There definitely is an impact or are we misreading his statement? Mrs. Yerger said it may be referring to the house bill. Mr. Cahalan said he thinks it is. Mr. Kern said it's August 21 for the meeting.

Mr. Maxfield said was the \$41,000 to \$82,000 an annual cost? Jack said yes. The cost was initially for equipment that the fire companies were going to need to respond to the traffic accidents. Once the equipment was in hand, there were going to be annual costs for training and maintenance of the equipment.

Mrs. deLeon said time is running out. Mr. Kern said we should probably sit down with Bob before the meeting. Jack should try to arrange a meeting with Bob Freeman, Beyer, and Boscola for August 21. Mrs. deLeon said Tuesday, June 27 at 10 AM they are having a hearing on the other bill. She will not be able to attend.

Mrs. deLeon said write a letter to the casino, and try to meet on August 21 with the elected officials.

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

**B. UPDATE ON UPCOMING BRE PUBLIC HEARING**

Mr. Kern said Jim Birdsall will update Council regarding the upcoming public hearing to be held June 22 here at LST.

Mr. Birdsall said on June 14, the staff met and went through the documents they had from DEP and various applications and formulated a strategy for presentation for the hearing. He has emailed that this afternoon to Pris and Ron for reviewing what role they would take. Please look over it and call him up if you have any questions. It starts at 7 PM and is in this room. One of the biggest things that is new and different is when the hearing was advertised, it was advertised for the air quality plan only. If you remember, there are four permits pending and the DEP had committed to holding a consolidated hearing which would cover public testimony on all the different applications. They are trying to get clarification that they will allow testimony on all the different issues. If we don't get this cleared up with DEP tomorrow, we may be back to Council asking for three more hearings. He doesn't know how it's going to fall out, but he's disappointed they didn't advertise it for all three permits. With regard to the testimony, there will be testimony on permit coordination and then the issue we talked about. Then there will be testimony on air quality comments. What we are going to be asking the DEP to do, is to incorporate into the permit requirements that were approved by the ZHB, as conditions of approval for special exception, and the two or three additional ones that were approved by the applicant in the preliminary plan stage in front of Council. If DEP will allow them to become permanent conditions, then they'd not only be enforceable by us, but also by DEP. Charles Elliot will be giving testimony on the noise pollution and incorporating the opinions of the ZHB on the noise and asking that the conditions of the permit include the special consultants that the BRE's consultant noise program requirements as well as the conditions of the ZHB. Trying to get little support and muscle in enforcement at the DEP level and that's not something that DEP typically deals with – noise, but Attorney Elliot has pointed out some issues in the regulations where noise can be brought in at a state level and we'll see how that goes. The last item is coordination of operation between BRE and IESI. We still feel the application is a little bit weak in that respect, for not only operation, but for closure requirements. We're presenting that information and ask that all the permits be coordinated in a way that a violation of one would be a violation of all. We also want to make sure the work plan and the closure plan is set up so that both parties know what their responsibilities are. If something goes

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wrong, there's a clear line, a chain of command as to who's supposed to be responsible. He asked if they have Council's permission to testify tomorrow night on behalf of Council? Mr. Kern said yes.

Mr. Maxfield said at the EAC, our actual position was that we supported the idea of reuse, but we wanted to see these safeguards in place.

Mrs. deLeon said when they met last week, they didn't come up with any new issues. Mr. Kern asked if anyone in the audience had any comments? No one raised their hand.

**C. APPOINTMENT OF ZONING HEARING BOARD MEMBER**

Mr. Kern said the Manager is recommending Council appoint Theodore (Ted) Griggs to serve on the ZHB to complete the unexpired term of Andrew Wilt. This term will expire December 31, 2008.

Mr. Cahalan said we've had the vacancy on the ZHB since Andy resigned. He received several applications from residents. He interviewed them and he's happy to recommend Theodore (Ted) Griggs. Ted is here with us tonight with his wife, Joan. He's a long time resident of LST and is a retired DMD. He'd make a fine addition to the ZHB. The recommendation comes with a proviso that Ted will attend training. LVPC has a basic course in July and we'll arrange to have Ted attend that. The Zoning Officer will also meet with Ted and provide some orientation.

**MOTION BY:** Mr. Horiszny moved to recommend Theodore (Ted) Griggs to fill the unexpired term of Andrew Wilt which will end on December 31, 2008.

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

**ROLL CALL:** 5-0

**D. APPROVAL OF SUMMER YOUTH PROGRAM**

Mr. Kern said the SVCC will be providing a summer youth recreational program for LST residents. An agreement has been prepared and Council should approve entering into this agreement for this year and authorizing payment.

Mr. Cahalan said this is the annual agreement that we authorize the SVCC to run a summer recreation program at our park system for the past several years. Council has authorized the sum of \$22,000 in the 2006 budget to cover the cost of this program. The first part of the agreement there is an Exhibit A which deals with the details about the program. It started June 20 and will terminate August 11. It's being held at Town Hall Park, Southeastern Park, and Steel City Park. It's a very successful program. There's been waiting lists for these programs. This year, for the first time, we've also added a summer children's program. The details are under Exhibit B. It will be held at Seidersville Hall. It will run from July 10 through July 31. It has different programs for children, pre-school up to the 5<sup>th</sup> grade. Council authorized funding in the 2006 budget, the total of \$3,207.92 to cover the cost of this program. We sent a copy of the agreement to the SVCC. We haven't heard back from them, but the Solicitor has reviewed the agreement and has no problem with it.

Mrs. deLeon said on page 1, under No. 1, it says that it should go from Monday through Friday commencing June 20. Shouldn't that be June 19? June 20 is a Tuesday? Mr. Cahalan said that's the date they picked to start it. The rest of the time it will start on a Monday. On Exhibit B, we left some blanks on No. 1 and 4 and that was for the SVCC to fill in.

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

**E. APPROVAL OF CONSULTANT TO WORK ON MULTI-MUNICIPAL COMPREHENSIVE PLAN**

Mr. Kern said the SVP was awarded DCED grant funding to hire a consultant to work with LST, Hellertown Borough, and the SVSD on a joint comprehensive plan. The Partnership issued a Request for Proposals (RFP) for consulting services and received six responses. Following interviews with these firms the Partnership selected Environmental Planning & Design as their choice to work on the comprehensive plan over the next 2 years.

Mr. Cahalan said the members here, Glenn and Priscilla, sit on the SVP and can attest to the fact that we went through a very vigorous process of issuing an RFP and bringing firms in for some interviews and presentations. We narrowed it down to the two finalists. At our last meeting, it was a very difficult choice. They were both excellent firms. The SVP has agreed on Environmental Planning & Design out of Pittsburg with the engineering firm out of Harrisburg and a downtown consultant out of State College. We are confident they will be the right firm to move ahead on the multi-municipal plan that we are going to be working on. It will be an 18 month to 20 month process. There's a lot we will address in this plan and it will be a very productive process.

Mr. Maxfield said something that is going to make or break the actual participation into this multi-municipal plan, and he'd like to add a condition of approval that would say philosophy between the township's is the number one topic and must be taken care of first. We've had talks with the bodies before and he wants to make sure we're all on the same page. Mr. Kern said there was a consensus among all the participants that this particular group would help facilitate that process more than the others. They addressed what you are saying. Mr. Maxfield said are you saying that we don't have to make it a condition? Mr. Kern said no, it's the major part of what's this is all about – gaining consensus and learning what Hellertown needs, learning what the school district needs, learning what the township's needs are and that's what they helped facilitate. Mr. Maxfield said he's heard statements in the past about how LST may be able to solve some of Hellertown's problems in certain ways. He'd like a report back to Council because he doesn't want to lose anything we really want in order to make this thing work. Mrs. Yerger said can we request a quarterly semi-annual progress report on where you are, what has been agreed to, etc. It would increase our comfort level here to know where this is heading. Mr. Kern said they can give a summary after every meeting. Mrs. deLeon said you do get copied the minutes after each meeting. Part of the grant money we received said that DCED would have classes. Can we work on that? Mr. Cahalan said the next thing we were supposed to do was Charlie had spoken to Neil Kinsey at DCED back in April, and at that time, said this training wouldn't happen until July or thereafter. Mrs. deLeon said there are two of them now, one now and the other later on in the process. That would be a public meeting so they would be able to come and voice their opinions.

**MOTION BY:** Mr. Maxfield moved for approval of consultant to work on multi-municipal comprehensive plan.  
**SECOND BY:** Mrs. Yerger  
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.  
**ROLL CALL:** 5-0

**F. RESOLUTION #45-2006 – AMENDING RESOLUTION #22-2006 FEE SCHEDULE**

Mr. Kern said Resolution #45-2006 has been prepared to amend the current fee schedule. The fees established for formal sketch plan reviews, lot line adjustments, and minor subdivisions have not been enough to cover the invoices by our professional staff for their review.

Mr. Cahalan said Chris and Leslie have been keeping close track to make sure that our fee schedule is in line with the costs that are being billed to us by our consultants. In the area where we've indicated under subdivision and land development, the site plan or formal sketch was \$500, and we're requesting it be increased to \$1,500. The lot line change fee is currently \$1,000 and we are requesting it be increased to \$1,500. In the minor subdivisions, it was \$1,000 and we are asking it to be increased to \$1,500 to keep it in line with our current costs.

Mr. Kern asked how this affects the small guy? Attorney Treadwell said the fee is in escrow and it depends on how much time everyone puts in on the project. Mr. Maxfield said what about the guy who wants to straighten out the line between properties? It's \$1,500 now.

Allan Johnson, resident, said he heard council people express their concern that the cost might be out of line with some simple changes. Township residents pay taxes and maybe some of that tax money can be used to allow some of the costs for more simple changes and things they want to do to be absorbed by the township. Mrs. Yerger said these are just the escrow costs. Anything that is not used is given back to the residents. It's not a mandatory fee. Mr. Cahalan said on the same hand, it does reflect what it costs the township to do these reviews by professionals. Mr. Johnson said simple lot line changes or simple formal sketch plans should be less. Mr. Cahalan said the lot line, the professionals review that and the cost of that has increased. It's exceeding what we are charging the applicants under the escrow. Mr. Johnson said maybe you should use some tax money to pay for those expenses instead of trying to get money from the normal township people.

Mr. Kern said on the smaller project, it'll be a smaller fee as there will be less time involved. That was his concern that it was being raised and would affect the small guy, but if it's a small project, it's still going to be a small fee as there's less of a review time. The prices have been increased because of larger projects that required more time. Mr. Johnson said even though the fee will be large, if the expenses don't eat up all the fees, the people will get the money back. Attorney Treadwell said it's not the fee, it's the deposit up front and then it goes back when it doesn't get used.

**MOTION BY:** Mr. Maxfield moved for approval of Resolution 45-2006.

**SECOND BY:** Mr. Horiszny

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

**ROLL CALL:** 5-0

**V. MISCELLANEOUS BUSINESS ITEMS**

**A. APPROVAL OF JUNE 7, 2006 MINUTES**

Mr. Kern said the minutes of June 7, 2006 have been prepared and are ready for Council's review and approval.

Mrs. deLeon said on the 1<sup>st</sup> page, line 39, "Matt was among 150 applicants last year for this position". Mr. Cahalan said when they did the recruitment for the other vacancies, they received 150 applications and he was one of the people on the list and as they filled the other full time

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positions, they moved down the list and Matt was still there. So he was part of that field. Mrs. deLeon said can we add "Matt was among the 150 applicants who applied for this position last year".

**MOTION BY:** Mr. Horiszny moved for approval of the June 7, 2005 minutes.

**SECOND BY:** Mr. Kern

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

**ROLL CALL:** 5-0

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

- Stephanie Brown, resident, said good evening. In case any of you forgot who I sent emails to or have requested phone calls from, is there anybody on vacation in the township? She's been trying for a month to get somebody out to her property to see the latest problems. She can't see to get anyone out there. Mr. Cahalan said are you talking about representatives from HEA? Ms. Brown said she doesn't know. She's at the point where she's very fed up with this again. There are new problems and she can't get a response from anyone. Mr. Cahalan said Chris indicated to you just in the last couple of days that Jeff Lazar is being replaced by Bob Mack and he's responsible for the inspections out at the site and they indicated to her they will ask Mr. Mack to make contact with her to discuss her issues. Ms. Brown said she didn't get an email on that. She asked Chris to come out to discuss the zoning ordinance violation. He didn't respond to that request. Mr. Cahalan said are you talking about the high weeds? Ms. Brown said yes. Mr. Cahalan said that complaint was passed along to the proper people and the weeds were cut. Ms. Brown said there are still weeds on the whole property. Mr. Cahalan said that will have to be addressed. Ms. Brown said she doesn't know what's going on. Mr. Cahalan said we're trying to be responsive to your requests. Mr. Kern said what is the weed ordinance? Mr. Maxfield said it's 50 feet from the property line and 12 inches in height and mandatory cutting two times a year. Mr. Kern said that's in violation? Ms. Brown said it was as far as she could tell now, it still is. She has all kinds of new problems with the drains on the property. She sent complaints into the police department that have fallen on deaf ears about various issues on Meadows Road. She put two requests into Mr. Kern for phone calls that were never returned. She said her father has had phone requests into Mr. Cahalan. Mr. Cahalan said he called her father and spoke to her about this earlier. He spoke to him about the sidewalk and told him he'd look into it and he'd get back to him. Her father said there is no rush. She said her father wants to see it in writing. Mr. Cahalan said he wanted to know if he had to shovel the sidewalk and maintain it. Mr. Cahalan promised Stephanie's dad he'd get back to him with an answer, he said no rush. Ms. Brown said they already sent a letter to Toll Bros. that they are suing them. Does she have to send one to you guys also? Mr. Kern said he just heard responses to every one of your concerns. We're hearing confirmation you've already gotten answers. Mr. Cahalan said we've been responding to your issues for a long period of time before you even started coming to Council. The response has continued and it has been consistent. We've treated every one of your complaints as a legitimate issue. We're trying to keep up with the brand new issues. She wanted to talk about Meadow's Road and the bridge, what are you going to do about that? She saw another truck go over that bridge. Mr. Kern said that has to be reported. She asked when could they get yellow lines on that road? Mr. Cahalan said when the final paving is done, it will be done. The police – why can't they do anything about her concerns? She's asked them to sit on the road and there's been a lot of problems. Mr. Cahalan said he can't respond to that question. He will follow up on it. As far as the police enforcement, the police responded and the officer on the scene felt it was proper to issue a warning. After you called, he talked to the Chief about the incident. The police report said the officer issued a warning. He discussed it with the chief and they both agreed it was the appropriate action taken. That's what Mr. Cahalan emailed her. Mrs. deLeon said can we write to Toll Bros. and say we are again reiterating that their delivery trucks have been repeatedly using the bridge in violation of the weight limit, so forth

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and so on. Make sure the police officers know about this. Mr. Kern said LST police have been instructed to be a little more vigilant at Meadow's Road and Springtown Hill Road. They should be instructed to be on the look out for over weight trucks. Mr. Maxfield said add to the letter that they will receive bills for any road or bridge repair that occurs. Mrs. Yerger said notify them that it's a historic bridge. Mrs. Yerger asked the frequency of the trucks going down the bridge now? Ms. Brown said she's not home enough to say that she can give you an honest, but it's at least once a week. She did see a pattern, but now Toll Bros. change when they bring their trucks in. Mr. Kern said soon it will be a one way. Mr. Birdsall said there's a public meeting on July 19. Ms. Brown said it shouldn't have to go to a one way to preserve the bridge. Mr. Cahalan said there are no weight limit restrictions ahead signs on 412. Mr. Birdsall said he can check into that. Mr. Horiszny said he was out there for an hour today and there was one truck that took down some wires, and only one truck came in and it was about noon. He did not come up Meadow's, but then he couldn't have as it was blocked anyway. He came in on Victor. Ms. Brown said she asked about the trench that was still open. It's been open for six months. Mr. Cahalan said that's an issue to be discussed with Mr. Mack. It's been brought up before and they are going to be doing some more work. PPL said it was Toll Bros. responsibility. Mr. Cahalan said Mr. Mack will follow up on that.

- Allan Johnson, resident, said he noticed that the township has installed an extensive storm water run off system on Silver Creek Road. We're had some gully washers lately. Is there any feedback from the residents of that area that it is working properly? Mr. Cahalan said they have not gotten any feedback from any residents.
- Mr. Robert Hero, resident, said the storm sewers are working pretty good right now, but the problem is there is a lot of open stone yet and the front part of the yards are starting to erode away. There's no berm put in there. Are they going to finish that system up? Mr. Cahalan said they are going to get out and do the paving that is on the schedule and berms will be installed as needed. Mr. Cahalan said there is stone being washed down from up above the inlet. They are still working on that part of the system. Mr. Maxfield asked what is the problem with that? Mr. Birdsall said he talked to the property owner above and he said he was not interested in allowing the township on the property to open up a ditch to relieve that pipe. That's not the end of our investigation. They are looking at other issues. He'd like to leave it at that. It's Mr. Koze. Mr. Hero said when are they going to start cutting along the roads? Mr. Cahalan said they are starting now. Mr. Hero said what about the line striping on the road? They did Oakhurst on Thursday and Friday, and they got stripes on Saturday already. That's Upper Saucon or maybe a state road. Mr. Cahalan said they are probably using A1, the same company we are using, and are subject to their schedule. We've been fortunate the last two years and they've been out striping fairly soon after resurfacing.
- Ms. Stephanie Brown said when Mr. Birdsall said about the public hearing for the landfill and trying to enforce the noise with what they are going to do over there and saying the state may be able to help with that problem - here we are again with no noise ordinance. She wanted to point out that she noticed Upper Saucon passed the same ordinance that this township defeated. Mr. Kern said we have a noise ordinance. Mr. Maxfield said it's a nuisance ordinance. Mr. Kern said Upper Saucon has a construction hours ordinance. Ms. Brown asked what kind of progress you are making on the nuisance/noise ordinance? Mr. Kern said in his report, one of the items is to discuss the noise ordinance in general.
- John Fretz, Rose Lane, said he contacted Glenn Kern regarding this issue and Glenn did get back to him. He spoke to Glenn a couple days ago seeking his guidance and possible suggestions on how to appropriately deal with the quality of life issue that has impacted himself and others in his neighborhood. An individual who resides on Rose Lane has chosen to entertain dirt bike and ATV riding on his property. The obvious negative impact is noise. This creates a great deal of dust also. This also creates opportunity for erosion. Rose Lane is a hill. Something of this nature devalues other properties in the neighborhood. One way to deal with this would be to restrict the operation of dirt bikes and ATV's within a specified distance from a property line or road way. Mrs. Yerger said she runs her dog out there a lot. Is it the one that goes around and around? Mr. Fretz said yes. Mrs. Yerger said she can't believe anybody would do that. It's a small lot, probably a 1/2 acre. Mr.

Fretz said there was an incident on Rose Lane where someone was riding their Harley Davidson up and down the lane and had two children on dirt bikes around 10 years old riding up and down the lane with them. He called the LST police and Officer Snyder came out and responded and did a great job. In both cases, people have come into the township from New Jersey. Mr. Maxfield said we are going to have to address this issue. These things are popping up everywhere. They are definitely a quality of life issue we have to address. Mrs. Yerger said they have been wrestling with this in the state and national parks and they just have come out with much stricter guidelines on dirt bikes and ATV's in the parks. We might be able to utilize some of these guidelines. Mr. Kern said distance from property lines, is that something we could address? Attorney Treadwell said we are going to have to adopt a new ordinance. We'll look at it again. It's becoming a big problem in this township. Mr. Maxfield said a couple of months ago he went in to talk to Linc and Chris about what to do and that was one of the suggestions. Kind of what came out of that meeting was we were going to look at the nuisance ordinance and see how that could be altered. The other thing was to send the Zoning Officer out, who has experience with these things, and deal with these people and get agreements that hours would be respected, so forth and so on. Again, you're asking for the good will of the people who are entering into these agreements. Mrs. Yerger said she will give Linc the guidelines from the national and state parks and he can take a look at them. Mr. Maxfield said we talked about setback and hours of operation. If we limit it to those two, that would clear it up. Mr. Kern said he'd like to explore the noise ordinance which is already on the books within the nuisance ordinance. If we could, as Council, talk to the PD through Chief Lesser and amplify the fact that we are serious and we're hearing from the residents that someone needs to be the point person to respond and be trained on the decibel meter and understand how to operate it and go when there's a complaint, take a reading, and enforce it. Mr. Maxfield said what he knows about the noise ordinance part of the nuisance ordinance, we'll have to alter that because right now those things fit in. Mr. Johnson said his mother lives in Bethlehem and there is an unclaimed alley way by a house and local kids have started using it to run their ATV's up and down. The kids in her neighborhood have ATV's with mufflers on, so they are not very loud. What they did is they wore all the grass away that we've been taking care of for years and years. So they stopped cutting the grass and they don't like that. They haven't been coming back. Mrs. Yerger asked for a draft or preliminary report by next meeting? Attorney Treadwell said okay. Mr. Kern said he'd like to explore, with the noise ordinance, where the pitfalls are with the decibel meter and where that can be improved. Mr. Maxfield said the entire nuisance ordinance has to be looked at again as we have lighting issues also.

## **VII. COUNCIL AND STAFF REPORTS**

### **A. COUNCIL/JR. COUNCIL**

#### **Mrs. Yerger**

- She spoke with Dave Kimberly from Heritage Conservancy. They have been discussing the Redington Chapel. He went down there and did an assessment of it because it's in bad shape. His recommendation is condemnation because any kind of remediation would be cost prohibitive. He did recommend trying to save the lintels above the windows. They are nice period pieces that could be preserved and put in a museum or utilized somewhere else. The only other thing he said was that he did not go in the building as he didn't know how safe it was. If we can determine if there's a way he can enter the building, he would be willing to assess the inside. There is some money left and he would like to put together some kind of record because if this building is going to be demolished, all we're going to have is pictures. He's looking for pictures when it was in good shape and he would like to put together a small report and display a commemorative of the building. Mr. Cahalan asked how he got the picture on page 8 of the chapel? Mrs. Yerger said he shot it from the window. Mrs. deLeon said following up on the Redington track, the firm we chose, Environmental Planning and Design, from Pittsburg, when you read their proposal, they are

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working on the D&L for the canal paths. She mentioned she had been at all the hearings back in the early 90's when they first proposed that and what they wanted them to do was include the Redington track on any educational stuff, but they didn't do that as everyone was towards Bethlehem. Maybe now we have something to give to them and they can work it in and have the information. Mrs. Yerger said he will archive as much as possible. He can also put a display together. Mr. Maxfield asked when the demolition was going to occur. Mr. Cahalan said it's a legal issue because of the state. Attorney Treadwell said do we know who owns it? Mrs. Yerger said Marrow Chapel. Mr. Maxfield said he drove out there the other day and spoke to a family there and they said there was a family of cats living there now. Before we go crushing it, make sure we get them out of there.

- There were two articles in the paper that the Secretary from DCNR announced the grant awards and LST got their first one prior to our July 27 meeting, the regional EAC for Lehigh County is going to have Mike Frank at the Macungie Institute on July 24. What he is going to be doing is working with Natural Lands Trust as his partner. They are going to be doing "Buy the Best, Zone the Rest". This is really an educational piece for municipal officials. Residents are welcome to attend.

**Mr. Maxfield**

- He would like to ask for funding for some EAC issues. On July 27, which he encourages everyone to come to, Mike Frank and Terry Clemmons, our consultant for EAC are going to be doing a "value of open space". They will be doing some advertising, but the EAC will need some money for the speakers. He could bring it back to the July meeting with a final cost on that. They'd like to advertise for a speaker they are going to have at the August meeting. It's the representatives from the Alliance for Sustainable Communities to speak to us about energy. They've been working with John Stoffa and they are actually looking to do training programs for people to help deal with lack of oil and other energy things. Mrs. Yerger said John Stoffa would love to see the valley become proactive in looking for alternative energy uses and it's one of his projects.
- He received a communication from Joe Mehawk from Trout Unlimited, Bucks County. What they've done is they received the \$1,500 grant to revegetate the swale down in the orchard on 412. It comes across the road from the development we recently addressed. They got a review letter from HEA that had a lot of things in it that would well exceed \$1,500. He asked Mr. Birdsall to look at the letter and see what could be eliminated and make it as cost effective as possible, keeping in mind all they want to do is going in and refurbish a ditch with good vegetation. He'd like Council's approval on waiving as many of these things as possible to make it happen for this particular site. It's all volunteer work. Council was okay with this. Mr. Birdsall said he needs some direction on that for waiving reasonable waivers to address really an existing problem. This is one of the things that our ordinance stands in the way of doing something good. Yes, it may not meet our ordinance standards, but it's going to be a heck of a lot better than what we have now. He'd ask for Council's support of the necessary waivers.

**MOTION BY:** Mr. Maxfield moved for Council's support of the necessary waivers for Mr. Birdsall.

**SECOND BY:** Mrs. Yerger

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

**ROLL CALL:** 5-0

**Mr. Horiszny**

- At the LSA meeting last night, they worked on strategic decision making and are trying to come up with a top ten list for the next few years of things to work on.
- He may be a little bit late for the meeting tomorrow night, but he'll be there.

**Mr. Kern**

- He read with great interest an email we all received and it's in our packet from David Oatis, who is US Golf Association Green Section Northeast Regional Director, who is an expert in turf management. He offered his services for consultation for Polk Valley Park to improve the fields and he applauds his volunteer efforts. He had some excellent suggestions about aeration techniques. Mr. Cahalan said he passed the letter on to Jim and Judy. He pointed out to Mr. Oatis that the park isn't going to open in 2007. They are actually going to open it in 2008. Popple is still under contract to maintain the park. He will talk to Mr. Birdsall if any of the recommendations can be looked into and followed up on. Mr. Kern said if we can get some response by our next meeting about the coordination efforts and what is required to make it happen.

**Mrs. deLeon**

- The Northampton County Conservation District - she went to the meeting last night and it was excellent. They gave her a booklet to share with the township. It has all kinds of great ideas in there. She has a hand out from a slide presentation. We have to make sure the Public Works Department knows the difference between a detention and a retention pond. A lot of times they are transferred over to the township and they say that pipe is too little, let's put a bigger pipe in there. If they change the design of the intention of the pond, then we're defeating the purpose. Mr. Maxfield said EAC would like copies of this also.
- She wanted to report the last two Landfill meetings, she reminded Allan, the new guy, that on Community Day last year, Scott did the flyers for recycling. She asked if anyone would have an old flyer? She told him that Scott had given flyers to be put out at the EAC table, and Allan said he'd be willing to do it, but would like to see the previous flyers that were done. He did say he would cooperate and do that.

**B. TOWNSHIP MANAGER**

- He said the Park and Rec Board unanimously recommended that the rec fees from Long Ridge which were \$23,275, Cottages at Saucon Valley which were \$7,448, and Lehigh Gas Corporation office, \$3,113 all be deposited in the Polk Valley Park Fund.

**MOTION BY:** Mr. Maxfield moved to authorize deposit of \$23,275 recreation fee from Long Ridge into the Polk Valley Park fund.

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

**ROLL CALL:** 5-0

**MOTION BY:** Mr. Kern moved to authorize \$7,448 from Cottages at Saucon Valley to be deposited into the Polk Valley Park fund..

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

**ROLL CALL:** 5-0

**MOTION BY:** Mr. Horiszny moved to authorizes deposit of \$3,113 from Lehigh Gas Corporation for the Polk Valley Park fund.

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

**ROLL CALL:** 5-0

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- He needs approval for Priscilla as Vice Chair of the SVP to sign the LUPTAP grant award. This is the \$61,200 Land Use Planning and Technical Assistance Program grant that the partnership received from DCED to fund the consultant that we indicated tonight. Two signatures are required. The Chair, Jane Balum, and the Vice Chair, Priscilla deLeon.

**MOTION BY:** Mr. Kern moved for authorization for Vice Chair, Priscilla deLeon, to sign the LUPTAP Grant award.

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

**ROLL CALL:** 5-0

- He gave Council a memo about approval for expenditures and transfers from contingency accounts. Council had asked that language be put on the contingency accounts saying that any transfer or expenditures from those accounts required a resolution. He's in agreement with the resolution for the transfer, but in the area of an expenditure, it overly restrictive. For example, in Southeastern Park they've had some picnic tables that need to be replaced and normally he would come to Council and ask for approval for payment. In this case, \$1,916 to replace the picnic tables from the Park Contingency account which the funds were budgeted there for. He's asking what Council's feeling is in terms of that particular policy. Either stay with the resolution for both expenditures and transfers or to go with the resolution for the transfer only and allow him to come to Council for approval for an expenditure from the contingency. Mrs. deLeon said she was here when monies were spent out of contingency items previous to your being Manager. It not only came from the main bottom line contingency fund, unallocated, but it also came from individual accounts. To her, that bottom line, where it says contingencies is unspent money. If you recall, she has repeatedly for many, many years, when it comes to the parks, has always said the Township is supposed to, around budget time, submit a list of items that are supposed to be fixed for each park. That has not happened. Now you are saying you want this money for these picnic tables. She doesn't have a problem. When we get our budget this year, we need to do each park. The list was supposed to come back to Council. Had the list come back, it would have been a line item to be spent and wouldn't come out of contingency. In preparing the 2006 budget, Mr. Cahalan he did not get a request from any staff to replace these picnic tables.. The reason we came up with that resolution was to make sure there weren't things getting spent without budget approval. There has to be a checks and balance thing here. How did we come up with the direction to Jack that said when you wanted to spend? Mr. Cahalan said he's not sure. Attorney Treadwell said he thinks it was a resolution. Mrs. deLeon said it said monies coming out of that fund, that was the reason for that. Mr. Cahalan sad he agrees that money shouldn't be transferred out of a contingency fund without a resolution coming before Council. A contingency account is put into each park fund. It's not the main account. He's coming to Council to spend that money. Mrs. deLeon said we need to look at the resolution.

**MOTION BY:** Mr. Kern moved for approval for Mr. Cahalan to spend \$1,916 to purchase new picnic tables.

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

**ROLL CALL:** 5-0

**C. SOLICITOR**

- Nothing to report

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- D.     ENGINEER**  
    ➤     Nothing to report

**VIII.     ADJOURNMENT**

**MOTION BY:**     Mr. Horiszny moved to adjourn. The time was 10:48 PM.

**SECOND BY:**     Mr. Maxfield

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

**ROLL CALL:**     5-0

Submitted by:

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Mr. Jack Cahalan  
Township Manager

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Glenn Kern  
President of Council