

I. OPENING

CALL TO ORDER: The General Business & Developer meeting of Lower Saucon Township Council was called to order on Wednesday, July 15, 2009 at 7:12 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, Ron Horiszny, 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. Absent: Stephen Prager, Jr. 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 potential acquisition of land in Lower Saucon Township and arbitration with the uniformed staff in Lower Saucon Township.

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.

III. PRESENTATIONS/HEARINGS

A. ADOPTION OF MULTI-MUNICIPAL COMPREHENSIVE PLAN "OUR RESOURCES, OUR VALLEY – PLANNING IN PENNSYLVANIA'S SAUCON VALLEY – RESOLUTION 53-2009

Mr. Kern said the Multi-Municipal Comprehensive Plan that has been prepared by the Saucon Valley Partnership Multi-Municipal Comprehensive Plan Steering Committee consisting of representatives from Lower Saucon Township, the Borough of Hellertown and the Saucon Valley School District over the past two years and has been reviewed by the Planning Commissions from both municipalities and by the Lehigh Valley Planning Commission and is being presented tonight for a public hearing pursuant to public notice and for Council's consideration of adoption of the plan.

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

SECOND BY: Mrs. Yerger

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

ROLL CALL: 5-0

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Mr. Cahalan said AJ Schwartz is present tonight from Environmental Planning & Design (EPD) who has been working with the SVP Steering Committee for the past two years on putting together this draft of the multi-municipal comprehensive plan.

AJ said in terms of presentation, you have seen multiple presentations of this. He wants to congratulate you. It takes a long time to go through a planning process. From all accounts, it's been very successful.

AJ said he has seven slides and will highlight what the Municipalities Planning Code (MPC) requires to address in a comprehensive plan and he will go through the goals. The goals are probably one of the most important things in any plan because it is those points of light that you are always making your decision on and making comparisons. He also wants to go over the Mission Statement.

AJ said in terms of the MPC, there are eight points that the Commonwealth has defined which a community is supposed to focus on. Statement of goals; plan for land use and housing; plan for movement of people and goods which will be transportation, whether it's bikeways or roads; plan for community facilities and utilities; infrastructure; plan for natural resources of which your community has an abundance of both; statement of interrelationship among various planning components, which is basically how No. 1 through 5 interconnect with each other. In your case, it's how your connections relate to Hellertown. No. 7, long and short range implementation strategies and a lot of your plan focuses on that action plan itself. There are numerous actions and proudly you have starting doing implementation already on some of those items, and that's a great sign of things that can come to fruition is the plan itself. The last one is an indication of proposed development that is existing and proposed development is compatible with contiguous portions of your neighboring municipalities. This is beyond and relates to Upper Saucon, not Hellertown because they are part of your plan, but you are neighbors.

AJ said regarding goals, the highlight in terms of the balance of initiatives, as an example, really kind of captures the tone of a particular goal. No. 1 is Balance Initiatives, and in your case, you are looking at development and conservation. The community clearly is pro development and it needs to be in the right place and it needs to be of the right nature. That's really what that first goal is getting at. No. 2 is Managing Growth - managing impacts of growth by allowing residential and non-residential with available and adequate infrastructure service. That clearly was an important component. You have proposed a Municipal Services Boundary that kind of defines where sewer expansions should occur. That's all authorized through the MPC. No. 3 is Coordinate Infrastructure Investments. This is related to the Municipal Service Boundary. No. 4 is Transportation Solutions. All roads in the township eventually lead to Main Street in Hellertown virtually, so your transportation issues and things that happen within the township clearly have an impact on the Borough. That was a very important thing. A lot of the transportation issues are blind to even the municipal boundaries. They are not necessarily happening in your township. There's a whole series of actions and strategies that takes more of a regional approach, not just you and Hellertown, but a broader picture. No. 5 is Reinforce the Hub - the hub being downtown Hellertown. No. 6 is encourage In-fill and Adaptive Re-use. In a lot of cases, that really applies to Hellertown, but there are places, like 378 as an example, in the township itself, that definitely applies. No. 7 is Enhance the Continuity of Resources. No. 8 is Strengthen Roles. The Saucon Valley Partnership (SVP) is unique in the Commonwealth. There are now a couple of other partnerships that a COG is kind of being the leader in terms of trying to bring some communities together. You have really cast that and had a lot of success, baby steps, and eventually you have to learn to crawl, walk and run, and you are a good example of that success that can come out of it. No. 9 is Foster Volunteerism; and No. 10 is Maintain Fiscal Responsibility. All the decisions that the Steering Committee made, in terms of land use and those types of things, was always balanced with what does this mean with fiscal resources and responsibility. Those goals led to this Mission Statement. "The multi municipal comprehensive that seems to plan for the balanced growth that

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will maintain and enhance residents' quality of life and the distinctive character of each community by capitalizing on our natural, cultural, and recreational and economic assets." That is an umbrella, but it does capture the essence of what is in the plan.

AJ said the last slide is the integrated plan, the composite, which shows the overlaying land use and transportation, resources, all that information together.

AJ asked if anyone had any questions? Mrs. deLeon said she'd like to back up to the Municipal Services Boundary. When we were talking about it, she was focusing inside the boundary, and wasn't thinking outside the box. That doesn't prohibit a private developer from coming in and putting up little sewage plants, private lines? AJ said no, you cannot completely cap, meaning you can't almost as a moratorium or in the Commonwealth of PA literally exclude someone from having a septic field. If they can pass a perk test, can they still do that of thing? Yes, they can still do that type of thing. It does add a little bit more vigor for their improvements. When a private property owner comes in and they want to do an application, they have to apply to DEP. DEP, because you do have public sewer within your community which has to go through a review. If it would appear that it should be on the public system, that could become a road block for somebody in terms of getting sewage. DEP may force them to have to come back to the Township and figure out a way to make that connection. For instance, if a property were close to the water source as you get up in the highlands. Mrs. deLeon said dispute our boundary line? AJ said they may apply to modify your boundary line. The MPC gives you the ability to fend off those extensions if a property owner comes in and wants to propose a one mile extension because their property doesn't have service or a mile down the road you have service. That's not contemplated by the boundary, you can fend that off. Legally, you have the ability to do that. In the past, before they had amended the MPC, you couldn't do that. It is a very useful tool, particularly in a community like yours where you don't necessarily want to make infrastructure improvements. Every so often you need to go back and re-examine that. Mrs. deLeon said that would be hooking up to the public system which would be the authority system. What about the package treatment plants, like if a developer comes in and wants to put in x number of lots and want to do a community system? That's more private. AJ said the township can't preclude that. He will defer to the Township Engineer on this type of thing. They are getting much more difficult for somebody to get approved. DEP is strongly divergent. That was their solutions in the 70's. They allowed package treatment plants to accept adjoining properties. It always came down to the maintenance. DEP really frowns upon that. The boundary gives you some leverage. DEP may sometimes just reject. We're not in a position to extend sewer and water and that may mean that property owner or developer can't do that proposed development until they are able to get service. Mrs. deLeon said she has her opinions on that, it depends how strong you want to be. This comp plan didn't address any of our zoning, so there could be a zoning district outside of this municipal boundary that could be in that predicament. AJ said give me an example. Mrs. deLeon said with the density, in order to put in these community systems, will they do it for one or two homes, it probably isn't cost effective to do that. AJ said are you asking, for instance, a farmstead, maybe it's 50 acres and someone comes in, and it's outside the municipal boundary and is in an area that is more residential, they are asking for re-zoning? Mrs. deLeon said she's not asking about re-zoning, but whether they could put in a package treatment or a community treatment system? AJ said given the way the comp plan is laid out and given the way your zoning is currently set up and appropriately set up, they would probably have to ask for probably a re-zoning as they would need more houses for that system than what your zoning would currently allow them to have. That would be inconsistent with the comp plan. You have a legal means. Mrs. deLeon said we just went through this with another subdivision and they withdrew it now. She voted no as there were other issues. AJ said you would be able to say this is inconsistent, and again, it doesn't preclude anyone from ever challenging you. Mrs. deLeon said there are different doors to open all the time. AJ said you have a very strong case to say no, that's not consistent.

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Mr. Kern said the purpose of the Municipal Services Boundary is that it lays out, for the developer where development is encouraged and where it isn't. AJ said it's putting that on a map ahead of time, so if you have a speculative type of developer, they are not speculating in areas that you are not prepared to provide that kind of service. From a community standpoint, you are responsible for providing service in a reasonable timeframe within the boundary, and you are also responsible for going back from time to time and re-evaluating that boundary. It puts the Authority in a much better position to know how to do their capital planning. Often times, the community will get in a position where they just funded an extension through a bond issue. Now all of a sudden someone is asking to make an extension over here, and while they may have the capacity, they don't have the capital to build more lines and it puts them in a very difficult situation.

Mr. Kern said given that farm scenario, what it tells the developer is "no, you're not getting public water and you're not getting public sewer out to that farm because we've laid out where the Municipal Services Boundary is. Now it's up to you to figure out what you're going to do?" Mrs. deLeon said she's comfortable with all of that. What she's talking about is the area outside the boundary. Mr. Kern said they can do what they can do based on the rules. They can't get public sewer and water there and that's the purpose of the Municipal Services Boundary. AJ said and then, if they come back and say they are going to apply for a package treatment plant, they can do that. In order to pay for the package treatment plant, they will mostly likely need higher density beyond what you have, so it again comes back to your body to make a decision whether or not that makes sense. He's trying to say that if it would be inconsistent with what you laid down in the comp plan and the zoning, you could confidently deny that application. Mrs. deLeon said what she is trying to suggest is to make sure our zoning around that boundary is less dense so that it wouldn't be cost effective for the developer to even want to do that. AJ said he would agree. Mrs. deLeon said she mentioned this at a previous Council meeting, this private – public municipal boundary. She was pretty comfortable with it, and then thought, private, so she just wanted to be clear on that.

Mrs. deLeon said did Hellertown talk about this on Monday night at their Council meeting? Mr. Cahalan said they are going to do this on August 17. They were going to have some absences and felt they wanted to hold off until their full Council was present. Mrs. deLeon said she wanted to identify all the villages in LST and apparently there were some villages in Hellertown that no one mentioned. Is that a minor thing? AJ said that's a good question. If there was an item like that, it's not a substantive change and wouldn't have to go back to the whole hearing process. You can make a recommendation and make it conditional upon that type of change. In your case, if Hellertown makes that point, it could be a modification. In terms of the multi municipal plan, the resolutions want to be consistent and Jack and Charlie have done that.

Mr. Cahalan said we have some other documents along with the resolution that would adopt the multi municipal plan. As Council and the Steering Committee know, there was a long struggle with the Lehigh Valley Planning Commission (LVPC) over some differences we had in our plan with the County Comprehensive plan. Charlie Luthar and Mr. Cahalan went there twice and they sent the LVPC two revisions to the comp plan. They had to pay the consultants to do additional work to re-format the plan and to address some of the concerns the LVPC had, and the theme that had run through this whole process, was that our plan still was inconsistent with the County Comprehensive Plan. In your packet, is a memo from the Solicitor that points out Section 302 in the MPC. It says that "County shall consider amendments to their comprehensive plan proposed by municipalities which are considering adoption or revision of their municipal comprehensive plans so as to achieve general consistency between the respective plans". It goes on to say further "where two or more contiguous municipalities request amendments to a county comprehensive plan for the purpose of achieving general consistency between the municipal plans or multi municipal plan and the county comprehensive plan, the county must accept the amendments unless good cause for their refusal is established". In our mind, that kind of changed our position. It wasn't one that we were deficient, but we were in a position which we had felt all along that we

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had worked hard on this plan and came up with a lot of good actions and recommendations and there are differences between our plan, the land use designations, and the land use designations that the LVPC had applied several years ago. In your packet, is a draft of a letter that we put together that identifies those areas. We did this with the help of AJ and Carolyn. It identifies areas where we do have differences with the County Comprehensive Plan and we're respectfully requesting that they make changes and amendments to the plans so there will be this general consistency between the two plans. That's before you and it will be before Hellertown Borough Council and the school district. It will also be discussed at the next meeting of the SVP. He really feels confident that it restored our confidence in our plan and that it's not deficient because there are some differences with the County plan.

Mrs. deLeon said was that a recent amendment to the MPC or has it been in there for a long time? Attorney Treadwell said he can't tell you when it was put in there. It's definitely in there and the intent and purpose of the people that drafted the MPC and that section was that generally the local municipality knows a little bit more about the local municipality than the county might. AJ said when they amended the MPC six or seven years ago, that's when they did that. That amendment introduced the multi municipal concept. It made it more formal. Before, that could happen, there wasn't really a formal process. When that happened, then they also put pressures on the County and that's probably why the LVPC was ahead of a lot of the commonwealth in getting plans together for the perspective counties. Allegheny County in Pittsburgh finished theirs just last year. You have had a county plan for some time. When they made that amendment, they also had to put that provision in because it only made sense. Some of the things that were pointed out as being differences were almost borne from data collection. There are some areas they identify from an existing land use standpoint differently than what your community actually has. There are some things that weren't even part of the plan. Some of those differences he would even question where the difference came from. Mrs. deLeon said that's where they inserted the term "generally consistent". AJ said yes, but in the last review, they continued to point out a couple of key places, and we tried to address them specifically. The big one on your end, which was the difference, was the rural residential area. Because the way you have historically handled the density, particularly with the watershed protection (which is the appropriate thing to do), they are looking at Polk Valley, as an example, higher density and that's what's in their plan today. What you have in the plan has legal standing. That's the only thing that makes sense to have the LVPC go back and re-examine it. Mrs. deLeon said at one point when we condemned the land for Polk Valley, it was a UR district, so that kind of went away.

Mr. Cahalan said in May 1st letter, there was a mistake in the May 1st letter they got from the LVPC. On page 4 of the letter, the label was "Seidersville Road". We looked at that and actually discovered they were talking about Applebutter Road as they had circled areas and it was Applebutter Road. There is a new letter with a footnote explaining incorrect reference in the letter.

Mr. Kern asked for any other comment? No one raised their hand.

MOTION BY: Mrs. Yerger moved to close the hearing.

SECOND BY: Mr. Horiszny

ROLL CALL: 5-0

MOTION BY: Mr. Maxfield moved to adopt Resolution 53-2009; the multi municipal comprehensive plan entitled "Our Resources, Our Valley – Planning in Pennsylvania's Saucon Valley".

SECOND BY: Mrs. Yerger

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

ROLL CALL: 5-0

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- MOTION BY:** Mrs. Yerger moved to forward the letter dated July 16, 2009 to Mike Kaiser, Executive Director expressing Lower Saucon's and the COG's view of the SVP Comprehensive Municipal plan and how the County plan should be tailored to meet those specifications subject to the approval of the Hellertown Borough and the school district.
- SECOND BY:** Mrs. deLeon
Mr. Kern asked if anyone in the audience had any comments or questions? No one raised their hand.
- ROLL CALL:** 5-0

Mrs. deLeon said when all the bodies review this, and hopefully, vote to approve it, we can send them a packet with all of the letters in it.

Mr. Kern said Mr. Cahalan just informed him that agenda item IV.A. Meadows Grove, 1770 Meadows Road, has been removed from the agenda tonight.

Mr. Maxfield thanked AJ and his firm. They did a great job. It was two years and it was a learning experience for all of us.

B. ORDINANCE NO. 2009-05 – REPEALING ORDINANCE NO. 91-5 PERTAINING TO ACCESSIBILITY TO CERTAIN LOTS OF LAND – PUBLIC HEARING AND CONSIDERATION OF ADOPTION

Mr. Kern said Ordinance No. 2009-05 has been advertised for a public hearing and consideration of adoption 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. These ordinances are now obsolete since the Township adopted its code.

- MOTION BY:** Mr. Horiszny moved to open the hearing.
- SECOND BY:** Mr. Maxfield
Mr. Kern asked if anyone in the audience had any comments or questions? No one raised their hand.
- ROLL CALL:** 5-0

Attorney Treadwell said unless anyone has any questions, he doesn't have anything to add other than the summary above. These ordinances were in place before. Now that your code is in place, they are not necessary. The staff has reviewed all three ordinances and that's our opinion. That's why it is before you this evening.

Mr. Kern asked for any comment from staff or the audience? No one raised their hand.

- MOTION BY:** Mr. Horiszny moved to close the hearing.
- SECOND BY:** Mrs. Yerger
- ROLL CALL:** 5-0

- MOTION BY:** Mrs. Yerger moved for adoption of ordinance 2009-05.
- SECOND BY:** Mr. Maxfield
Mr. Kern asked if anyone in the audience had any comments or questions? No one raised their hand.
- ROLL CALL:** 5-0

C. **ORDINANCE NO. 2009-06 – ERECTION OF STOP SIGNS ON VICTOR ROAD WITHIN THE MEADOW VIEW SUBDIVISION – PUBLIC HEARING AND CONSIDERATION OF ADOPTION**

Mr. Kern said Ordinance No. 2009-06 has been advertised for a public hearing and consideration of adoption to erect two stop signs on Victor Road - one at Amelia Court and one at Nancy Lee Court.

MOTION BY: Mrs. Yerger moved to open the hearing.

SECOND BY: Mr. Horiszny

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

ROLL CALL: 5-0

Mr. Cahalan said this is the ordinance that Council asked that we put together and advertise at the last meeting. The residents from Victor Road came here and discussed problems with speeding cars through the development and the ordinance has been prepared to erect two stop signs at the intersection of Victor with Amelia Court and Nancy Lee Court. This will make it a four-way stop.

Mr. Kern asked if there was any comment from staff or in the audience? Stephanie Brown, resident, said she's against these stop signs as she's not sure what they are going to do as that road has become a short cut. A lot of it is because of the misalignment of Meadows and Skibo Road which she was told for many years now it was supposed to be realigned. Her other concern is from years of walking on Meadows Road, Skibo Road, and 412, and that road is in a development and the problems with roads in developments is the people feel that they are private roads and no one should ever be on them. They also think their kids should be playing in the road. When she grew up, she rode bike on Meadows Road, she walked on Meadows Road. It's different now. People actually play in the road in developments. These stop signs are going to give the residents a false sense that their kids are going to be safer and that's not going to be the case. People don't stop at stop signs. They don't stop for it. She wanted to know what kind of police enforcement there was going to be with the stop signs? Mr. Kern said if you run a stop sign and there is a policeman there, you are going to be ticketed. Ms. Brown said is this area going to be targeted by the LST police? Mr. Maxfield said he's sure they are going to look at it a little more closely. Mr. Cahalan said no more than any other intersection with stop signs. Ms. Brown said she was once told that the police have better things to do than sit and watch traffic, and that would be a watching traffic situation. Mr. Cahalan said they do sit and watch traffic. That's part of their patrol responsibilities. They do it at various intersections. That's a regular part of their patrol duties. Ms. Brown said when these stop signs get put up, would the next logical step is to put white lines there, for timing speed? Mr. Cahalan said no. There will be white stop line there. Ms. Brown said maybe that is something else that seems it would be more important for the police to be sitting there doing a speed check. She doesn't think the stop signs are going to do much.

Mr. Kern said your comment about it alleviating traffic wasn't the goal. The residents who testified here said they were concerned about the speed of the traffic and one thing the stop signs will do is slow the traffic to a stop at the stop sign. That was worth a shot. Ms. Brown said from walking for many years, she's been almost hit many times by people who don't stop when they are turning right out of Victor on to Skibo or turning left off of Victor to Meadows. Nobody cares if there are stop signs there. She's been discussing problems on the road with Corporal Barndt the last couple of weeks and there's been a push about the speeding on Meadows Road, but she doesn't know what they are doing about it. On Stover Road, nobody stops, so she can barely get into her driveway anymore. She also understands some yellow safety signs are going to be erected? Mr. Cahalan said the "Children at Play" sign? That was part of the motion that Council made. Mrs. Yerger said they were looking for anything that would slow traffic down. Is there any guarantee? No, but if it catches one drivers eye, it's better than none. Ms. Brown said there are children all over this township and she doesn't understand why only this neighborhood is going to have those

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signs. Mr. Kern said because they came before Council and said they were having a problem. Council agreed. Mr. Cahalan said they provided a number of 22 children under the age of 13 on Nancy Lee, Amelia and Victor Road.

Mr. Horiszny said neither the reflective poles nor the “Children at Play” are mentioned in here. Mr. Cahalan said they will put them up. Mrs. deLeon said wasn’t it part of the motion? Attorney Treadwell said it was part of the motion, but you don’t need to do that by ordinance because the police aren’t required to enforce a “Children at Play” sign as there’s nothing to enforce.

MOTION BY: Mr. Maxfield moved to close the hearing.

SECOND BY: Mr. Horiszny

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

ROLL CALL: 5-0

MOTION BY: Mrs. Yerger moved for approval of Ordinance 2009-06.

SECOND BY: Mr. Maxfield

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

ROLL CALL: 5-0

D. RESOLUTION #54-2009 – HONORING FRAN LABUDA FOR HIS YEARS OF SERVICE TO LOWER SAUCON TOWNSHIP

Mr. Kern said Resolution #54-2009 has been prepared honoring Fran LaBuda for his years of service in several volunteer capacities with Lower Saucon Township.

A RESOLUTION HONORING FRANCIS (FRAN) LABUDA FOR HIS SERVICE TO LOWER SAUCON TOWNSHIP

WHEREAS, Fran Labuda has served the residents of Lower Saucon Township in several volunteer capacities over the past sixteen (16) years; and;

WHEREAS, Fran was first appointed to the Township Planning Commission in 1993 and served four terms until 2009 and has acted as the Planning Commission Secretary from 1998 to the present; and

WHEREAS, Fran has been a member of the Pension Advisory Committee since 1995; and

WHEREAS, during his sixteen (16) years of service to the Township, Fran dedicated himself to the goals of managing the Township’s growth and maintaining the integrity of its two employee pension funds; and

NOW, THEREFORE, BE IT RESOLVED, that the Council of Lower Saucon Township, Glenn Kern, President; Thomas Maxfield, Vice President; Priscilla deLeon, Council Member; Sandra Yerger, Council Member; and Ronald Horiszny, Council Member; hereby honors Fran Labuda for his long service and dedication to the residents of Lower Saucon Township.

MOTION BY: Mrs. Yerger moved for approval of Resolution #54-2009.

SECOND BY: Mrs. deLeon

Mr. Kern asked if anyone in the audience had any comments or questions? Mr. Maxfield said he’s been on the Planning Commission for around ten years and he’s learned over the years to appreciate Fran a lot...his sense of humor, his down to earth look at things, and he also appreciates his ability to get free legal advice from both Linc and Dave Shafkowitz and he

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thinks that's admirable and Fran would appreciate that joke. He's going to miss him as he likes him a lot. He knows the other members will also miss him. Mrs. deLeon said being on the Pension Committee with Fran, he's just an amazing person and he has a lot of expertise and he's going to be missed. Mr. Kern said he served with Fran on the Planning Commission (PC) and he remembers most of how down to earth he was as a PC member. He just didn't take "crap". He said whatever was on his mind. He remembers him saying years ago, when the EAC was just starting, "why don't you guys get a map going of the township of what lands are available, why don't you just do that, so we know what lands are available to preserve". That's before anyone knew anything about open space plan. Mr. Maxfield said we should have taken his advice right away. Mr. Cahalan said Fran has been having some health issues and felt he had to step down. We'll miss him on both of the boards.

ROLL CALL: 5-0

E. RESOLUTION #55-2009 – HONORING JR. COUNCIL MEMBER – STEPHEN PRAGER

Mr. Kern said Resolution #55-2009 has been prepared honoring Stephen Prager for serving as Jr. Council Member.

**PROCLAMATION HONORING STEPHEN PRAGER,
JUNIOR COUNCIL MEMBER**

WHEREAS, the Lower Saucon Township Council appointed Stephen Prager to serve on Lower Saucon Township Council; and

WHEREAS, Stephen participated in the meetings of the Council during the 2008-2009 school year and provided input from a student's point of view; and

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

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

MOTION BY: Mrs. deLeon moved for approval of Resolution #55-2009.

SECOND BY: Mrs. Yerger

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

ROLL CALL: 5-0

F. RESOLUTION #56-2009 – HONORING JR. COUNCIL MEMBER – JESSICA NULL

Mr. Kern said Resolution #56-2009 has been prepared honoring Jessica Null for serving as Jr. Council Member to the EAC.

**PROCLAMATION HONORING JESSICA NULL,
JUNIOR COUNCIL MEMBER TO THE
ENVIRONMENTAL ADVISORY COUNCIL**

WHEREAS, the Lower Saucon Township Council appointed Jessica Null to serve on Lower Saucon Township Environmental Advisory Council (EAC); and

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WHEREAS, Jessica participated in the meetings of the EAC during the 2008-2009 school year and provided input from a student's point of view; and

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

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

MOTION BY: Mrs. Yerger moved for approval of Resolution #56-2009 for Jessica Null. She did a great job.

SECOND BY: Mr. Maxfield

Mr. Kern asked if anyone in the audience had any comments or questions? Mrs. Yerger said Jessica attended all the EAC meetings. She was overly enthusiastic. She was at our recycling day and all the other extra events we had. She was just a great representative from the high school this year, and we were glad to have her; and she contributed to the discussions and took things back to the high school and really was part of the dialogue. Mr. Maxfield said she came prepared. She was really good.

ROLL CALL: 5-0

IV. DEVELOPER ITEMS

A. MEADOWS GROVE – 1770 MEADOWS ROAD – DENIAL OF LAND DEVELOPMENT AND SITE PLAN

THIS HAS BEEN TAKEN OFF THE AGENDA. Attorney Treadwell said there is a 90-day extension for Meadows Grove.

V. TOWNSHIP BUSINESS ITEMS

A. REVIEW AIR QUALITY CONSULTANT REPORT ON BRE STACK TESTING

Mr. Kern said Council asked the air quality consultant, Ambient Air Quality Services, to review and provide a report on the Compliance Stack Test Reports that have been submitted to the Township by Bethlehem Renewable Energy (BRE).

Mr. Cahalan said we brought this to a previous Council meeting and reported that under the Special Exception approval that BRE received from the Township Zoning Hearing Board, they are to provide this compliance stack test report on a bi-annual basis to the Township. The Township has received two (2) reports so far and the Township Engineer recommended that the Air Quality Consultant take a look at this report. The report is from Lou Militana dated July 13, 2009.

Mr. Kocher said when BRE got approval from the Zoning Hearing Board (ZHB), the ZHB said we want you to do some air testing. This is how we want you to do it and this is when we want you to report it to us. They didn't set specific criteria. They left that up to when the DEP permit would be there. They have done some testing. Lou points out that they didn't exactly follow the timing and reporting issues that the ZHB said they had to. Technically, they may not be in compliance with the conditions of the special exception. The second item is regarding the testing itself, Lou points out that they did not test lead. He thinks they should have. Mr. Kern said was it a requirement that they test for lead? Mr. Kocher said it was not a township requirement, but Lou said that is one of the criteria that is supposed to be tested under DEP's permit. He's not saying they exceeded the limit, he is just saying they didn't test for it. Lou does point out pollutants that did exceed allowable levels. He points out that BRE seems to not want to do anything additional, air quality-

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wise, they want to solve it by having the conditions of their permit changed. The two items for Council to consider is No. 1, do you consider the way that they've done their testing that was agreed upon so do you want Chris Garges to go after them for a violation of special exception criteria, and No. 2, do you want to have Lou draft a letter for Jack to send to DEP to point out the inconsistencies Lou found in the testing?

Mr. Maxfield said their ability to get a General Permit does not supersede our Special Exception process, right? Mr. Kocher said there are two tracks there. One is related to their zoning approval and the other is related to compliance with DEP's regulations. Mr. Maxfield said what would be our options if we deem that they haven't met the zoning conditions? Mr. Kocher said since they didn't do certain testing, you can't go back in time and do the testings. Maybe you can say we'll test for another year beyond what we said we would, or there could be options like that.

Mrs. deLeon said what bothers her is they didn't meet a requirement of the ZHB. Who is following this in the Township? Why wasn't that caught? Who is in charge in the Township of making sure of this? Mr. Cahalan said the Zoning Officer. Mrs. deLeon said she's a little upset that this didn't happen. Mr. Kern said they were caught, that's why we are talking about it right now. Mrs. deLeon said if you read this, they missed deadlines. The first deadline they missed was where they were supposed to report to us in 30 days after testing. Mrs. deLeon said what was the date? Mr. Cahalan said after they completed the testing, they were supposed to give us results within 30 days. Mrs. deLeon said they missed the deadline, so it doesn't matter. This is not acceptable. The Township wasn't watching this. The second thing is now they are in violation of their ZHB and this is significant because we spent a lot of time and money hiring consultants to come up with a plan so they would meet environmental concerns that we had. The two things are the SO2 admissions and the PM/PM-10 admission for the general permit. Does anyone know when they applied for their general permit back in April 2009, was there a comment period from the Township? Does DEP send the host municipality a notice that they are doing this and is there a 30 day comment period? Mr. Kocher said he doesn't remember seeing a specific notice and he's not aware that they have to. They are attached to the landfill, but not really a landfill itself. Mrs. deLeon said the recommendation page, it's recommended the Township submit comments regarding the application for the general permit. She doesn't know if they issued the permit, but it never hurts to update DEP. They always say in order for an application to proceed with an application, they have to meet local zoning. We do have our ZHB decision. It goes on to say about expressing the concern about the emissions and the exceedance. The SO2 exceedance is no longer because of the new permit, so technically they are not in violation because of the second general permit that they applied for, but still, regardless of the old or new general permit, in violation of the emissions? Mr. Kocher said yes. Mrs. deLeon said we have a landfill meeting tomorrow and she'd like to update IESI on this.

MOTION BY: Mrs. deLeon would like to ask that Lou do a professional memo instead of the DRAFT one Council received. She would like to recommend that Council authorizes the Manager to follow the recommendation as per the consultant, to send a letter to DEP, and we'd also want to follow up and send a copy to BRE and the landfill, and then proceed with whatever the township has to do internally for the zoning violation.

Mr. Maxfield said since it was Chris's call initially, can we have a letter from the Zoning Officer sent to BRE saying that the deadlines were not met, this is where the inadequacies were. If we follow the procedure of who would enforce the special exception, that would be good. Mrs. deLeon said the Township has a procedure that they have to follow that they do for everybody, so if that's the procedure, yes, the letter should come from the Council.

Mr. Kern asked what emissions were exceeded? Mr. Kocher said whatever SO2 is, which is some kind of sulfur and PM/PM-10, which we don't know what they are. Mrs. deLeon said the lead thing also. Mr. Kocher said all we can report is that lead wasn't tested. We don't know if it was

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exceeded or not. Mrs. deLeon said it has in the letter that DEP approved testing methods, and was not met by BRE, what are they, as she doesn't recall that? Mr. Maxfield said it kind of sounds like they may have been met, but we didn't get copied on it or get a notification of it being met. Mr. Kocher said that's possible and that's why he suggested that Lou should probably draft something knowing we want to tell DEP what the concerns are and he can point those things out a little more specifically in DEP's language. Mrs. deLeon said she will amend her motion to include that. Mr. Kern said SO₂ is sulfur dioxide and that would just be an odor problem, not a health problem. Mr. Maxfield said it's also acidic. As soon as sulfur dioxide reacts with the moisture in the air, then you have a basis for acid rain. Mrs. deLeon said you don't know if it's a borderline exceedance or the level. Mr. Kern said he didn't understand that you were talking about how they did exceed it, but now they are not exceeding it? Mr. Kocher said the sulfur dioxide under their original permit, the test results exceed the limits established by the initial permit. Since they applied for the General Permit, what they are putting out today meets the criteria of the new permit. It's the way DEP sets up the permits. Mrs. deLeon said do you remember when we first started this, there were five permits going on simultaneously with all the different departments. We met with DEP. At the time, two, three, four years ago when they applied for this General Permit, there were different parameters for exceedance, and that's what they were given. It was explained to her, that there are so many of these plants being built that now they've raised the levels a little bit, so there's another permit out there, but they didn't have that permit. Now they applied for this new permit in April because it didn't matter if they were over the old parameters because this new one said it was okay. Mr. Kern said they are not in violation then? Mrs. deLeon said no. They would have been in worst violation had they not switched the permits. Now that they switched the permits, this last paragraph says "the general permit would establish a higher emission limit for SO₂ than the current plan which would eliminate the SO₂ emissions". Mr. Kern said they are not in violation of the sulfur but are in violation of the PM/PM-10?. Mrs. deLeon said with DEP. When we approved their plan, the ZHB said they had to do testing, but we left it up to DEP. Under the new General Permit, they would be under this PM/PM-10 thing. Mr. Kern said they are still exceeding the PM/PM-10, but not the sulfur dioxide. Mr. Kocher said right. Mr. Maxfield said they are saying the PM/PM-10 levels will remain the same as they were before. Mr. Kocher said correct. Mr. Kern said are they seeking a permit to get that under compliance? Mrs. Yerger said no. Mr. Kern said what are they going to do about bringing that number down? Mrs. deLeon said when DEP discovered that they were in violation of exceeding prior to February, March or April, they were going to issue a Notice of Violation (NOV), then they decided to file this other thing, then they wouldn't be.

Mr. Cahalan said speaking about the PM/PM-10, Lou was talking about finding a technological solution. Could DEP ask them to install something? Mr. Kocher said yes, there might be something. Mrs. deLeon said she knows they have had a lot of outages with the stack testing and they were unable to use their technology and it was reverting back to the flare and at our monthly meetings, we get pages of these outages which is what we were told "normal procedural things" with new plants. They have lessened. Mr. Kern said do we need two letters? Attorney Treadwell said one letter should come from the Township drafted by Lou to DEP on behalf of Council stating what the problems are with what's actually coming out of the stack and then probably one from the Zoning Officer to BRE explaining how they violated the conditions of their special exception. You can treat a violation of a condition with special exception like a violation of your zoning ordinance. Normally the way the Zoning Office operates is to initially send a letter to the property owner and say you are in violation. If nobody responds, then they get the actual NOV, which then prompts a hearing in front of the ZHB and then a Magistrate. NOV would mean they would then appeal that and then we go in front of the ZHB for penalties. Mrs. Yerger said can we go right to a NOV notice? Attorney Treadwell said you can. What he's saying is the normal way the Zoning Office treats a potential zoning ordinance violation is to first let the property owner know that we have a problem here. Mr. Kern said that should be done. Attorney Treadwell said what that may do for Council as well as right now, it says they didn't provide the report within 30 days of the test. Was it 31 days or was it 70 days, how far did they miss these deadlines that they appeared to have been

missed? Mrs. deLeon said will the Township report back to Council on that time line? Attorney Treadwell said we can do that.

Mrs. deLeon said she does have a motion on the floor, and are discussing the changes to her motion. Attorney Treadwell said the intent of the motion was to notify DEP on behalf of Council, with Lou Militana's suggested language as to the violations that have occurred on the actual emissions coming out of the stack and also the fact that they were supposed to test for lead evidently, and they didn't. Mrs. deLeon said we don't know that. Attorney Treadwell said Lou seems to be saying that's one of the criteria pollutants that they didn't test for. Mrs. Yerger said it would be advisable then also as the ZHB process goes forward to copy DEP on that? Mrs. deLeon said yes and the ZHB. Attorney Treadwell said we wouldn't copy the ZHB because we may have to appear in front of the ZHB as an enforcement agency. Mrs. deLeon said both letters should end up at DEP, one as a real letter and one as would be the cc from the Township Zoning Officer. Mrs. deLeon said please cc IESI on the letters.

- MOTION BY:** Mrs. deLeon amended her previous motion and moved for direction as stated above by the Solicitor.
- SECOND BY:** Mrs. Yerger
Mr. Kern asked if anyone in the audience had any comments or questions? Allan Johnson, resident, said he thinks PM might mean Particulate Matter and PM-10 might mean Particulate Matter 10 microns.
- ROLL CALL:** 5-0

B. RESOLUTION #57-2009 – AUTHORIZING SUBMISSION OF GROWING GREENER WATERSHED PROTECTION GRANT FOR CLOVER VIEW LOT NATURALIZATION

Mr. Kern said Council has approved a plan for the naturalization of the four (4) lots and the detention basin in the former Clover View Estates subdivision that were purchased by the Township for open space preservation purposes in 2008. The Township is submitting a grant application to the Department of Environmental Protection (PA DEP) Growing Greener Program for funding to carry out the naturalization plan for these parcels.

RESOLUTION AUTHORIZING THE SUBMISSION OF A PA DEP GROWING GREENER PLUS GRANT APPLICATION FOR THE CLOVER VIEW LOT NATURALIZATION PLAN

WHEREAS, Lower Saucon Township purchased four (4) lots totaling 14.75 acres in 2008 in the Clover View Subdivision on Macarro Way for open space preservation and headwater protection of the Saucon Creek; and

WHEREAS, the Township wishes to remediate and naturalize the detention basin located on one of these lots by re-grading and retrofitting the structure and by planting a mix of plants and trees that will restore its wetlands filtration function; and

WHEREAS, the Township wishes to naturalize the remaining open space areas on these lots by planting native plant and grasses; and

WHEREAS, the Township has approved a Lot Naturalization Plan for the four (4) lots prepared by the Township Planner, Boucher & James, Inc.; and

WHEREAS, the Township wishes to obtain funding to accomplish this remediation and naturalization plan through a Watershed Protection Grant from the Pennsylvania Department of Environmental Protection's Growing Greener Plus program.

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NOW, THEREFORE, BE IT IS RESOLVED by the Council of the Township of Lower Saucon, Northampton County, Pennsylvania, as follows:

1. That the Council President is hereby authorized and directed to execute the Growing Greener Plus grant application for funding for the Clover View Lot Naturalization Plan.
2. A Township match of 28% or \$40,087 is hereby authorized for this grant application.

This Resolution has been duly prepared and adopted by the Council of the Township of Lower Saucon in a public meeting held this 15th day of July, 2009.

Mr. Cahalan said as Council directed, he and Mr. Kochanski have been working on putting together a Growing Greener Plus Grant application. The deadline for submission is this Friday. Kevin has done a lot of the narrative and the summary work on this. They put together the budget which entails the retrofit and remediation of the basin and the naturalization of the remaining acreage on the four lots. It involves some engineering and some planning work, and some materials. A lot of the work that will have to be done on the basin can be done in-house, and we intend on using the cost of that in-house work as the match toward this grant. We are still finalizing the total. The grant total should be around \$140,000. We're still tweaking that amount between the Planner and the Engineer, and trying to get the cost pinned down. As far as the match, we are required to do a 15%. We can comfortably do that by doing the work in-house with Public Works. This resolution would authorize the Council President to sign the grant application, which they will submit on Friday. They are getting letters of support from politicians and other groups in the area for support of the application.

MOTION BY: Mrs. Yerger moved for authorization of Resolution #57-2009.

SECOND BY: Mr. Maxfield

Mr. Kern asked if anyone in the audience had any comments or questions? Mr. Maxfield said does our naturalization plan cover three lots or four lots? Mr. Kochanski said four lots.

ROLL CALL: 5-0

C. RECOMMENDATIONS FROM LIBRARY COMMITTEE REGARDING BETHLEHEM AREA PUBLIC LIBRARY CONTRACT AND 2010 BUDGET

Mr. Kern said the Township Library Committee has gathered information about the BAPL library services agreement and the 2010 library budget and would like to make several recommendations to the Council to address concerns that they have identified.

Mr. Cahalan said the Library Committee has been busy this year. They have had several meetings. Two of our members, Allan Johnson and Lynn Koehler are here tonight. The reason we are making these recommendations at this time is for two reasons. One, the Bethlehem Area Public Library (BAPL) is in the process of putting together their budget for 2010, and that involves figuring out how much of a contribution they will ask the supporting municipalities to provide towards that budget. The second issue that's happening and has been dragging on is the state budget discussions. In those discussions, from what we've been hearing, and the library is fearing, is that there will be some drastic cuts in the Dept. of Education where the library funding resides. Given those circumstances, we felt it would be worthwhile to be proactive and to make some recommendations to Council about what we feel the position the Township should take with the upcoming budget rather than being reactive as this situation usually is, where they give us a number and we have to contribute, and at that point, it's too late to have any real discussion or meaningful input as it's "take it or leave it". Take it means we pay the additional amount. Leave it means we don't get library services from the BAPL which you've seen surveys that indicated that a majority of those submitted do want those services continued. The Library Committee prepared a memo with these recommendations and the members are here. Allan and Lynn can talk about it.

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There's an issue regarding the agreement that the Solicitor can take a look at. We initially signed it back in 1991 and we renew it every year by notifying the library by November 15 that we intend to continue for another year. Those are the issues. If you'd like, he can go over the recommendations from the Library Committee.

Mr. Johnson said he's interested to see how the Council feels about the recommendations that the committee made. Mr. Cahalan said there are four issues that the Library Committee brought to Council's attention. The first one is the contract. We pointed out there are several concerns and issues with the contract that was created in 1991. The first issue is that it is a "take it" or "leave it" contract. The Township has a choice of agreeing to the BAPL per capita charge by November 15 or opting out of the library services agreement. The second point is with library costs increasing, and the possibility of state aid decreasing, there is a concern with the current contract that the per capita charge to the participating municipalities could be adjusted upward to make up for these losses. We have provided you with minutes from the Library Committee meeting with the BAPL Board of Trustees President and BAPL Director Janet Fricker. That's a real concern that we would be called on to make up for those losses. Thirdly, the Township has no influence on the BAPL's annual budget or the calculation of the annual per capita charge other than a "no" vote to the budget by our Township Representative, Lynn Koehler, who is a member of the Board of Trustees. On that issue with the contract, the Library Committee recommends to the Township Council that the Township make a formal request to the BAPL advising we would like to renegotiate the terms of the 1991 contract. In addition, we recommend that the Council ask the Township Solicitor to review the library contract and make recommendations for changes based on Council's direction.

Ms. Koehler said this came out of the concern about the state budget, and you expressed interest in watching the cost. It came out of concern about what's going on financially, globally, and here. In previous years, there's been concern about the lower state funding and the fact that the various endowment funds have less interest being earned. In previous years we made up some of the budget deficits by taking a little bit extra money from our emergency fund and covering it that way, but there's less money now. What she's most concerned about is they are going to make a recommendation as they are going to have a budget meeting soon. We don't know what Bethlehem City Council is going to do. We don't know about the union wage increases. We don't have information about increases in medical benefit costs and health insurance costs. We don't know what they are going to ask, so when she comes to you in the fall to support the library per capita change and agree to it, that number could be a different number and that's what she is worried about. We could agree to 4%, and they could come back with 4.5%, we don't know. That's where we don't have a choice. Whatever number they come up with, each participating municipality pays the same including the City of Bethlehem. Bethlehem also covers the cost of the building and the property.

Mr. Kern said do we know how many residents there are in Lower Saucon who use the Bethlehem library? Mr. Cahalan said the number of people who have library cards? That's about 35% of 9,000 people from the last census. Ms. Koehler said if there are cuts, it will cut out the Access PA system. Mr. Johnson said a lot of our residents use the Hellertown Library and the reason they can use it is because they have a Bethlehem card which has this Access PA provision. Ms. Koehler said there is a chance that might be cut. Mrs. deLeon said that allows them to go in to take books out of the library. Mr. Johnson said they couldn't take books out of the Hellertown Library without the Access PA card. Mrs. deLeon said if that was cut by the state, our residents using the Hellertown Library could still go in the library, but wouldn't be able to take books out. Mr. Johnson said how many of our residents are using the Hellertown Library in addition to the BAPL? Ms. Koehler said we don't have that information. Mr. Kern said let's say it's \$160,000 and say there are 3,800 residents actually using it, that's \$42 per resident. That's one thing he said from the beginning – why not have the people who are actually using it, pay for it instead of having it subsidized by the entire township. Mrs. deLeon said it's un-American not to have a library. Mr. Kern said you have a library; you just have to pay for it. Mr. Johnson said if you renegotiate the

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contract, you might be able to put that provision in it. Mr. Kern said that's one thing he'd like to see in the contract. People who are actually using it, pay for it – 35% of the residents are using it, which means 65% of the residents who are not using it are paying for the residents who are using it. Ms. Koehler said people who use it the most are people who cannot afford to pay that. Mrs. deLeon said those numbers aren't reflective as she uses the online services more than going to the library. Mrs. Yerger said they are talking about library cards. Mr. Kern said the point is money and where is it coming from. You could probably charge more than \$42 a year for people who are using it.

Attorney Treadwell said he did look at the 1991 contract. The question that he had is it's supposed to be based on what the City of Bethlehem allocates in their budget divided by the number of residents. Is that how it works? Ms. Koehler said it's per capita. Attorney Treadwell said the City of Bethlehem has a budget and they give the library an X amount. You divide that by the amount of residents in the City of Bethlehem and then you come up with a per capita number, is that the same number as Lower Saucon Township pays? Ms. Koehler said the per capita for Bethlehem is the same for every township. Mr. Cahalan said the only difference is the way it was explained, the BAPL doesn't wait on the City of Bethlehem first. They basically come up with the amount they need and then they divide it by the total population in all of the supporting municipalities. Attorney Treadwell said that's his question because the way the agreement is written, a municipality or LST under this agreement, should be paying the exact same number that the City of Bethlehem has allocated to the BAPL divided by the number of residents in the City of Bethlehem. How much money did the City allocate to the BAPL last year? Ms. Koehler said you are saying it's the whole number versus the per capita. That's the way it reads to you? Attorney Treadwell said yes. Mr. Cahalan said the way they approach it is the opposite way. Attorney Treadwell said they come up with how much they need and then divide it, and that's not what it says. That's the point he is trying to make. For example, if the City of Bethlehem has 80,000 residents, times the \$17 you pay for each of your residents, that means the City of Bethlehem budgeted \$1.368 million for the library. Ms. Koehler said that sounds correct. Mr. Johnson said he thinks the City pays in addition to that. Attorney Treadwell said they pay for insurance and data processing costs, which is in the contract. They are taking the \$1.368 million and say if you divide it by our residents, then we are paying for \$17 and that's what they are saying LST should pay for each person. He just wanted to make sure that's how the formula is calculated as that's what the agreement says. Ms. Koehler said yes.

Mr. Maxfield said if we want to make a smaller contribution, we shouldn't be expected next year to make up for what they are lacking. Mr. Cahalan said if they do that, based on that agreement, they would have to go back and recalculate the contribution lower from all the supporting municipalities. Mr. Maxfield said they were talking about that they weren't quite sure what they were going to do to make up this money, and the agreement says we should not be taking up that slack. Ms. Koehler said on the other hand, they may be going to Bethlehem and saying we need a 5% increase.

Mr. Cahalan said as a quick update, 44% of the population in the LST have registered with cards at the library. That is all correct about the agreement, but the concern is how they get to the per capita amount. If there is a big hole in the budget because of state aid, the Library Director, at that meeting, said she will look to the supporting municipalities to make up that difference. That means that she sits down and figures out how much she has lost and she divides that by the populations and all the supporting municipalities and the per capita could go from \$17.05 to whatever it comes out. Under that agreement, it is take it or leave it. Ms. Koehler said and we have to agree to it before the final budget hearing. That's bad to have to agree to something that could change. What kind of contract is that? Attorney Treadwell said his suggestion would be for the Township, under the terms of this agreement to notify the BAPL that we are going to opt out of this specific contract this year. Then you can decide at some point, when you know more of the information, what you think would be fair to renegotiate with the City because we still want our residents to be able to use

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the BAPL. At that point, once we tell the Library we are opting out of the contract because it's from 1991, and it's out of date, we can tell them we will consider a donation to the BAPL when we have more information based on what they think their budget or budget shortfall is going to be for next year.

Mrs. deLeon said she has a problem that as a municipality, if we provide a service to our residents, we can't negotiate that each municipality is going to pay something different. The cost should be the same because the service is going to be the same. She just thinks that for us to opt out, she'd like to see we are going to renegotiate the contract. Opting out right now, she doesn't want to see that happen. It would be rude to go to the City now and tell them we want to pay a different price than all of the other municipalities. All the municipalities should be paying the same. Ms. Koehler said she'd like to see the contract be re-negotiated to the point where we find out what the final number is and then we have a period of time to say if we are interested or not. Attorney Treadwell said you don't have that now, so you have to get out of this one somehow in order to get where you want to be. Ms. Koehler said you will have a riot of 44% of the people that possibly have no library service. Mrs. Yerger said this contract should go to the end of the year even if we opt out of it. Attorney Treadwell said you need to say you are opting out of this contract, not saying we aren't providing library services for next year. We are saying we don't like this contract.

Mr. Kern said what our Solicitor is saying is we are not opting out of library services, we are opting out of the terms of the agreement with the library. Mr. Johnson said if the library says this is the contract, if you don't like it, then there's no contract, then you are out of services. Mr. Maxfield said that's what we are complaining about right now. Mrs. deLeon said she's been on Council for 22 years and that has always been the issue. It is what it is. It's the contract and it's one price. She's assuming the contract is the same for everybody. Over the years, this has come up and there's been packed meetings because nobody wanted to lose library services. Hellertown wasn't built yet. This is a very delicate situation. Mr. Johnson said we have no way of negotiating. This is what we are trying to figure out how to negotiate with them on what we pay and not lose our services. Mrs. deLeon said one of the times when the contract was renegotiated, it was explained the wages, like 3%, would be the high point. We don't know what they are being paid. Now with medical costs through the roof, it really throws a dagger in our budget. Mr. Cahalan said they don't know what the City is going to give to their employees. They work under the honor system where they give the library employees the same raises and benefits that the City employees get. They don't have any control over what the City negotiates. They turn around and just put that in the budget and tell us to pay it. Ms. Koehler said it has come up that they might not do that, but even so, it really isn't fair not to as they've done it all along, and it's a good way to handle the rate situation. Mrs. deLeon said we are going to be in the same situation with our budget. You just can't keep giving. Something has to go, there are going to be cuts. Here we are negotiating contracts with the police and the final percentage was 3.75% and 4%, and here we are going to tell them we can't give more than 3% when we just approved a contract. Mr. Maxfield said we have a chance to negotiate that. Mr. Cahalan said we are talking about a 3% budget increase, not a 3% wage increase.

Mr. Maxfield said we do need to renegotiate this contract. You can't negotiate from a position of weakness. Right now we are being told, take it or leave it. Linc's idea is very good because it's clear, concise, and states exactly what it is that we do not agree with and leaves the future wide open for negotiations which we should be doing. We can't just hand over a lot of money without having some kind of say that is going on before we do that. Ms. Koehler said what kind of say? Tell her what to say and she'll say it. Mr. Horiszny said we need a number ahead of time that is not a take it or leave it number, but a negotiable one.

Mr. Maxfield said when he read through the minutes, he thought you hit all the points and was pleased reading those minutes. They were very, very good. What they lead him to believe is this contract is not good enough for us and we need to come up with something better that is more

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equitable and maybe none of the communities need to be paying that kind of per capita fee. Maybe the library can operate with a smaller budget and they may be forced into doing that. We are taking care of this Township and we have to renegotiate this fee. Ms. Koehler said the per capita fee isn't high and it's pretty reasonable for the amount of services you get. She doesn't like agreeing to something that is a "maybe". Mrs. Yerger said she agrees. Right now that current contract makes us say, we are opting in, but we don't know what it's going to cost us. She doesn't know of anyone who does that. There is no doubt the state budget is going to be cut heavy. It's got to be made up somewhere. It's not only libraries. It's happening all over. Ms. Koehler said another thing you can do for her when she goes to a meeting is give her a recommendation, for example, you are going to give 3.5%, but if it goes higher, it is going to strain our relationship. Pick a number you can live with and they'll have to adjust the budget.

Mr. Kern said the only reason we are talking about this is since 1999, we get together every year to discuss this, the library budget is the biggest number in there, and we have to deal with it. From 1999, we were paying about \$118,000 to the library and now it's over \$160,000. Ms. Koehler said with the next census, it will go up and hit \$200,000. Attorney Treadwell said do we know that the other supporting municipalities pay the same amount we do? Mr. Cahalan said yes, it's in the BAPL budget they send us later in the year.

Mrs. Yerger said she also saw there were issues with the bookmobile and some of the townships get more bookmobile time than we do. Ms. Koehler said she's pretty angry about that. Mrs. Yerger said the services aren't identical? Ms. Koehler said their reason is we don't get as much usage out of it. It's a cause and effect kind of thing. The other problem is the eastern part of the township is really rural and we don't have place to send the bookmobile. She's looking for suggestions. She thought about the supermarket, the Hellertown Library or the school. Mr. Johnson said his suggestion was Southeastern Park. Ms. Koehler said there's nothing going on there except baseball games. Mr. Johnson said it's in the center of that population in that part of the township. If people are going to learn to use it, they don't have to go too far to go to it. Mr. Cahalan said Southeastern Park has a restroom and there's parking. What we have to look at, is how the book mobile should be used so it benefits more of our residents.

Mr. Cahalan said the second issue is the parking. You have seen our survey. There was a survey done in Hanover Township, and a BAPL survey, and everyone had an issue with the parking. In the City Hall complex, there is an underground parking garage and most people think that's strictly for the police because there's a big sign on the door that says "Authorized Personnel Only". The parking is a problem and we've discussed that with them. They are saying the BAPL is a city library which means you go there and if there's no parking in front, and then you go further into the city and find parking. The garage belongs to the City and they are talking to them, but nothing seems to be moving in that direction. Parking seems to be the responsibility of the Bethlehem Area Parking Authority. They are also meeting with them. Mr. Kern said you are allowed to park in the underground garage? Ms. Koehler said yes, after business hours. They are going to find out where people can park. The good news is that because of the survey and because we have a change in the President of the Board of Trustees and new Director, they are finally acknowledging there is a parking problem.

Mr. Cahalan said the contract doesn't guarantee an X amount of parking spaces, but there should at least be an effort to see if they can get more parking around the library that the patrons can use instead of saying it's a city library. Mr. Maxfield said years ago you were able to park under the library, with no problem except they had reserved spots that were around the elevator going to the library, and that was all municipal employees and they made patrons of the library park way out on the outskirts of that parking lot, and you had to walk around city cars, etc. Ms. Koehler said they have shifted a little. Mr. Maxfield said if you take any other business, they make the employees park in the back and it's inviting to come in and do business. The library makes it hard for you to come in and do anything. The parking is the main thing. Even where there is parking underneath,

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they make it even tougher. Mr. Cahalan said he doesn't know if there are still security concerns on the part of the city on deterring people from going in there. It's not a friendly type of response to this issue. Mr. Maxfield said safety and comfort; somebody needs to think about that situation.

Mr. Cahalan said the third issue was the library budget and we touched on that a couple of times. The concern is we have no control of the cost being passed on to the Township; no control if state aid is lost and have a braking mechanism where we don't have to make up that amount. We did also point out that if you wanted to make recommendations for the library to reduce their expenses, the Library Committee recommends that they look at the South Side branch because our surveys tell us there are very few Township residents that use that facility. Mr. Johnson said it perfectly – if you are going to drive to Bethlehem, why would you stop at the South Side branch when you can go a couple of blocks further to the main library branch. If that branch was reduced and the hours are pretty curtailed anyhow now, he wouldn't think it would be a major loss. Ms. Koehler said the Bethlehem School District supports the South Side branch and they give them funding. They are also looking into the Sands Casino to support things in the City of Bethlehem. Closing it wouldn't make any sense as they are trying to maintain or expand services. She doesn't think that the South Side branch should be given up. They are not going to curtail the hours. Mr. Cahalan said if there are cuts, it shouldn't be in the book mobile services. We feel it's an important service to our residents.

Mr. Cahalan said the last one is the feasibility study. We put that in because we are trying to look forward five or ten years. This arrangement we have with the BAPL is good, but he doesn't know if it's going to endure. There are going to be changes in all the municipalities and we need to look further down the road to another type of system, maybe a County or District type system. We need to start studying that. The Library Director agrees with that. We have to factor in the Hellertown Library, the school district, all of these parties should be considered and we should come back to Council with some answers on what it looks like in five or ten years.

Mr. Maxfield said technology, the way it's going and the power of the Internet, the availability of things on the Internet, he'd predict that these services someday are going to be on the web. Some of the book stores, they have web material that you go in and order on the site, and they print it for you on the spot so they don't have a backlog of things. Ms. Koehler said libraries won't be extinct, but they will keep changing. They are not behind the times, but in front of technology. She had internet access in the late 70's when she worked at Philadelphia Library. The feasibility study is really important.

Mrs. deLeon said can we go back to the bullet where Lynn had a problem – the South Side branch. Why don't we just take that out of there and don't tell them what to do and let them come up with a plan for reduction. Mr. Cahalan said Ms. Koehler was opposed to that as a Library Trustee, but the Library Committee feels that this is a good suggestion because our research showed very few residents used the South Side branch. Ms. Koehler said that's true. It's a phenomenal resource for Spanish language material. People do want that. It's a very nice library. Mrs. deLeon said we are telling them their main library is inaccessible but here's an option for some people, then you are going to take it away. Mr. Johnson said what we have to do is advocate for the services we need and let other people advocate for services that they need and want and see who wins at the end. One of the services we need is the bookmobile and the reason is because, combined with the computer services of the library, if people learn how to do it, they can request their books over the computer and pick them up at the bookmobile, and that way they can save gas and time. Mrs. deLeon said why don't we take that last bullet under No.3 out and make it an extra bullet so you are asking them to reduce something, then put the bookmobile up above it. Ms. Koehler said she will be advocating ways to increase services without increasing cost. The three year plan needs to go another three years beyond that. The other thing not on the memo is we are trying to get free service for senior citizens, but that didn't apply to the budget because it's volunteer work.

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Mr. Cahalan said those are our recommendations. If Council has any direction, we heard the recommendation from the Solicitor, we can forward it to the BAPL Director and Lynn will verbally pass that along at her next meeting. Ms. Koehler said if you want to give us any guidance on what to tell the library that would be great.

Mrs. deLeon said what about the other board members from other communities? Ms. Koehler said there are one or two that are very budget conscious and the others are pretty much "yes" men. Mr. Johnson said Mr. Cahalan has made contact with some of the communities. Mr. Cahalan said he had a meeting with all the managers except Bethlehem and he laid out all of this and asked them if they would be interested in working together on all of these recommendations like going to the library and doing what we are going to do, and he didn't hear anything further after that. The only thing that came out of it was that Hanover did a library survey and he doesn't know what came out of that. Mrs. Yerger said Linc should investigate the contract and see if they are identical. Attorney Treadwell said he can find that out. He didn't mean for you to make a motion tonight to opt out. He is telling you at some point that needs to be considered as opposed to just on November 1, the Library says you are in for \$17 a head or you're not. Mr. Cahalan said we do need some direction. That contract needs some direction before November 15. Otherwise, we continue the same way.

Mrs. Yerger said she thought we are going to notify the BAPL on the recommendations from our Library Committee. Mr. Cahalan said yes, but what's the direction on the contract? We heard a recommendation from the Solicitor to notify them that we wish to opt out of the current contract and renegotiate the terms. Mr. Maxfield said he would vote for that one. It's like closing the door and opening a new one. Ms. Koehler said are there other terms you can use besides "opt out". Attorney Treadwell said the reason he said "opt out" was the way it's written in the agreement, it says cancel. Mrs. deLeon said it could be renegotiate. Attorney Treadwell said renegotiate the contract, at least to him, means that this stays in place. We renegotiate and then you are going to be in the same position on November 15. Mrs. deLeon said she thinks if BAPL gets a letter from the Township saying we want to renegotiate the contract, and if we're not successful, we may need to take further action as per the current contract. Attorney Treadwell said that's why he said he didn't want to make a motion tonight to opt out of the contract. You still have plenty of time. Ms. Koehler said you'd want to renegotiate the contract, and if it's not renegotiated by November 1, then by the terms of the current contract, we will need to reconsider our next step. It's a threat of opting out. Mr. Maxfield said it will put us back in the position of weakness. Mrs. Yerger said we need to do this ahead of time. Mr. Maxfield said there's no reason for them to renegotiate with us unless we opt out. What's going to make the renegotiate with us is the threat of us not being there in January and that's what it's about. We're talking about representing 10,000 to 11,000 people here and we have to have a certain position. Mrs. deLeon said this room isn't going to be big enough. Mr. Maxfield said we're not saying to drop library services, they are important for the community. The aim of this is to get the best thing for the township. Attorney Treadwell said forward the committee's recommendations and let's put this on the August agenda. In the meantime, he will contact as many people as he can on how we are going to go about revising changing the terms of the current contract. In August, if he comes back and says no one is listening to him, then you can decide what you want to do.

Ms. Koehler said if we say to them we are going to opt out, and renegotiate the contract, and nothing changes, what is Plan B? Mr. Cahalan said he doesn't think we said we want to give up the library services. We said we want to renegotiate a new agreement, but we still would consider making a payment or donation for library services. Ms. Koehler said that won't work, they won't accept a payment or donation. Mr. Cahalan said that's why we have to renegotiate. Ms. Koehler said we say that, and come January 1, there is no library service. Mr. Maxfield said he doesn't think that's going to be the case. They need money to operate. Ms. Koehler said with one library loss, they can probably handle it. The only thing this year was the loss of state aid. If you are going to play that game, this is the year to do it. Mr. Maxfield said it's not a game. A game is where you

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know the outcome, we don't know the outcome yet. Ms. Koehler said there needs to be a Plan B or C.

Mrs. Yerger said one of her concerns is this is sort of a strong arm tactic that was implemented by the BAPL. There are other library systems elsewhere where you pay your library dues. That's what you pay. If you were in one of the communities that paid, then you didn't have to pay dues. That's an option, and it's something that the BAPL better start looking at. If communities get angry enough, they may want to take this back to the individual residents, as it's done elsewhere throughout the country. This is not a unique idea. Ms. Koehler said you would like to recommend to the BAPL that they look at other options of income? Mrs. Yerger said yes, they need to offer their patrons other options. You might have a guy from Philipsburg, NJ that is not a resident that wants desperately to belong to that library. Ms. Koehler said you have to have a card from your own community through the Access PA system. It's a catch 22. They don't sell library privileges. Mrs. Yerger said they used to. Ms. Koehler said it's a way of doing it, but it's not really done now.

Mrs. Yerger said she belongs to the Bucks County library, but that was paid for at the County level. They need to start looking at different options because there may be a point, even for their own future, that these municipalities cannot withstand these continued, constant increases, especially as the state is moving away from funding them. She speaks from an organization, and a lot of the non-profits have been working that way too. They are so used to that state funding, now everyone is scrambling because it's not there. We have to explore other methodology on how to make ourselves viable. The libraries in this area are going to have to do the same thing. Ms. Koehler said libraries use a lot of grant money and that comes from foundations. Mrs. Yerger said non-profits are all in the same boat, so we're all exploring new options. Ms. Koehler said you are asking them to think about that, but there is less money coming in. Mrs. Yerger said it's a reality and we're all dealing with it. Anybody who in the past has relied on foundations, grants, state and local municipal monies has got to explore new ways of funding themselves, and that's just the bottom line on it.

Mr. Kern said when he first got on Council and reviewed the budget the first year, he was shocked with how much money the Township spent on the library and he was shocked when he suggested ten years ago that why isn't there a dues structure for the library for people who use it regularly? Why aren't they paying more than \$17? He uses the library all the time. He would pay. He pays for all his services like garbage, internet, cable TV, etc., and he would certainly pay \$100 a year to join the library if he had no other options, but BAPL doesn't let him do that. That blew his mind on his first year on Council when he suggested he will pay a fee of \$100 to join the library if the Township doesn't support the BAPL and he was told you can't do that.

Mrs. Yerger said yes, they have to explore the capacity of having other options. Mr. Maxfield said we can't continue to be paying more and more money to support business as usual. It's got to be an adaptive, creative, living thing, and right now, it's not quite there. It's kind of slugging along. They've got to realize that. They've got to grow and change with the communities that they serve. We just can't keep supporting this. Mr. Kern said if people really want to support the library, they are going to support it if they have no other option. If the Township is not supporting it, and people want to support the library, people will pay for it if they want it. That's free enterprise, the things that people want to support, they'll pay for. The things they are not really using and are not important, they will not pay for.

Mrs. Yerger said this whole municipal kind of thing didn't start until she was a teenager. She grew up in this area. When you wanted to use the BAPL, you went over, you paid your dues, you became a member of the library, and you got to go in and use all the services and take books out. You paid as an individual. This was in the 70's. You paid as she wasn't a resident of Bethlehem. As a non-Bethlehem resident, she wanted to belong. Ms. Koehler said then down the road, someone wanted to get money from the townships. Mrs. Yerger said that was a fine way to do it,

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but it shouldn't have been the only way. There should have been options for it. They gave up everything else. Then they became dependent on it and hung on to it because this is the way we do it. It wasn't the way they used to do it, and someone needs to go back to the records and take a look at it. Mrs. deLeon said can you ask that question and see if the BAPL remembers? Ms. Koehler said yes.

Andrea Danner, resident, said it sounds like we're really unhappy with our service. She has her card through Bethlehem so she can use the Hellertown Library. Her son volunteers there. She understands a lot of people get their Bethlehem library cards so they can use Hellertown. Have we looked at that? Why are we married to the BAPL? If we want to come from a power strength, why don't we talk to Hellertown and why not Upper Saucon, which is beautiful? She works with preschoolers and they've gone to the Upper Saucon Library to use them for their programs. They also have gone to the Hellertown Library. They never use the BAPL. The BAPL has helped her with research, but basically she would be very happy if they went with Hellertown or Upper Saucon. There are other options. If we want to take a strong position, maybe we should put some feelers out there. Mr. Kern said those exact comments have been explored. Mr. Cahalan said 50% of the people who use the Hellertown Library are our Township residents, and as Allan has pointed out, it's because of its location and some of the programs they do. It's a nice little facility. If the Township opted to go with that facility, it would be completely overwhelmed by the number of people. Physically it couldn't handle the number of people. There would be parking issues, space issues, the resources would have to be tripled or quadrupled. In the short term, it's physically impossible for the Township to contract with them due to all of those limitations. Long term, that's a possibility and something we talked about in our meetings. There are financial considerations. There's physical plant that would have to be enlarged, staff would have to be increased. You are talking about turning it into a more expensive proposition than it is right now. The other issue is the Borough of Hellertown. The library resides there. It has a relationship with the Borough of Hellertown. In order for us to go forward, we would have to have a regional type of arrangement with them which he believes if we did go forward and raised all these costs, we'd have to have a commitment from our sister municipality, Hellertown, that they will also go down the road of increased costs and so on for a bigger, more expensive library.

Mrs. Yerger said what about Upper Saucon? Mr. Cahalan said the Southern Lehigh Library is another small, nice library. It's a newer facility. There are still paying off some of the cost. Mr. Johnson said as far as the state is concerned, we are in a state library district with Nazareth, Hellertown and Bethlehem, and the state gives us money. If we wanted to go with the Upper Saucon Library, how would that be affected? Mr. Cahalan said it's out of our jurisdiction. Ms. Koehler said Upper Saucon would get the money. The only reason the feasibility study is on that list is to address that exact issue. We want to look at all the options. We had some meetings about it. She and Jack went over and met with the Library Director at Hellertown. Jack's involved with a regional thing (COG) already, and that's why she put in the feasibility study so they can look at various options. The BAPL isn't really opposed to looking at ways of combining the districts if it's possible and it would be really nice to expand even further so everyone could use everyone else's services and be a member of other libraries. We have to look to the future.

Mr. Johnson said how would the Council feel about doing their own library feasibility study instead of asking the BAPL to do a library feasibility study? If we did our own, we would have more control over the direction of the study. Ms. Koehler said we can say what we would do, but it wouldn't necessarily be good for the whole community district, the whole county or the whole region. It doesn't mean anyone else is going to buy into it. Mr. Cahalan said unless it's done on a regional basis, we're just going to come up with some answers. Mr. Kern said he wouldn't mind seeing a feasibility study on joining forces with Upper Saucon and Hellertown and see the feasibility of that. Ms. Koehler said these things cost money. That's why we are looking at it more globally as we'd get money that way. Jack priced out one of these feasibility studies already. Mr. Cahalan said we talked about it with the other supporting municipalities and it's expensive. If it

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was done by five or six municipalities, the cost could be spread around. Mr. Johnson said the people that gave the proposal are people who are knowledgeable about library problems and the solutions. Part of their proposal was to talk to the surrounding participants such as the BAPL and Hellertown, and possibly other libraries in the area, and to then form an opinion based on what they learned, and what they know about their solutions based on what everyone had to say. It's not just what we want. They would look at the whole region to see what would be a good solution to the library problems, including the BAPL. If we allow BAPL to do it, they are going to make the contract with the consulting outfit and they are going to direct it in the way they want to direct it.

Mr. Maxfield said he agrees with Mr. Kern. He'd like to investigate looking at Upper Saucon. That make a lot of sense. Find out what implications of the library districting are. We've done a lot of things across County lines, and we've still received state money. Let's find out what the parameters are. It's physically closer to our main base than Bethlehem is. It wouldn't hurt to look at it. Ms. Koehler said she would like to look at every option.

Ms. Stephanie Brown, resident, said she grew up with the BAPL. They were there almost every day. She can't imagine not being part of that library. She doesn't think they ever paid to go there, but she'd have to check with her mother. She hasn't been there in a couple of years, but she thinks she may go there tomorrow to check out the parking. She hasn't gone there as it was a pain and she moved on in her life and went to Community College. She still uses Northampton County Community College. She thinks any public library is free; it's just a matter of taking books out. Mrs. Yerger said yes, you can go in and use it; it's just a matter of taking things out. Mr. Maxfield said he thinks Northampton is like that. You can get a card if you are a student or an ex-student. Mr. Cahalan said Allan looked at the use of college libraries and there is a fee. Mr. Johnson said Moravian has a fee. You can't join Lehigh's library. That's the only two he can remember. The Community College only wanted like \$10 a year. Ms. Koehler said they have no kid's books. Mr. Johnson said the thing with the Northampton County Community College is it's pretty far away. Mr. Maxfield said hours are limited also. Ms. Brown said because of the student demand, they have increased their hours and they do have children's books now. They've made a lot of changes.

Ms. Brown said what upsets her, is the park summer program for residents. If you want to be involved in it, the taxpayers shouldn't have to pay for that. It's basically daycare for million dollar houses. She wants her money so she can use the library.

Mr. Cahalan said what he is hearing is on these recommendations, can we table the issue of the library contract and let the Solicitor research that and bring it to the August meeting. Does Council support us making these recommendations on No. 2, the parking issues and No. 3, the 2010 library budget, and No. 4, the feasibility study, to the BAPL? Mrs. deLeon said No. 3 you are splitting the last bullet? Mr. Cahalan said yes. Ms. Koehler said are you supporting the 3% or is there a different number? Mr. Maxfield said that would be later. Ms. Koehler said there's a number there. Mr. Cahalan said it says make a formal request to BAPL. Mrs. Yerger said we can leave that in.

MOTION BY: Mrs. Yerger moved for approval as stated above by Mr. Cahalan.

SECOND BY: Mr. Kern

Mr. Kern asked if anyone in the audience had any comments or questions? Mr. Cahalan said they will still look at Upper Saucon. Mr. Kern said it would be great to explore that option.

Mr. Johnson said how about Sandy's item, where different libraries have different ways of paying for the use of the library besides the way we do it with BAPL. That's something the Library Committee might want to look into. Mr. Maxfield said that would be great. He was also very impressed when he read the minutes. Thank you.

ROLL CALL: 5-0

D. ADOPTION OF RESOLUTION #58-2009 ESTABLISHING POLICY FOR PROCEDURES AND GUIDELINES FOR PUBLIC WORKS EMPLOYEES TO RESPOND TO FIRE CALLS

Mr. Kern said the Council had previously adopted a Township policy which allowed Public Works employees who were trained firefighters to respond to fire calls during their work day. Following further meetings with the Hellertown Borough Council and the Fire Chiefs from the Township/Borough fire companies, the policy has been memorialized in a resolution that will be jointly adopted by the Borough and Township.

A RESOLUTION ESTABLISHING THE LOWER SAUCON TOWNSHIP POLICY FOR PROCEDURES AND GUIDELINES FOR PUBLIC WORKS EMPLOYEES TO RESPOND TO FIRE CALLS

WHEREAS, the Council of Lower Saucon Township, County of Northampton Pennsylvania is empowered by the Second Class Township Code, Optional Plan to adopt regulations relating to pay the expense incurred by Elected and Appointed Township Officials in connection with their duties or other Township business and to adopt regulations for the prevention of fires; and

WHEREAS, said Council, having determined that such action is not prohibited by law, and that such action would not conflict with any existing statute or ordinance hereby desire to develop procedures and guidelines to permit Township Public Works employees who are also trained firefighters to respond to fire calls during regular Township business hours; and

WHEREAS, the Township Council has determined that for the past year, the five (5) volunteer fire companies in the surrounding area have been having problems with recruitment and retention of fire fighters and are currently facing a shortage of trained fire fighters able to respond to fire calls during the period from 6:00 a.m. to 6:00 p.m.; and

WHEREAS, only through the mutual aid agreements have the volunteer fire companies been able to adequately respond to fire calls in the Township and surrounding municipalities; and

WHEREAS, the Township has determined that it is in the public's interest to allow public works employees who are trained fire fighters to respond to fire calls.

NOW, THEREFORE, BE IT RESOLVED by the Lower Saucon Township Council, Northampton County, Pennsylvania, that the following policy is hereby enacted setting forth the procedures and guidelines for public works employees to respond to fire calls:

1. The Lower Saucon Township Public Works employees who have been independently trained as certified fire fighters may be released from work for fire calls when a request is made for assistance from the Dewey Volunteer Fire Company, Southeastern Volunteer Fire Company, SE-WY-CO Volunteer Fire Company, Steel City Volunteer Fire Company and Leithsville Volunteer Fire Company (hereinafter referred to as "Volunteer Fire Companies") under the following circumstances:
 - a. Any confirmed working fire involving a structure, dwelling, vehicle or brush;
 - b. Any confirmed motor vehicle accidents with injury or rescue;
 - c. Any confirmed rescues (EX: trench, etc.);
 - d. For major hazardous waste spills.
2. Public Works employees eligible to respond to fire calls as set forth above must be qualified fire fighters properly trained and certified to act as fire fighters.

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3. The Public Works employees who are qualified fire fighters shall not be released to attend a fire call when conducting the following below public work activities:
 - a. Snow plowing;
 - b. Paving of streets;
 - c. Painting of street lines and/or striping;
 - d. Staffing the Compost Center;
 - e. Activities which in the sole and absolute discretion of the Public Works Director would create a safety hazard;
4. A Public Works employee released to attend a fire call shall be paid for time missed from work at employee's current hourly wage if attending a fire call during normal business hours from 7:30 a.m. to 3:30 p.m. No compensation shall be provided for Public Works employees engaged in a fire call for hours worked outside normal work hours.
5. A Public Works employee is responding to a fire call on a voluntary basis and has the option to decline to respond to a fire call.
6. If a Public Works employee responded to a fire call and is thereafter unable to return to work for the balance of the normal work day employee is entitled to take compensatory time off for the remainder of the regularly scheduled work day.
7. Any Public Works employee who wishes to volunteer and respond to a fire call during Township work hours shall present to the Township Manager written documentation requesting that said employee be released to respond to a fire call and establishing to the satisfaction of the Township Manager documentation that the employee is a certified fire fighter and qualified to assist in the extinguishment of fires under the laws of the Commonwealth of Pennsylvania.
8. The decision to release a Public Works employee to attend a fire shall remain within the sole and absolute discretion of the Township Manager and Public Works Director.

Mr. Cahalan said this is about the third time we've done this. It's in a resolution that will be uniform between the Township and the Borough on this policy.

MOTION BY: Mr. Horiszny moved to approve Resolution #58-2009.

SECOND BY: Mrs. Yerger

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

ROLL CALL: 5-0

E. APPROVAL FOR CONSULTANT TO REVIEW SPECS PREPARED BY SE-WY-CO FIRE COMPANY FOR NEW RESCUE TRUCK

Mr. Kern said Se-Wy-Co Fire Company has prepared specifications for a new rescue truck and staff is requesting Council's approval to have William Peters review the specifications, prepare a report and meet with Township and Se-Wy-Co Fire Company representatives to discuss his findings.

Mr. Cahalan said Mr. Peters is the consultant we've used previously. His cost is still \$850 for a review, a report, and a meeting with the Township and the Fire Company representatives after he looks at those specs. There is money in the budget for those consulting services. Mrs. deLeon said the paragraph from the Fire Chief's, it talks about the 70%, and please forgive her as she doesn't remember as we keep going round and round about this percentage, but did we agree to a

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percentage? Mr. Cahalan said no. That's what was discussed, and we went over all the different options. They took that from the discussion on the Leithsville tanker at a Fire Chief's meeting. The 70% is not carved in stone. It's not a Township Council direction. Mrs. deLeon said then we need to clarify that. She's always been a proponent of the percentage so the Fire Companies know how to plan their budget, but she didn't get the support of that. She was quite surprised to see that number in there. Mr. Cahalan said the representatives were leaning towards paying for all of the cost. Mrs. deLeon said she wanted a percentage in there. Mr. Horiszny said he thinks we did agree on 70%. Mrs. deLeon said we talked about it and she doesn't remember.

Mr. Cahalan said what they are recalling is the meeting they had with the Fire Chief's, they did discuss the contribution to Leithsville, and at that time, Chief Barndt did bring up the fact that they were next for their truck. Everyone was comfortable with the 70%, although the Council representatives were even saying with the cost of this equipment, we should be paying all of it. Mrs. deLeon said she feels the fire fighting is the number one responsibility of the Township, and number one in the budget, and we should help them as much as we can. That's why she wanted to give them a comfort level that we were going to do all of it, which was a big number, or a portion. The thing is Se-Wy-Co's truck is a bigger truck than Leithsville or Steel City, so the number was going to be bigger. For us to commit to all of it, that would be hard for us to plan our budget. She still feels very strongly that we should help the fire companies as much as we can and she knows the rest of Council feels the same way. To see it in this letter, and know we had issues with the percentage, she's confused. Mr. Cahalan said he will inform them that the 70% is not a Council decision and that they will have to come and discuss the contribution with Council. Mrs. deLeon said what year are they going to expect this payment? Mr. Cahalan said it will be 2010. Mrs. deLeon said you are formulating the budget now, you are working on it? Mr. Cahalan said yes. Mr. Kern said his recollection at the fire meetings was that we've discussed percentages in the past. 70% has been a number that has been used in the past, but the agreement amongst the chief's was it should be done on a case-by-case basis. Mrs. deLeon said it wasn't set in stone, but now she sees it in stone. Mr. Kern said he doesn't remember at the meeting with Se-Wy-Co if that number was agreed upon. Mrs. deLeon said we were debating on the number. We couldn't pick a number because we didn't know how the economy would be. Mr. Cahalan said he will point that out to them.

Mr. Maxfield said 70% brings us to over a half of a million. It's like \$507,000. Mrs. deLeon said wasn't there a discussion on the Township plan to fund the fire equipment. She wasn't happy with that plan as it would be funded one year and not another year. Mr. Maxfield said wasn't that the one that was depleted by the Steel City purchase? Mr. Cahalan said if you are talking about the Township Fire Equipment Replacement Fund, it goes back two years and that's how it was funded in the budget that Council adopted that year that we would pay so much and we were putting it away to grow the fund. That was based on a scenario where we would limit the contribution to the fire companies to no more than \$200,000 a year. That went out the window when Council made the decision to contribute towards the Steel City truck. Since that time, that whole scenario that the funding was based on is really meaningless. We have to go back and come up with some other recommendations for long term funding for replacement of fire equipment. That was one of the topics we were discussing at that meeting. All the projections have to be revised and reworked.

Mr. Maxfield said what did we pay for Steel City? Mr. Cahalan said \$400,000. Mr. Maxfield said we were pretty strapped with \$400,000. This is over that. Mr. Cahalan said this is going into 2010, so we have to factor that in and make some recommendations to you for the next year's budget. Mrs. deLeon said this is the last inventory on the roster and they were supposed to look out and project further. Mr. Cahalan said long range, we were looking at this and thinking we were going to be more of a regional entity and that we were going to focus on it from that basis. Mrs. deLeon said that's not happening at the moment. Mr. Cahalan said yes, it actually is. The policy you just adopted on using PW staff for coverage, there are meetings and steps being taken by the Chief's to work together. Mrs. deLeon said yes, work together, but we all have different opinions on

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regional. Mrs. Yerger said at one time, we talked about prioritizing equipment according to the number of calls they made. We had looked at a lot of options.

Mr. Cahalan said the Chief's are actually looking ahead and are discussing things such as buying uniform fire equipment. They are actually talking about looking in the future for the fire companies as there are issues with the callouts and having firemen from one company respond to another fire house. Presently, they can't operate that equipment as its different equipment, different training. They are working through issues and are talking about doing everything the same. Mrs. deLeon said it was pretty neat at the last meeting, with everybody sitting around and having all the representatives work together.

MOTION BY: Mr. Horiszny said he moves for approval of the Consultant to review the specs.

SECOND BY: Mr. Maxfield

Mr. Kern asked if anyone in the audience had any comments or questions? Mrs. deLeon said it is in the budget for 2009? Mr. Cahalan said yes. Mrs. deLeon said it is authorized or is it just a line item? Mr. Cahalan said there's a section in there for consultant services. Mrs. deLeon said we are within that amount that's been budgeted? Mr. Cahalan said there's an amount of \$5,000 in there. This is \$850.00. Mr. Maxfield said once we get back his report, we can then talk about percentages.

ROLL CALL: 5-0

F. APPOINTMENT OF CANDIDATES TO THE RAIL TRAIL ADVISORY COMMITTEE

Mr. Kern said Council previously adopted Resolution #40-2009 which called for the formation of a multi-municipal Rail Trail Advisory Committee comprised of at least two (2) representatives from each of the four (4) municipalities who will be operating the Rail Trail. The Township advertised for interested residents to serve on this Committee and received letters of interest from five (5) residents. Staff recommends that two (2) candidates be appointed to the Committee for three (3) year terms.

Mr. Cahalan said he did give you the names of the five residents. There are some recommendations and we did make a recommendation for the three year terms. This entity would be made up from representatives from the four communities, so in order to form the actual body, we would have to bring back an inter-municipal agreement that would have to be signed by all four municipalities which would be another step we would have to take. This at least would give us the representatives, and hopefully, we can get a meeting together shortly because we need some input from the municipalities about the start-up issues on the trail, which we hope we will have a draft of the lease agreement in front of you by September. We need to get going on addressing some of the issues on a regional basis for the start-up and operation of the trail. Mr. Cahalan said that Parks and Recreation Board (P&R) recommends that Donna Bristol who is a member of the P&R Board be made one of those representatives, and then she can act as a liaison. Mr. Cahalan is also recommending Dr. Christopher Stromski. Mr. Maxfield said the first two candidates sound positive and show an interest in the project. Mr. Cahalan said Dr. Stromski has been interested in the trails since we had the first word out and has been eager to join in the development of the rails to trail. Council agreed to appoint Dr. Christopher Stromski and Donna Bristol.

MOTION BY: Mr. Maxfield moved for approval to appoint Donna Bristol and Dr. Christopher Stromski as Rail Trail Advisory Committee Representatives for a three (3) year term expiring on 12-31-2011.

SECOND BY: Mr. Horiszny

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

ROLL CALL: 5-0

G. APPROVAL TO ADVERTISE BIDS FOR POLK VALLEY PARK PHASE II IMPROVEMENTS

Mr. Kern said Council has reviewed and approved the Opinion of Probable Cost Estimate for Phase II improvements to Polk Valley Park prepared by Boucher & James and staff would like approval to advertise for bids for this work.

Mr. Cahalan said we are putting together the bid specs and this is a request to advertise those bids for the work that is contained in the estimate that we shared previously and prepared by Boucher & James.

MOTION BY: Mrs. Yerger moved for approval to advertise bids for Polk valley Park Phase II improvements.
SECOND BY: Mr. Maxfield
Mr. Kern asked if anyone in the audience had any comments or questions? No one raised their hand.
ROLL CALL: 5-0

H. RESOLUTION #59-2009 – ESTABLISHING POLICE OFFICER PENSION FUND CONTRIBUTIONS FOR 2006-2009

Mr. Kern said Resolution #59-2009 had been prepared to eliminate payments by police officers into the Uniformed Employee Pension fund for the calendar years 2006, 2007, and 2008; and establish the police officer payment for 2009 at 1% of their monthly compensation.

A RESOLUTION OF THE TOWNSHIP OF LOWER SAUCON ESTABLISHING POLICE OFFICER PAYMENTS INTO THE UNIFORMED EMPLOYEE PENSION FUND FOR 2006-2009

WHEREAS, Section 38-14(B) of the Code of the Township of Lower Saucon provides that the Township Council may eliminate payments into the Uniformed Employee Pension fund by police officers: and

WHEREAS, the Council of the Township of Lower Saucon desires to eliminate payments by police officers into the Uniformed Employee Pension fund for the calendar years 2006, 2007 and 2008; and establish the police officer payment for 2009 at 1% of their monthly compensation.

NOW, THEREFORE, BE IT RESOLVED, and it is hereby resolved by the Council of Lower Saucon Township that police officer payments into the Uniformed Employee Pension fund are eliminated and confirmed to be eliminated for the calendar years 2006, 2007 and 2008; and the police officer payment for the calendar year 2009 is hereby established at 1% of the individual officer's monthly compensation.

Mr. Cahalan said this is being done as the contract negotiations with the police officers, where they agreed to the contribution to the uniformed pension fund, have been concluded. It confirms that no pension contributions were required by them for the years of 2006, 2007 and 2008.

MOTION BY: Mr. Horiszny moved for approval of Resolution #59-2009.
SECOND BY: Mr. Maxfield
Mr. Kern asked if anyone in the audience had any comments or questions?
ROLL CALL: 4-1 (Mrs. deLeon – No)

I. ORDINANCE NO. 2009-07 – REVISING CHAPTER 38 PENSIONS TO INCREASE SERVICE INCREMENTS FOR POLICE OFFICERS – AUTHORIZE ADVERTISEMENTS FOR PUBLIC HEARING & CONSIDERATION OF ADOPTION

Mr. Kern said Ordinance No. 2009-07 has been prepared to revise Chapter 38, Pensions of the Code of Lower Saucon Township, Section 38-13(H) to increase the maximum length of service increment.

Mr. Cahalan said this is another item that follows the conclusion of the negotiations with the police officers. One of the terms agreed on was the increase in the service increment for officers who have a length of service that exceeds twenty-five years, and per the Act 600 amendments from several years ago, which can raise that payment from \$100 to \$500 a month. We wanted to make those changes to the pension ordinance to comply with that. This is a motion to advertise.

MOTION BY: Mrs. Yerger moved for approval to authorize advertisement for public hearing and consideration of adoption of Ordinance No. 2009-07 for revising Chapter 38 pensions to increase service increments for police officers.

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

ROLL CALL: 4-1 (Mrs. deLeon – No)

J. RESOLUTION #60-2009 – AUTHORIZING EXECUTION OF DUI GRANT DOCUMENTS

Mr. Kern said Resolution #60-2009 has been prepared approving the authorization of the Council President to execute the DUI Grant applications on behalf of the Lower Saucon Township Police Department.

RESOLUTION #60-2009

BE IT RESOLVED, by authority of the _____ Council _____
(Name of governing body)
_____ of the _____ Lower Saucon Township _____,
(Name of Municipality)
_____ Northampton _____ County, and it is hereby resolved by authority of the same,
that the _____ Council President _____ of said Municipality, Authority be
(designate official title)
authorized and directed to sign the attached grant on its behalf.

ATTEST _____
(Name of Municipality)
Lower Saucon Township

(Signature and designation of official title)
By: _____
(Signature and designation of official title)

_____ Jack Cahalan, Secretary
Print or type above name and title

_____ Glenn C. Kern, Council President
Print or type above name and title

I, _____ Jack Cahalan _____, _____ Secretary _____
(Name) (Official title)

of the _____ Council of Lower Saucon Township _____, do hereby certify that the foregoing is a
(Name of governing body or municipality)

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true and correct copy of the Resolution adopted at a regular meeting of the

Council of Lower Saucon Township held the 15th day of July, 2009.
(Name of governing body)

Mr. Cahalan said this is an annual renewal of an application for the DUI funds. That's a joint effort between Lower Saucon, Hellertown Borough, and Freemansburg Borough.

MOTION BY: Mr. Maxfield moved for approval of Resolution #60-2009 – authorizing execution of DUI grant documents.
SECOND BY: Mrs. Yerger
Mr. Kern asked if anyone in the audience had any comments or questions? No one raised their hand.
ROLL CALL: 5-0

VI. MISCELLANEOUS BUSINESS ITEMS

A. APPROVAL OF JUNE 17, 2009 MINUTES

Mr. Kern said the minutes of the June 17, 2009 Council meeting have been prepared and are ready for Council's review and approval.

Mrs. deLeon questioned the roll call. She said it should be 4-0-1 as Mr. Horiszny was absent. It's protocol. It's supposed to add up to the number of the board. Right now there's only four.

Mr. Horiszny said in the Saddle Ridge sections, the lumber was given by 4x4 feet and 6x6 feet for the poles, it should have been inches.

MOTION BY: Mrs. deLeon moved for approval of the June 17, 2009 minutes with the above corrections.
SECOND BY: Mr. Maxfield
Mr. Kern asked if anyone in the audience had any comments or questions? No one raised their hand.
ROLL CALL: 4-0-1 (Mr. Horiszny- Abstained)

B. APPROVAL OF MAY 2009 FINANCIAL REPORTS

Mr. Kern said the May 2009 Financial Reports have been prepared and are ready for Council's review and approval.

Mr. Horiszny has a question on 63111, \$50.00 for First Church of? Mr. Cahalan said that was donation for one of our police officers whose child passed away.

MOTION BY: Mrs. Yerger moved for approval of the May 2009 financial reports.
SECOND BY: Mrs. deLeon
Mr. Kern asked if anyone in the audience had any comments or questions? No one raised their hand.
ROLL CALL: 5-0

VII. PUBLIC COMMENT/CITIZEN NON-AGENDA ITEMS

None

VI. COUNCIL AND STAFF REPORTS

A. TOWNSHIP MANAGER

- Mr. Cahalan said the Council had approved the payment for the electric line work out at the Heller Homestead. That has been performed. The amount that Council had approved was \$1,095.00. Priscilla did call him and asked for an additional \$50.00 to put a timer on there and he did give the okay, so the final cost is \$1,145.00. Mrs. deLeon said the Conservancy thanks you immensely as it will come in handy.
- Mr. Cahalan said an announcement came in today from the Lehigh Valley Economic Development Corporation about a transportation study to investigate potential transit options for Lehigh Valley residents who travel to New Jersey and New York. Options that will be investigated will be over the road bus service and extending NJ transits Raritan Line from High Bridge up to the Lehigh Valley. There's a meeting on Wednesday, July 22, at Lafayette College for Northampton County residents, representatives, and the next day for Lehigh County. If anyone is interested in going to the meeting, please let Leslie know. It's a one hour session. Mrs. deLeon said who attended our SVP meeting a year ago to talk about this? Mr. Cahalan said on the rail study, it was Mr. Schraeder, who is the President of Bethlehem City Council.

B. COUNCIL/JR. COUNCIL

Stephen Prager

Absent

Mr. Maxfield

None

Mrs. Yerger

- She said there was a resolution passed for the "No Mow" signs. Mr. Cahalan said we wanted you to have another look at it. If everyone is okay with it, then they can move ahead. Mrs. Yerger said this is the final, final. She would like a motion for approval of the signs as recommended by the EAC.

MOTION BY: Mr. Maxfield moved for approval of the "No Mow" signs as recommended by the EAC.

SECOND BY: Mrs. deLeon

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

ROLL CALL: 5-0

- She said we had two young scouts come before the EAC and the motion from the LST EAC was to recommend that the Council allow Justin DeLade, to move forward with his educational signs at Polk Valley Park describing the meadows and to request that Jack work with him in securing the signs and the cost would be minimal to get them up and to work with Township staff to erect them at the correct locations.

MOTION BY: Mrs. Yerger moved for approval as stated above.

SECOND BY: Mr. Kern

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

ROLL CALL: 5-0

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- She said there is another Scout project by Patrick Miller who wants to put up bird boxes at Polk Valley Park, same thing. He wants to install a total of twenty (20) bird boxes, which will include twelve (12) blue bird boxes, six (6) bat boxes, and two (2) kestrel boxes at Polk Valley Park. She wants to request that staff work with Patrick and provide him with the materials and locations for mounting of these boxes in the park.

MOTION BY: Mr. Maxfield moved for approval as stated above by Mrs. Yerger.

SECOND BY: Mr. Horiszny

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

ROLL CALL: 5-0

Mrs. Yerger said on behalf of the EAC, they thank you.

Mr. Cahalan said did we get a Council motion on the Girl Scout who is cleaning up the native plant garden? Mrs. Yerger said yes, at the last meeting.

Mr. Horiszny

- He said the Lower Saucon Historical Society is interested in getting a couple more Abitibi bins placed and they were looking for something at the Black River Plaza or at the Se-Wy-Co Fire Company. The Fire Company doesn't want them along 378. Black River Plaza declined the opportunity. He was wondering if they could put them across the street in the vacant spot? Mr. Cahalan said that property belongs to PennDOT. Mr. Horiszny said what about the vacant shopping area across from Black River Road? Mr. Cahalan said that's owned by a private developer. They could give Mr. Horiszny the name of the owner if he wants to contact him. Mr. Horiszny said okay.
- He said if he gets a chance, could he go to the Landfill Meeting for Haz tomorrow as Haz will be out of town. Mrs. deLeon said that would be great.

Mr. Kern

None

Mrs. deLeon

- She said Stephanie sent them an email on the bridge inventory, and she didn't print it out. She thought it would be a good thing for us to identify all of our bridges on this website. Mr. Cahalan said the Meadows Bridge is on there. Ms. Brown said it's not a formal process. She just sent some real basic information when she found the site. The Meadows Bridge is listed as Saucon Bridge, which she doesn't know what the official name of the bridge is. Some of the information is old. It's probably one of the better websites out there. It doesn't discriminate and it has all historic bridges. She doesn't have any information or pictures on the Old Mill Bridge. She has no pictures on the Meadows Bridge, nor the Pony Bridge in Hellertown. We need to get our bridges out there on this website. Mr. Cahalan said he'd be glad to do that. We have information on the Meadows Bridge and the Old Mill Bridge. If she wants to look through that information, she is welcome to come into the Township. Mrs. deLeon said she found the Heller Barn on the Library of Congress website. If you go in there and do a search for Lower Saucon Township, you can find a bunch of drawings on Ehrhart's Bridge. That can be forwarded also. If you go on Saucon Valley USA, there's the Grist Mill Bridge on there. Sometimes it's hard to find. Mr. Cahalan said if Stephanie wants to come in to the Township, Diane will help and get the information sent in. Ms. Brown said it's not a formal process. Anybody can say this bridge exists, and send as much information as possible. The guy who has the site researches it and puts up what he finds. Mrs. deLeon said how do we diplomatically let the County know about this website? Ms. Brown said it was the Secretary of Transportation and the realization that maybe we shouldn't be knocking all

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these bridges down as it might be cheaper if we rehab some of them. It's a very interesting website. Mrs. deLeon said the HABS website had the Freemansburg Bridge there and it showed it and it was a covered bridge. It showed the picture.

- She said thank you for putting in the little flyers at the Homestead. Who built that stand? Mr. Cahalan said we bought it. She asked if there was any way we could add Plexiglas boxes to it? There's one there now that's screwed on it. She'd like to put the Barn Tour there. Ms. Huhn said they will ask the guys from PW.
- She said if you recall the Conservancy asked for approval for the replacement of the art gallery lights and we awarded the bid to the contractor. One of the board members raised the question of completing a stipulation against liens. Linc's office had a draft, but it was worded that the Township was paying it and not the Conservancy. It wasn't worded right. Attorney Treadwell said it's supposed to say the Conservancy was signing the agreement, but the Township was the owner. Mrs. deLeon said it doesn't say that. Her question is, the contractor that they are hiring is not hiring subs, he is doing the work himself? Attorney Treadwell said you still use it for the contractor. Mrs. deLeon said what is the process? Attorney Treadwell said he can mail it. It's like \$5.00 to file it. Mrs. deLeon said it's not worded right. Attorney Treadwell said he will get it fixed. Mrs. deLeon said the date to do this is July 25, so we need this done.

E. ENGINEER
None

F. SOLICITOR
None

G. PLANNER
None

VII. ADJOURNMENT

MOTION BY: Mrs. Yerger moved for adjournment. The time was 10:34 PM.

SECOND BY: Mr. Maxfield

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

ROLL CALL: 5-0

Submitted by:

Jack Cahalan
Township Manager

Glenn Kern
President of Council