I. OPENING

CALL TO ORDER: The General Business & Developer meeting of Lower Saucon Township Council was called to order on Wednesday, August 16, 2006, 7:20 P.M., at 3700 Old Philadelphia Pike, Bethlehem, PA, with Mr. Glenn Kern, Council President, presiding.

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

PLEDGE OF ALLEGIANCE

ANNOUNCEMENT OF ANY EXECUTIVE SESSION (IF APPLICABLE)

Mr. Kern said Council met in Executive Session prior to this meeting. They discussed a personnel issue and the potential acquisition of real estate.

MOTION BY: Mr. Horiszny moved to approve a real estate appraisal not to exceed $3,000.
SECOND BY: Mr. Maxfield
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.
ROLL CALL: 4-1 (Mrs. deLeon – No – She wanted the amount not to exceed $2,500.)

II. PUBLIC COMMENT/CITIZEN AGENDA ITEMS

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

Mr. Cahalan introduced their new Administration Assistant, Jennifer Wyatt. They hired Jennifer after an extensive search. She was the best qualified candidate. She's a graduate of Penn State University, and she has some experience in doing data processing and is also pursuing an accounting degree. They are glad to have Jennifer with the Township team. She's already working on an annual report that it's in your packet.

III. PRESENTATIONS/HEARINGS

A. PUBLIC HEARING – ORDINANCE 2006-07 – KEY LOCK BOX (KNOX BOX)

Mr. Kern said Ordinance 2006-07 has been advertised for a public hearing and consideration of adoption. The ordinance will provide for entry into a building through a key lock box in the event of a fire or emergency on all buildings containing 5,000 sq. feet or more.

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

Attorney Treadwell said this provides for any new commercial structures to have a lock box so that the fire company can get in as opposed to breaking down the door. It also recommends that existing buildings have the same, but it doesn't require it. Mr. Cahalan said they have an actual knox box over on the table. Fire Chief Tom Barndt, from Se-Wy-Co, was present. Chief Barndt said it's a box that is flush mounted or surface mounted on a commercial structure or a private resident. Inside is the entry key to your house and it's locked by a master key that's locked in each piece of fire apparatus at the station that can only be released through a computer or from dispatch Northampton County 911 center. There's a paper trail after the key is released so that when you take the key out, it's logged on the log sheet, when it's inserted back into the box. It's a great thing. There's another one for residences. They don't want to know your code to get in your gated driveway, and actually have a release that goes by your coded box and they can get the key out of their apparatus and can release the gate manually. One of the biggest advantages are when there's a fire alarm at 3:00 AM, they don't have to wait ½ hour for the key holder to show up. The cost is between $200 and $300. It's a whole lot cheaper than breaking the double pane window or hitting the steel door down. The biggest cost is the lock boxes that are in the apparatus. Leithsville and Se-Wy-Co have them, and Steel City is getting them. Mrs. deLeon asked about 911, how it's hooked up? Chief Barndt said the box that is in the fire apparatus is wired into radios in the truck. If they want to get the key released, they call the 911 center to release the Knox key. They can't just say release it. They need to give an address to release the knox key. They'll set up a code that will come across and unlock the box so they can turn the key and get it out. They can then come to the front door where the box is mounted, stick the key in there, and actually unlock it. Mrs. deLeon said we have a gate at Southeastern Park, is this something we could use? Chief Brandt said you could get a padlock system like Toll Bros., Society Hill, Four Seasons, etc. They don't want to carry different master keys, so they just carry one key to open all the locks in the township. Mrs. deLeon asked if the Polk Valley Park will be gated? Mr. Cahalan said he doesn't think they talked about a permanent gate. On the emergency access, there's a gate and a lock going to Reservoir Road. Mrs. deLeon said maybe we should look at where else we might need it. Mr. Cahalan said the parks are open 24 hours now, so you don't need them. Mrs. deLeon said 24 hours? Mr. Cahalan said dawn to dusk. They are not locking them at night.

Mr. Kern said this ordinance is strictly for commercial properties. It does not apply to residential properties.

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

MOTION BY: Mrs. deLeon moved to adopt Ordinance 2006-07, Key Lock Box (Knox Box)
SECOND BY: Mr. Maxfield
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.
ROLL CALL: 5-0

B. PUBLIC HEARING – ORDINANCE 2006-08 – MCCLOSKEY ROAD VACATION – TURNBRIDGE PARTNERSHIP

Mr. Kern said Ordinance 2006-08 has been advertised for a public hearing and consideration of adoption for the vacation of a portion of a 20' wide unimproved alley off McCloskey and Walter Avenues.

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

Attorney Schantz said this is a two lot subdivision which is going to be resubmitted without the cul-de-sac prior to the deadline of August 22, 2006 for next Planning Commission's agenda. They have two existing tax parcels which are separated by an unapproved paper alley which bisects these two parcels. They are trying to vacate this alley and consolidate the properties and then resubdivide them into two differently configured lots which would incorporate the alley way.

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

MOTION BY: Mr. Maxfield moved for adoption of ordinance 2006-08 – McCloskey Road vacation.
SECOND BY: Mrs. Yerger
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.
ROLL CALL: 5-0

III. DEVELOPER ITEMS

A. ZONING HEARING BOARD VARIANCES

1. KEN & PAMELA BROWN – 1616 SAUCON VALLEY ROAD – REQUEST VARIANCE TO CONSTRUCT ENTRANCE GATE WITHIN RIGHT-OF-WAY SETBACK

Mr. Kern said the applicant is proposing to construct an entrance wall/gate within their required front yard setback. The required setback is 50' from the required right-of-way. The applicant is proposing to construct the structure 20' from the required right-of-way.

Attorney Mark Cappuccio, representing the applicants was present. Attorney Cappuccio said they are going before the ZHB on Monday evening for application of the gated entrance at the property. This property is approximately over 24 acres in size, located in the R80 zone. The intention would be to construct the gate you see on the board. The plans show the gated entrance and the setback line. The reason you see the 75' front yard setback where a 50' front yard is required is they have to take into consideration the right-of-way. When they take 25' from the center of the road, you see on the property a 75' front yard setback. The issue they are facing is the owners would like to have the gate as close to the entrance way to the property as possible; however, to meet the 75' setback, the

gate would necessitate the removal of two very large mature trees. They would like to avoid that, so they'd like to shift this forward. The actual gate will be about 10' to 15' in front of the actual setback line. You can see the wall does curve out a little bit more in front of that. That would be 45' from the center line of the road, but the gate itself would actually be 60' back from the center line. Attorney Cappucio said Mr. Brown was present this evening. Mr. Cygan is also here who will be constructing the gate. It will be a stone, lighted gate. He talked to Mr. Cygan about some other properties along the road and he was able to find other properties on this very road that have gates either about that distance or some even closer to the road to give you a sense it's not totally out of the norm.

Mrs. deLeon said she doesn't want to see the trees come down. On your application, on the 2nd page, No. 11, it says to state the size of the property which is +/- 24.7 acres. She knows you have leeway with +/-, but somewhere else she read that the property is 10.9 acres. She wants to make sure it is right. Attorney Cappuccio said the property actually consists of three different parcels. We may have one that was 10 acres, but the three parcels in total are 24 acres. Mrs. deLeon said the application should be correct and the documentation going along with it should match the application. Attorney Cappuccio said he can ask the ZHB on Monday to amend the application so the correct parcel acreage would be reflected. He will let the board know it's 10.

Attorney Treadwell asked if they are all on one deed? Mrs. deLeon said one property looks like its land locked. Mrs. deLeon said what is the best way to protect the township in this instance? Attorney Treadwell said he thinks it should be the whole property. Mrs. deLeon wants everything to match. Attorney Cappuccio said he doesn't have the deed with him this evening, but can obtain a deed for the hearing on Monday. If they would have three parcels that are contiguous, and being used for that residential purpose, they would indicate that in the zoning application. That's why you are seeing the 24 acres. He'll take the Township's lead if they would prefer to have the ten. Mrs. deLeon said she would prefer to have the three parcels as they are all owned by the same property owner right now and they are being used as the residence. Mr. Maxfield said we should also make sure the gate does not cross over multiple parcels. Attorney Cappuccio said it does not. Mrs. deLeon said whenever she goes back into time and looks up something that happened years ago, and there are inconsistencies, it makes it very difficult to find out what actually was meant. Attorney Cappuccio said they'll indicate it would be all three parcels involved in the total acreage, the 24.7.

Council took no action.

2. <u>JOHN HOWELL – 1584 WEYHILL CIRCLE – REQUEST VARIANCE TO ENCROACH IN REQUIRED REAR YARD SETBACK TO CONSTRUCT ADDITION TO CONDO STRUCTURE</u>

Mr. Kern said the applicant is proposing to construct an addition to the existing garden apartment/condo structure. The applicant is proposing to encroach into the required 50' rear yard setback.

Attorney Robert Littner, representing the applicant was present. Mr. John Howell, applicant, was also present and the contractor, Donald Weiand, was present. Attorney Littner said they would like to present to the ZHB basically an extension to the rear of the condo that John and Dottie Howell have purchased. They would like to add 291 square feet to the kitchen, 282 square feet to the living room, and 253 square feet to the family room. In addition, past the family room, they have an intention to add somewhat like a porch which is called a pergola. It will be an open extension. The problem, at this point,

are the two problems with the present situation of the structure is where there is no side yard as there are other condos on both sides, so you can't have side yards. It's been that way since Bethlehem Steel days of 25 years ago when these units were built. The additions to the rear are what they want to do to be more accommodating for their living situation. In the letter to Mr. Howell from the Zoning Officer, there was one additional item, the geological study has been waived as they don't intend to go down more than 3'. That would not be an issue with the township. He would note, which he doesn't see anywhere, that it's not mentioned anywhere else, and it's not put on the application form. It's interesting that this group of condos, the eight that are there, have 40 acres additional to the rear, so there's a lot of land in this complex. They also have canvassed the Architectural Review Board of the Condo Association and June McKean has signed a letter the extent that they give their full support as the Howell's would like to move from north Bethlehem into the Township. They already own the unit, but would like to do the renovations before they move in.

Council took no action.

B. <u>DONALD & CAROL CORRIERE & CHRISTINA ANDRES – 2071 PHEASANT RUN 2 – LOT LINE CHANGE REQUEST</u>

Mr. Kern said the applicant is requesting a lot line adjustment shared by two existing single family dwelling lots. Lot 1 is proposed to convey approximately 3,167 sq. ft. to Lot 2. A single family dwelling is proposed to be built on Lot 2.

STAFF RECOMMENDAITON FOR
CORRIERE/ANDRES 2071 PHEASANT COURT MINOR SUBDIVSION PLAN

The Lower Saucon Township Council staff recommends that the Township Council grant conditional final approval to the Lands N/F Carol A. Corriere and Christina M. Andres Lot Line Adjustment Plan prepared by Keystone Consulting Engineers, Inc. one (1) sheet dated July 20, 2006.

It is recommended that this approval be subject to the folowing conditons:

1. The applicant shall address the review comments contained in the letter dated August 10, 2006 from HEA to the satisfaction of Township Council.
2. The applicant shall address the review comments contained in the letter dated August 9, 2006 from Boucher & James Inc. to the satisfaction of the Township Council.
3. The applicant shall provide two (2) Mylar and six (6) prints of the Record Plan with original signatures and seals for signature by the Township and recording. Four (4) complete sets of plans shall also be provided. The applicant shall also provide two (2) CD of all plans in an AutoCAD (jpeg-ROM). The plans will not be recorded until all conditions have been satisfied.
4. The applicant shall pay any outstanding escrow balance due to the township in the review of the plans and the preparation of legal documents.
5. The applicant shall satisfy all these conditions within one (1) year of the date of conditional approval of this Plan unless an extension is granted by the Township Council.

If the council is voting on this matter, it is requested that Council authorize the Township Manager to notify the applicant of Council's actions.

Edward Andres was present. He said they are proposing to increase Lot 2 from .61 acres to .68 acres, to move the property line over by about 16 feet to better accommodate a house, which

although it's depicted on the plan that was submitted, it's not actually being proposed at this time. It was just for illustration for the lot line. They are not asking for approval of the house or driveway that's depicted there. The property line, as it exists at its widest point in the back, has a unique shape. Its widest point in the back is about 188 feet. The design as of June for the house has it at being about 90 feet with a 30 foot driveway turn-a-round listed at 120 feet, and then with the side yard setbacks, it essentially forces the house towards the back of the lot right at the rear setback. They are proposing to add some rooms to the top to allow the house to come closer to the center of the lot. Even with the cul-de-sac and the front yard setback of the cul-de-sac, as it is, even where we're showing it, it's going to be set back from the rest of the houses on the street, and the front of their house would be kind of in the middle to the back of the neighbor's house. They don't want it further back to the edge of the lot.

Mr. Maxfield said it's referred to in the Planner's letter, the radial lot line from the cul-de-sac. Mr. Andres said it's on the Boucher & James letter, page 2, 2B. It is radial now, and they are proposing it be moved. If that top line depicted on the plan had a slope, what they are proposing is that line remain the same and just be moved up. If they were to try to keep it radial, then the point at the rear of the lot would have to move by even a greater distance to keep that front point heading towards the center of the cul-de-sac. It would not be practical and less of a change to just go move it up 16 feet and keep the overall slope of that line the same. Mr. Maxfield said the point at the back of the lot, it seems like there is some sort of unlabeled structure in the corner? Mr. Andres said it's an existing shed that's been there for decades for Lot 8 in the subdivision.

Mr. Andres said beginning with the HEA letter, 1 is the LVPC which was submitted for review and they are waiting for comments. No. 2 and 3, an engineer is going to correct that to make sure those additions are made to the plan. With B4, it's his understanding that the Lot 2, which will have the new house in the future, the meets and bounds of that property close, and that has been surveyed and understood and agreed. With regard to the larger lot, what is depicted there, it's their understanding, it does close. The original subdivision plan for Pheasant Court, the description on that plan, prepared by a different engineering firm, does not close. It's their belief that although the description for Lot 8 is different now on their plan, it was because the previous one was incorrect. Attorney Treadwell said he doesn't have a legal problem with it, but Mr. Birdsall may have an opinion. Mr. Birdsall said the problem is someone in the future is going to pick up a plan and see something and rely upon it. It's incumbent upon this property owner to make sure that this property is surveyed in accordance with a certified surveyor, which they indicate they will do. If there's a discrepancy with an old plan, they disclose on the plan what the differences are and reflect what the prior plan said. If the surveyor picks up the newest plan, they will see the differences and it's up to the professional responsibility of the new surveyor to be correct. At least the court house will have a record of the change and decision of the change at this point in time. HEA doesn't normally go back in and try to independently check at a township what those survey boundaries are. Mr. Maxfield said would a new survey result in new monumentation? Mr. Birdsall said he can't say. It depends on whether or not the information on the plan was incorrect, but the monuments are accepted by the new surveyor. The new monuments may be the same ones, but there may be a mathematical or drafting error on the old plans. That's a very good point that the new survey, if the location is different than the old monuments, should show the location of the old monuments as to its relationship to the new ones so somebody that could follow what happened. If the two property owners then debated, that's another whole process and somebody might be back here in the future. At least, then everything is fully disclosed and the new surveyor has done the best he can do to describe what happened.

Mr. Kern asked about the timing of this? Mr. Andres said he believes their surveyor has confirmed that the Lot 7 and the monuments have been professionally surveyed and they would certify what is being transferred. The existing Lot 7 and the new larger lot that's 3,000 square feet will be properly surveyed and certified and tied into the monuments for the rest of the subdivision. They

are asking that they don't have to go back and fix all the other errors through the rest of the subdivision or even on another side of another lot. They are concerned that the 26,000 square feet plus 3,000 square feet, that it is accurately surveyed and monumented. For example, if Lot 8 there is an error, on the other side of the four acre lot, that has nothing to do with where they are hoping our new lot to be, then we don't want to fix something that was approved in error by the Township nine years ago. Pheasant Run was approved. There was an engineer that showed you a plan. That plan was approved by the township and we're just one lot of those 39 and we just want to add 3,000 feet and make sure what we do is accurate. Mr. Birdsall said that's where he has a little bit of a problem. This is a subdivision of the four acres. That is probably the most important property to have properly monumented, the one that is getting smaller. Going to the extreme, obviously, if we were pressing right down to the zoning minimum an error on the lot you are subdividing, it may affect the zoning capacity of that lot. We certainly want the new sliver to be monumented correctly and shown correctly and added to yours. It's also important that the certification of the smaller lot be similarly accurate. Mr. Andres said is it fair to say that the applicant is not asking for anything more with regard to Lot 8 than has already been approved by the Township. They are not trying to do anything differently than what's already been approved. Mr. Birdsall said you are making it smaller. Mr. Andres said other than that? With regard to the meets and bounds, which we're tying into Lot 7, the 3,000 square feet, we're not trying to do anything additional to what has already been approved. Mr. Birdsall said he's said what he said.

Mr. Kern said based on what you said, how does that impact them? Mr. Birdsall said if they agree to B4, the satisfaction of B4 to his satisfaction is just like he described. He wants to see a comparison of the old monuments, the new monuments, reference to the old information, and the boundary survey of the four acres as well as the property survey of the new 3,000 plus combined lot. Mr. Kern said would that affect their timing as far as going to ZHB? Mr. Birdsall said this is not a zoning issue. That's why they can go through the type B minor subdivision. This comes directly to Council. Mr. Kern said do you agree to No. 4? Mr. Andres said he doesn't understand everything. What he suspects he is being asked is that they correct something that was done and approved by the township in error previously. There was a four acre lot created, Lot 8, and they are trying to take 3,000 square feet of it. Our surveyor will certify that the 26,000 plus the 3,000 is accurate and monumented. It's tied in and there can be no doubt it will be within tolerances as agreeable to your Township Engineer. The meets and bounds will close to significantly a close margin that there can be no argument as to that, pertaining to the new lot they are seeking to build on. If that's what we're being asked to do, then certainly yes, we agree, and we think we've done that already. If we're being further asked to expand the time and expense to survey the remainder of a larger lot which they are not touching and they are not going around, and not asking for anything different, and it was already approved by this Township, then he would believe that would be an unfair condition. If that was an error nine years ago, it doesn't seem for the new guy to come along and fix what the developer and the township did an error to. Attorney Treadwell said you keep saying approved in error by the township. Somebody certified that was the correct meets and bounds descriptions. Mr. Andres said they didn't go with that engineer and their engineer is going to certify that what we are doing now is accurate. We just don't want to have to fix what the developer did. Mr. Birdsall said that's the first question. How do we know it's in error? If your surveyor did not check it to know whether or not it's an error, why does he show it differently than what's on the recorded plan? Mr. Andres said because we heard from your office that the meets and bounds do not close on the previous subdivision plan. It was your office that told us. When we described it, it closes. When HEA checked it versus the old, they noticed the discrepancy and the discrepancy was that the 97 one doesn't close. Our descriptions close. Mr. Birdsall said that's impossible then. Then your descriptions do not follow the prior record plan, and therefore, there's a discrepancy between the new record plan and the prior record plan and we're just trying to find out what is in error. Mr. Andres said not with respect to Lot 7. That's tied into the monuments and that's accurate. Mr. Birdsall said what is being subdivided is the four acres. The four acres is the one in question.

Mr. Maxfield said this sounds like something that further needs discussion outside of this meeting should solve. We have conditions that are not met. We have drafting problems that are alluded to in Judy's letter and there's a lot of outstanding things that need to be cleaned up and he'd like to table this for two weeks until we can get the plan cleaned up and straightened up so we know exactly what we're dealing with.

Mrs. deLeon said at the top of the map, it says owner/applicant, Carol Corriere and Christina Andres. It lists Rader Lane, Bethlehem, PA. Mr. Andres said that's the only mailing address that would work right now. That is Lot 8. The property that is depicted at the end of the cul-de-sac has access to Rader's Lane. Mrs. deLeon said go down the map and when you get to Lower Saucon Township approval, there are too many Chairman signatures, and technically the Planning Commission doesn't sign this and the Chairman should be changed to President. If you go down to Certificate of Ownership, Mr. Andres said there's a typographical error that he did not pick up. It's not West Market Street. It was noted in the review letter and has already been changed. There's also a reference to some impervious coverage and that was a typographical error. At this time, they are not proposing any house or driveway. The impervious coverage is irrelevant. A lot of the comments on the Boucher & James letter was because they gave too much instead of just showing a square rectangle box, or not showing any house at all. They showed the shape of the house that was up-to-date with the current design and the reason why. Before they would ask for a building permit, they would submit a site plan and have an accurate building coverage. They would have the natural resources properly displayed. They will remove the house and the driveway from the plan and just show they are only asking for 16 feet. Mrs. deLeon said she agrees with Tom. Mr. Maxfield said when a subdivision plan comes in like this, they'd like to see the general size of the house so they can get a rough idea of the impervious coverage. What they will ask him to do is stay within these limits. Mr. Andres said it won't change dramatically. Some rooms may change, but it will be just marginal.

Mr. Andres said on No. 4 with the traffic and driveways, they'll certainly try to put the driveway outside of the setback. They've moved it outside of the drainage easement. There has been an honest effort to comply with the township requirements. They do think it's noteworthy that most of the houses on the street do not comply with the setbacks and the drainage and utility easements. He has pictures and can pass them out to Council. Mrs. deLeon said that's irrelevant to what we're doing here. This isn't a zoning issue. If past mistakes were made by administration or whatever, she can't keep going forward in that direction. Mr. Maxfield said this subdivision goes back to 1990's, so things change. Mr. Andres said one reason they are trying to move the line is so that they are not in the setbacks. Mr. Maxfield said they are not trying to give him a hard time. They want a nice clean plan that they can look at and understand exactly what is going to happen.

Mr. Kern said if you can work that one issue out, that's the main one. Mr. Andres said he thought they did and he apologizes. He was a little bit surprised that the last word he received, with regard to that issue, was there was an agreement that the meets and bounds that they had submitted closed. He was not under the impression that was going to be a continuing issue. Mr. Maxfield said there are other issues to be addressed. Mr. Yerger said there is reference to No. 5 from our Planner as far as a covenant geology overlay zone issue, has that been resolved? Mr. Andres said that would be submitted at the time of the building permit. We're not there yet. Mrs. Yerger said she understands they aren't putting a building there, but should some of these other issues come forward, it might affect what you had hoped to do on that site. Mr. Andres said he fully understands that. If they can't move the lot line over, then obviously that is the most dramatic change. By having that 16 extra feet, it allows for them to give Council all the detail plans they require. Mr. Maxfield said no one has said anything against the moving of the lot line. They are talking about all the information that goes along with it that supports it. Mrs. deLeon said in all fairness, we don't want you to walk away after lot line approval and say "this is a buildable lot, I

can do whatever I want". Mr. Andres said he knows that's not what they are doing. He's willing to take the house off if they want him to.

MOTION BY: Mr. Maxfield moved to table this for two weeks until we can get the plan cleaned up and straightened up so we know exactly what we're dealing with.

SECOND BY: Mrs. deLeon

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

ROLL CALL: 5-0

C. HIDDEN MEADOWS ESTATES 2 – LOWER SAUCON ROAD – PRELIMINARY/FINAL APPROVAL

Mr. Kern said the applicant has submitted plans for a 2 lot subdivision. No improvements proposed at this time. They have received conditional preliminary/final approval from the Planning Commission and are now before Council for final approval.

STAFF RECOMMENDATION FOR
HIDDEN MEADOW ESTATES 2 MINOR SUBDIVISON PLAN

The LST Staff recommends that the Township Council grant conditional final approval to the Hidden Meadow Estates 2 Minor Subdivision Plan prepared to Ott Consulting, Inc., one (1) sheet, dated April 13, 2006, as revised June 21, 2006.

It is recommended that this approval be subject to the following conditions:

1. The applicant shall address the review comments contained in the letter dated August 10, 2006, from HEA to the satisfaction of the Township Council.
2. The applicant shall address the review comments contained in the letter dated August 9, 2006, from Boucher & James, Inc., to the satisfaction of Township Council.
3. The applicant shall provide two (2) Mylars and six (6) prints of the Recorded Plan with original signatures and seals by the Township and recording. Four (4) complete sets of Plans shall also be provided. The applicant shall also provide two (2) CDs of all plans in an AutoCAD format (jpeg-ROM). The plans will not be recorded until all conditions have been satisfied.
4. The applicant shall pay any outstanding escrow balance due to the township in the review of the plans and the preparation of legal documents.
5. The plans shall note all waivers and deferments granted by the Township Council in a manner satisfactory to the township council.
6. The applicant shall satisfy all these conditions within one (1) year of the date of conditional approval of this plan unless an extension is granted by the Township Council.

It is also recommended that the Township Council approve waivers from the requirements of the following Subdivision Land Development Ordinance (SALDO) sections:

1. Section 145-15 MINOR SUBDIVISION Type A (2) which indicates that a subdivision does not qualify as a Type A Minor Subdivision if a prior Subdivision Plan has been submitted for the same land within a five (5) year period.
2. Section 145-43B (2) which requires lots abutting Collector Streets to construct a berm and planting screen with an Easement prohibiting access to the street, to allow conservation of Lot 1 as it currently exists.
3. Section 145-52B which requires installation of street trees to allow conservation of Lot 1 as it currently exists.

It is also recommended that Township Council approve deferrals from the requirements of the following Subdivision and Land Development Ordinance (SALDO) sections until the future subdivision of Lot 2:

1. Section 145-41B (4) which requires that existing roads adjacent to the property being developed be improved to the standards of SALDO to allow any improvements to both sides of the existing Lower Saucon Road to be coordinated with future road and storm water improvements of Lot 2.
2. Section 145-43B (2) which requires lots abutting Collector Streets to construct a berm and planting screen with an easement prohibiting access to the street to allow the construction along the Lot 2 frontage to be coordinated with future road and storm water improvements of Lot 2.
3. Section 145-52B which requires installation of street trees to allow the installation along the Lot 2 frontage to be coordinated with future road and storm water improvements of Lot 2.

Present: Mr. Michael Waldron from Ott Consulting, and owners, Mr. Bob Kostival and Mr. Paul Dreyer. Mr. Waldron said the plans were resubmitted and cleaned up. They are back to discuss the minor subdivision which separates the farm house side of the road from the rest of the project. They had some waivers they were requesting that had to do with street trees and deferrals of other improvements to Lower Saucon Road. They have received letters from HEA dated 8/10/06 and Boucher & James dated 8/09/06. There are some minor issues that would be conditions of approval. The biggest issue had to do with the conservation easement agreement. It has been submitted for review and is being worked along with the Heritage Conservancy. That was the largest outstanding issue of discussion.

Attorney Treadwell said there is a conservation easement in your packet that was prepared by Heritage and he's fine with it.

Mrs. deLeon said at the last meeting she was a little bit concerned because of Hidden Meadows Estates 2 and then there was Hidden Meadows Estates. There are two ongoing subdivisions at the same time. One's a major and one's a minor. She sees review letters that just talk about Hidden Meadows Estates, and she's not real sure some of these review letters, which ones they apply to. She asked the question at the last meeting if we have a LVPC letter, and there was one in the packet, but it talked about the six lot subdivision. Since it's a minor subdivision, does this have to be reviewed before LVPC? Mr. Waldron said it was reviewed by the LVPC as a minor subdivision. They did two formal reviews. In the reference line of the Minor Subdivisions, they still did refer to it as Hidden Meadows Estates, but they put a hyphen and put Minor Subdivision after it. Mrs. deLeon said she doesn't want this to come back and not know what we approved. Mr. Waldron said there is a separate letter from LVPC that discussed the major subdivision that was before that. Mrs. deLeon said even our PC letter says Hidden Meadows, it doesn't say No. 2, what is it? Mr. Waldron said it's Hidden Meadows Estates 2. Mrs. deLeon is concerned about what they are approving tonight and if it's assumed in the major subdivision. There's no difference in the name. What are we approving? Attorney Treadwell said we need to come up with what we are going to call, Hidden Meadows 1 and 2? Mr. Maxfield said at the PC, Hidden Meadows 2 is the one we are talking about and that's how we should deal with this tonight. Mrs. deLeon said everything we are approving tonight, should have No. 2 on them so we know the difference. There is no review letter from LVPC for No. 2 for the conservation easement. Mr. Birdsall said it isn't needed. Mr. Maxfield said the draft approval has No. 2.

Mrs. deLeon said when we're approving this minor subdivision, do we need to talk about the street names or is that coming up for the major subdivision. Mr. Waldron said they will propose a new name.

Regarding the staff recommendations, Mrs. deLeon said she likes the fact that it refers to the Boucher & James letter and the HEA letter. She likes the conditions plucked out and put on one piece of paper so she knows what she's approving. If a neighbor wants to go and look at something, they know what we approved. You then don't have to look at three different letters. She wanted to go through both letters.

Hanover Letter dated August 10, 2006: Mr. Waldron said the first written comment, it has to do with non-buildable status on the lots. They are not proposing any construction with this project so as far as notes go, they'll put on the plans what the body recommends for recording. They did note on the plans no construction is proposed and any development on Lot 2 will have to be reviewed. Mrs. deLeon said this is a very important motion and it should have been plucked out and put on the regular draft motion. Mr. Waldron said as far as any other improvements, there's no construction proposed, so no improvements are proposed on this project. Mrs. deLeon said what also jumps out at her is if we approve this minor subdivision, there's no assumption that we are going to approve the other subdivision. If that doesn't happen, are we protected with the wording in this No. 2? Mr. Maxfield said we did discuss this at PC and you are right, they have absolutely no firm obligation to do what they want to do on the other site; however, they are using the open space figures for the cross roads, so that would all go out of the window if they wanted to do something else. We're trusting their good faith. Mr. Waldron said regardless of that, they are proposing with this job to create two lots. They did provide capacity calculations to show that the property can support two lots. They were confident that if everything goes bad, they were going to have two lots that are created. If you agree that it can support all the lots proposed with the major, it's certainly can support one or two lots here. Mr. Maxfield said he doesn't think the Township loses anything by doing what we do and without the guarantee. Judy Stern Goldstein said they agreed to separate the areas on either side of the street, and there are two separate lots. You are not creating two new building lots because it's restricted from any further building at all by the conservation easement. Mr. Waldron said he should have restated. They have one existing house on one lot and the other lot is on the other side of the street. Judy Stern Goldstein said the one with the conservation easement is the first application. The second one is just that with the conservation easement proposed with the lot that contains the existing farm stead throughout the township is protected in that even if the developer on the other side of the street does not concur, that lot still would have a conservation easement on it. So, essentially, you have the open space from it already. In that scenario, the township is fully protected.

Mr. Waldron said No. 3, came about because they submitted the major subdivision first, and then submitted the minor and retracted the major subdivision at that time. They were requested to submit a waiver to allow them to submit the minor. It has to do with the way the language is worded. You're not allowed to subdivide a lot by minor subdivision over and over again. It's worded that you cannot submit another minor subdivision if a subdivision has been submitted within five years, which we had originally submitted the major subdivision for the same property. They withdrew the major so they could proceed with the minor. Mr. Dreyer said the reason they did it is because the major will take a lot more time to get through the PC than Council, and the buyers of the farm house, Joe and Diane, would like to close on the farmhouse.

Mr. Waldron said a sewage facilities planning module, they did submit the planning module mailer to the township with the application. All the soil testing results were submitted. At this point, he's waiting for the Township SEO to sign off on certification that the two lots are suitable for septic, then they can proceed with getting that from DEP. They will provide certification of installation of all the lots prior to recording. There's a comment regarding some closures and variance and distances, the surveyors have traded phone messages, but he's certain they can resolve that by the end of the week. Addresses – the township will have to provide. Mr. Dreyer said that will have to be for Lot 2 as Lot 1 already has an address. Mr. Maxfield said do we want to pick addresses for

the other subdivided lot if it's going to be further subdivided? We have an existing address for the lot on the one side, so we really don't have to do anything on that. Mr. Waldron said the others get more into some of the waivers we're requesting. No. 9 has to do with roadway improvements. They are requesting, and the PC did recommend, a waiver of the roadway improvements along Lot 1. They required waivers for Lot 1, which has the farmhouse, and they will defer waivers to Lot 2 when they discuss the development here and see what he impacts are. For roadway improvements, they are requesting the same combination of a waiver and deferral for widening Lower Saucon Road. No. 10 they request the same thing for street trees, also recognizing on the farmhouse side, if they follow the requirements, the street trees would actually be behind the house. No. 11 has to do with the right-of-way easement. What he initially had on the plan was a note saying that it has to do because the right-of-way property goes around the existing buildings. Should those buildings ever come down, the right-of-way will revert back to what it's supposed to be, 30 feet from the centerline. By going with this comment, HEA would like to have that in an easement form instead of just a note, so they will prepare that description and submit it to them. No. 12, they have to talk about it with the major subdivision and it is talking about the swales on the side of the road existing. Mr. deLeon said there we are again talking about the major subdivision. Mr. Waldron said it was included as they didn't want to forget it. Mrs. deLeon said not everything in this letter applies to conditional approval, then the road side flow capacity is a needed thing for this. Mr. Birdsall said it is not needed at this time. No. 13 has to do with land dedication and/or payment of the fees in lieu of recreation space. Mrs. deLeon said that is our choice, has anybody thought about this? Land dedication in the amount of 2,000 sq. feet is required. In lieu of this, recreation fees in the amount of $3,113 could be acceptable at the discretion of Council. Mr. Maxfield said they are giving us a conservation easement already. Mrs. deLeon said we need to talk about this. Mr. Maxfield said he'd be in favor of accepting the developer's funds. Mrs. deLeon said we're referring to this as a condition, but Council needs to decide on that and it needs to be in the motion somewhere that we decided on the money. It's not clear because we had to make a decision on it. We'll have to add a No. 7 which will read "the applicant shall pay a fee in lieu of donating recreation land to the township in the amount of $3,113".

Boucher & James letter of August 9: Mr. Waldron said he'll skip the first page as its description. On page 2, No. 2A, the Use, they will sign the plans prior to recording. 2B refers to the landscaping berm and plantings. They are requesting waivers and deferrals regarding improvements along Lower Saucon Road. No. 2C requires location and description of the water supply, fire protection, sewage facilities and storm water management facilities and supporting calculations. There aren't any proposed, so we'll put a note on the plan none are proposed. No. 2D, Judy Stern Goldstein said the other sites, since you created a lot, you have the opportunity for water and sewer, so there will be notes on the plan. Mrs. Yerger said what about granting of the wavier on B? Mrs. deLeon said isn't that plucked out on waivers? Mr. Maxfield said waivers for the one side of the road and deferrals for the other side basically. Mr. Waldron said it's included on No. 2 on your draft. Mr. Birdsall said waivers and deferrals are listed in the draft motion. No. 2D, talks about the existing buildings and the dates. Two buildings have the approximate date listed right in the building, but on the other plan, he put a table of all the structures. He'll copy that same note over. No. 2E requires copies of all permits. The only other permit or approval would be the DEP Planning Module approval. Item 3 just states that there are existing buildings that are within the front yard setback, but it's an existing non conforming use. No. 4A, talks about street trees being required. Again, they are requesting waivers and deferrals. No. 4B talks about requirements for landscaping and landscaping plan. Since they weren't proposing any landscaping, they didn't submit a landscaping plan. Ms. Stern Goldstein said once Council grants the waiver, there's no landscaping plan required. Mr. Waldron said the additional comments, 5A, it talks about what their intent here is to dedicate the open space for use with the future development of Lot 2. If there's different language Council wants, they can do that. Attorney Treadwell said he's fine with the conservation easement the way it is. Mrs. deLeon said 5A is part of the motion. Ms. Stern Goldstein said the conservation easement needs to be submitted to the Solicitor for his review.

Mrs. deLeon said she's thinking of five years from now when a neighbor wants to come and look at what the plan approval was. They are going to look at this and say "where's this?" Mr. Kern said they are saying that when five years from now when a resident comes in to review this, that there will be a letter of compliance that will be generated by Boucher & James and HEA, and a check list checking off what has been complied with and what has not been complied with. Ms. Stern Goldstein said there will be a letter once everything has been complied with. Mrs. deLeon said that would be tucked away in a file buried in some township office. If they ask for the conditional final plan approval, they are going to get two pages and they are going to have to refer to those two letters and read the letters and then guess about the list you are talking about. She said she dislikes this whole process which has changed from what she's used to. Ms. Stern Goldstein said after the conditions are met, it would be like any other conditions of approval. Attorney Treadwell said part of the answer is we don't record the plans until Boucher & James and HEA say that they are happy that the conditions in their letters have been satisfied. It might not be as clear if somebody goes to the file and can't find the file, but we don't record the plan unless he talks to Jim and Judy and they both say they are happy, the issues in their letters have been addressed. Mrs. deLeon said she never debated that.

Mr. Waldron said 5B, there's a discussion about total tract area and gross tract area. He needs to talk with Judy to resolve that. Ms. Stern said there is a discrepancy in what you are calling gross, so the gross needs to be clarified.

Mr. Waldron said 5C, to add the maximum lot coverage category into the zoning data chart. Mrs. deLeon said she just wants to make sure we're approving the right No. 2 here. Mr. Maxfield asked if there was any condition on here that would not be solved by notes, no work that has to be redone or anything like that? Mr. Birdsall said he agrees, there's nothing here that couldn't easily be handled with notes. Mrs. deLeon said doesn't that need to be approved with the motion tonight? After we approve it, the staff just can't put notes on the plans. Mr. Maxfield said they are conditions. Mr. Birdsall said Council has to be comfortable enough that we're close enough that we understand what these notes would be and the staff is in a position to recommend that it is close enough. We think the issues are clearing up and they could easily be accomplished with notes. Attorney Treadwell said the notes that the staff is requesting are pointed out in the Boucher & James and HEA letters. Plans won't get recorded until Judy and Jim are happy with the notes.

MOTION BY: Mrs. deLeon moved for approval of Hidden Meadows Estates 2, Minor Subdivision, for August 16, 2006, to grant conditional final approval as in our packet, per the draft motion and it also includes the waivers and deferrals, and also include No. 7 in the draft motion.

SECOND BY: Mr. Maxfield

Mr. Kern asked if anyone in the audience had any questions or comments? Mr. Horiszny said there's a typographical error on page 7 of the easement, the 7th line from the bottom, it talks about "changes circumstances", it should be "changed circumstances".

ROLL CALL: 5-0

D. <u>GLEN MEADOW ESTATES – FIRE LANE – REQUEST TO RELEASE MAINTENANCE SECURITY</u>

Mr. Kern said the developer has completed the maintenance period for the subdivision. Hanover Engineering has inspected the improvements and has reported they are complete. They are recommending they be released from their maintenance obligations. Council should authorize the return of the Letter of Credit being held as security.

Mr. Horiszny said can this be done with only one of the three houses there? Mr. Birdsall said certainly.

MOTION BY: Mrs. Yerger moved for approval of the request to release maintenance security for Glen Meadow Estates – Fire Lane.

SECOND BY: Mr. Horiszny

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

ROLL CALL: 5-0

E. TOLL BROS. - MEADOWS SUBDIVISION – REQUEST EXTENSION TO COMPLETE IMPROVEMENTS

Mr. Kern said the developer is requesting a one year extension to complete the improvements in this subdivision. This is also an update on the storm water improvement issue.

STAFF RECOMMENDATION FOR
THE MEADOWS SUBDIVISON (TOLL BROS.) EXTENSION

The Lower Saucon Township staff recommends that Township Council approve an extension until August 18, 2007 for completion of improvements at the Meadows Subdivision. This approval is subject to the following conditions:

1. The owner/developer shall enter into an Extension Agreement with the Township satisfactory to the Township Solicitor and Township Council.
2. The Improvements Security shall remain in full force and effect until project completion, to the satisfaction of the Township Solicitor.
3. The owner shall pay outstanding plans and appeals account invoices owed to the Township.

Mr. Birdsall said back on June 28, 2006, they issued a certified letter to Rich Windish at Toll Bros. specifying certain things HEA felt should be provided to the township in the way of corrections of down stream damage and engineering details and reanalysis. That did not come in and Council then asked that HEA write a letter and notify them of an August 1, 2006 submission deadline for that information to occur or else it would be placed upon Council's agenda this evening for possible legal action for enforcement against the developer in accordance with the developer's agreement. They have one letter from Rich Windish on August 9 which deals with a fence. If we go back to the letter dated July 31, 2006 from Suzanne Burgerone, she explains that because of the engineering difficulties with obtaining surveys and what not, she goes into a description of why she feels they cannot meet the August 1, deadline. He will turn it over to the Toll Bros. people for further personal explanation.

Mike Stanz, Assistant Project Manager at Saucon Valley Meadows jobsite, Toll Bros. was present. He said the letters to which you are speaking is the most recent update he has as well. This all began in the beginning July when they received very heavy rains and had a lot of washout on Meadows Road from their basin. The design and capacity of that was brought into question. He does know that their basin was constructed according to the plan which received final approval from the township, so they have no known design problems with the basin itself. They were aware, and their engineer is currently verifying this as well as two problems – one was a heavy leak at the temporary riser inside the basin. This was repaired around July 7 and they have not had any washout problems since that was prepared. Mrs. deLeon said it hasn't rained much since then. They are aware of a grading problem at the outflow area on the corner of the basin along Meadows Road. Their engineer is currently working on a solution to this which will require grading that area. Mr. Kern asked what is going on with a result of the grading problem? Mr. Stanz said when there's a heavy rainfall, there's a washout on to Meadow's Road crossing it. With regrading, they can divert that water in a proper way.

Mr. Maxfield said when we talk about redesign of the facilities, is that what we're talking about – the regrading of that area? Mr. Birdsall said the engineer did call him today. They have been trying to get a copy of the original design calculations from Martin & Griffith. He didn't realize Toll Bros didn't have them. He has a copy for Toll Bros. this evening. In discussions with the engineer today, he indicates he has done all his surveying work along Meadows and along the basin and he's working on the calculation check to make sure the basin is constructed properly which is typical for the as-built requirements. The engineer discussed his thinking about the outfall structure and how he thinks that can be improved to provide long term stability to that area, reduce velocity coming out on to Meadows Road and redirection of the water to travel more directly parallel to Meadow's Road instead of directly out on Meadows Road. Mr. Birdsall encouraged them along all those ways and pointed out that the work should be done in such a way that they don't have a structure encroaching into Meadows Road that would be a snow plow problem. Also, that they consider extending either a pipe size for the typical basin outlet or a pipe size larger than that to run from their outfall structure, closing their outfall structure with a drop in hole so that the energy in the water is dissipated and travels down under the PPL driveway and attached with a couple of catch basins also, but attached to the 30" pipe that crosses the driveway under the next property owner below the PPL driveway. Those are the discussions occurring with regard to engineering on the subdivision. With regard to the other issues of offsite storm water management, the Manager, Roger Rasich and Mr. Birdsall walked further downhill and observed the conditions, looked at the pipes under Meadows Road that carry water from one side of the road to the other in the area of the Saucon Creek, looked at the area along the RR tracks and Roger was scheduling some clean up work to encourage the storm water if it gets down to the RR tracks, to go to the south. That's where we are as far as his information for this evening.

Mr. Horiszny asked if they found pipes going under the road? Mr. Birdsall said that's on the other side of the RR tracks, not on the uphill side of the RR tracks. In heavy storms, it does go over the RR tracks and goes down into this other area.

Mrs. deLeon said Mr. Stanz said the township approved your plans. Going back to an earlier agenda item, yes, the township approved your plans based on your certified engineer who stamped these plans and the township believed them. Attorney Treadwell said he agrees. This is the second individual that's been before us tonight that seemed to insinuate because the township approved the plans, that everybody washes their hands of it now. There's a problem and somebody has to fix it and it's not going to be the township. Mr. Stanz will take that back to his people. Mr. Birdsall said given the delay in being able to look at this material that the engineer is developing, he would add that they are approaching the fall seeding season which began today and only extends to September 10. If there's any work to be done at the out fall structure, and restabilization with seeding, it's got to occur within the seeding season or it has to be sodded. There are some properties in this watershed that have not been built upon and he's knows you have done some grassing in of those properties and he would ask that the township consider whether or not we can hold up building permits until we know what is happening and we know what schedule you are on as it's very difficult for us to have any other quick mechanism of encouraging you to finish this work and convey our seriousness of the issues that are before us. We don't want to go into the winter with this situation. We want to correct it before the end of the planting season. The pressure is on all of us to make sure that it gets done. He's aware that there is at least one or maybe more than one house that could be built in this watershed. The one he's most concerned about is the one that actually fronts on Meadow's Road. He doesn't know if they thought about holding that back and waiting until everything else is stabilized, but it would be a good idea. Mr. Stanz said it is something they are considering. They have no interest in that lot anyway. Rich did discuss it with him today. Mrs. deLeon said a month ago, Council approved a motion that this would be an agenda item this evening and also direct the Solicitor to take any legal action that may deem necessary over the interim. She doesn't think we have to revote on the motion. Attorney Treadwell said that motion still stands. Mrs. deLeon asked if we can do another motion for the

building permits? Attorney Treadwell said it's implicit in the one you made at the last meeting. Anything we can do to move this along is beneficial. Mr. Maxfield said why don't we take the "August 1" we had last meeting and apply another date to it so that's still out there? Mrs. deLeon said since they are asking for an extension, that can all be tied into an interim deadline type thing like we've done in the past? Mr. Maxfield said this would be a separate issue. Attorney Treadwell said the one year extension that the applicant is requesting is for all the improvements. If you want to put a different time frame on the basin, we can do that. Mrs. deLeon said she's uncomfortable giving them a year, this is something very serious. What's the date this expires? Ms. Huhn looked it up and she said the Township executed the agreement on August 18, 2006. Mr. Maxfield asked if they could treat it as two separate issues as there has been damage. Mrs. deLeon said she's uncomfortable giving them a year as part of the extension we're giving them is storm water stuff. To do it separate, she'd rather do it on a shorter basis. Then they know we mean business. Mr. Maxfield said what we had was a date for a redesign and we could give a two week date on that. That's why he'd like to treat it as two separate issues. Attorney Treadwell said the MPC speaks of completion of improvements, not redesign. If you want to put your own design on a redesign, you can do that. The question for Council to maybe ask yourselves is, if you want to give maybe only a three month extension, are you then prepared to draw down the security and complete everything yourself? Mrs. Yerger said the way this is worded is it's a one year extension to complete the improvements in the subdivision, so that means all of them – roads, everything. That's why we have to address the storm water issue separate from the rest. Attorney Treadwell said he doesn't have a problem with doing it into two separate motions – one to complete the improvement, but a second one if you want to put a tighter timeframe on redesigning the basin to Hanover so they can look at it.

MOTION BY: Mr. Horiszny moved to approve a one year extension to August 18, 2007.
SECOND BY: Mr. Maxfield
Mr. Kern asked if anyone in the audience had any questions or comments?

Ms. Stephanie Brown, resident, said Toll Bros. extension means another year of putting up with her property being flooded because the storm sewers are not going to be opened. Attorney Treadwell said the year extension would give the applicant one year to complete all the required improvements shown on the subdivision plan. If the extension is not granted by Council, then we'd need to draw down the subdivision bond or letter of credit, and then the township would have to complete the improvements. Ms. Brown said it's going to delay the opening of the storm sewers. Mr. Birdsall said the protection around the catch basins in front of your house would stay in place until they are reasonably stable with soil erosion control. Ms. Brown said do you mean the storm filters that are in them? Mr. Birdsall said correct. Ms. Brown said they were already removed. There is ponding by her road. Mr. Birdsall said if they have been removed, why is there any ponding there? Ms. Brown said the ponding is on Stover Road. It was done to help relieve the ponding, but it doesn't help. She made a phone call to the township and various other people, stating the one inlet doesn't even collect any water. They still have not been addressed. Mr. Birdsall said to the degree that there is any inlet protection, maybe there's none, but to the degree there is, it stays in place until the lots are reasonably stable. He doesn't know if the inlet protection has been removed, so he drove down there and thought he saw a little berm, but maybe it was a lip of macadam around the inlet, so he thought there was still some protection there. If that has been removed and there is water there that isn't getting into the inlets, then it's because the final paving course has not been installed on Stover Road. There's a binder course and what not, and the Township would prefer not to have that final paving on the road until 70% or 80% of the homes are built so that if there is any damage to the road during home construction, they can fix it before they put their final wearing course on. There will be ponding next to those inlets until that occurs. That probably will not occur until next spring and they would prefer it not occur until next summer, so yes, there will be ponding there till next summer. Ms. Brown said the pictures she sent you, it's a little more than ponding, it's a lake. It comes over the sidewalks and curbs and on to the property.

She's very angry about this. Mr. Birdsall said they will take a look at it tomorrow. Ms. Brown said there's an issue about an orange silt fence that was supposed to be put up by Toll Bros. Why hasn't it still been put up? Mr. Stanz said he has no knowledge on that, but he will look into it. The lot at the back of Ms. Brown's property has been stabilized, but he will look into the silt fence issue. Ms. Brown said if you give a year extension for them to complete this extension, this year gets added on to the seven years that Meadows Road doesn't have yellow lines on it. Mr. Birdsall said that's up to the Road Department and the Police Department. Ms. Brown said she feels it's a safety issue. She's been trying to talk to the Police Department as there are many problems on Meadow's Road that no one wants to address. Mr. Kern asked Jack to have Roger and the Chief issue an opinion at the next meeting on whether or not the yellow lines should be put on Meadow's Road now.

ROLL CALL: 5-0

MOTION BY: Mr. Maxfield moved to amend our motion from last time, date wise. HEA would require Toll Bros. to submit a redesign that will be available for HEA's review before the next Council meeting so that if it is suitable or suitable with conditions, it can be approved and the construction can start immediately thereafter. One week would be good for HEA. If Council would allow a letter to come into the packet Thursday or Friday of that week, that would give them another couple of days. HEA would want to receive it by August 30, 2006 at noon time.

SECOND BY: Mrs. deLeon

Mr. Kern asked if anyone in the audience had any questions or comments?

Ms. Brown said the development has the storm sewer and the detention basin. She needs explanation on which does what. Mr. Birdsall said the original property is rectangular in shape and runs east to west behind her house. Approximately one-third of the property drains toward the PPL substation. The other two-thirds drains towards Stover Road. The whole project has its roads built and paved. Not only the eastern third toward PPL has its roads paved, and houses under construction, but the part uphill from Ms. Brown, the two-thirds has its houses under construction and roads built. The storm sewer from the two-thirds of the development drains into a collection system underground in pipes under the streets. It drains down Stover Road, across Meadow's Road. Without a detention basin, it is an undetained flow that goes through the Gun Club property to the Saucon Creek directly. It does not have any detention basin. The one-third that is toward the PPL side does have a detention basin and that was not so much for Act 167 Saucon Creek protection as it was that there was no down stream conveyance capacity to get from the project to the Saucon Creek. They were obligated under the rules to have local control for the purposes of lack of conveyance facilities for Lower Saucon Township. The Act 167 procedures would have allowed direct runoff directly to the creek if there was conveyance directly to the creek, but there wasn't. There are two separate systems. There is a collection system also on that eastern third of the property that collects the street and roof water and front yard water and drains into the detention basin in an underground pipe system.

ROLL CALL: 5-0

Mr. Birdsall said so he's clear, they are free to go ahead and use whatever legal means they can to enforce the "August 1" which still will apply? If we are allowed to hold up building permits in that watershed, if that's something the staff can support, can we do that or do we have to wait until August 30? Can we do it tomorrow morning? Mrs. deLeon found the motion from last month. It said "Mrs. deLeon moved we send a letter to the developer and tell them this is going to be on the Council agenda of August 16 and they need to respond by August 1, 2006 with their proposal to correct the situation, and direct the Solicitor to take enforcement action according to their agreement if warranted between now and the meeting". Mr. Birdsall's question is we don't want to be here two weeks from now with the same situation. We want to stress the seriousness of this to the applicant. Mr. Maxfield said are you talking about holding up building permits that would only exasperate the situation? Mr. Birdsall said correct, in that watershed. Attorney Treadwell said he doesn't have a problem with that. Do we have any applications in pending? Mr. Birdsall said he

didn't know. Mrs. deLeon said the second part of the motion was to direct the Solicitor to take enforcement action according to their agreement if warranted between now and the meeting. Mr. Kern said that's what covers it, right there. Mrs. deLeon said tonight was the meeting. Why don't we just do another motion to have the Township take necessary legal action, if warranted. Mr. Maxfield said if we just use the new date, they have that power within that new motion. Attorney Treadwell said he doesn't think they received any building permit applications between the last meeting and tonight. The only other enforcement action we could take was to draw down their security and build it ourselves, which is a little premature. Mr. Birdsall said he's worried between now and the 30th. Attorney Treadwell said that's fine. He asked Ms. Huhn to check with Chris to make sure we don't have any applications pending or let them know if they receive one. We're covered by the previous motion.

Mrs. deLeon said if you go through your packet, you will see the January 16 preliminary plan approval letter which is two pages and you will see the May 23, 2003 final plan approval which is also two pages. This is how the motions used to be. Now they include letters where we have to go to two or three different places. Bullets were pulled out into the draft back then. Now they refer to other letters. It was so much easier taking both of their points and putting it in one place. Attorney Treadwell said the township has more latitude from the enforcement side if we refer to the letters that Boucher & James and HEA write and say, has the applicant met any conditions that were contained in those letters? Then whoever, can go to Boucher & James and HEA and say are you happy, have all the requests in your letter been satisfied? If they say no, the plan doesn't get recorded. If they pull all the bullets out, you might have a five page motion at that point, but it's possible to do that. Mr. Maxfield said when he sees a condition, he likes to see a letterhead and signature attached to it. Mrs. deLeon said we still need the review letters in our packet, but by the time it gets to Council, all the things that are outstanding should be in the draft motion. Mr. Maxfield said it could be Murphy's Law the way things usually work. Mrs. deLeon said whatever, she's just going to keep asking her questions every time we have a draft motion. Just like with the recreation fee, if she wouldn't have asked that question, what would we have approved. Attorney Treadwell said Judy spoke of this earlier. It's difficult for Staff to put in a motion a bullet of paying the fee or taking the land if we don't know what Council wants to do. Mrs. deLeon said we can amend that draft motion when we get to Council. We can change it. Attorney Treadwell said you can always change the draft motion, but there are various other issues that are left up to the choice of Council. Mrs. deLeon said we need to move on. Mr. Kern said he appreciates the audience patience on this. We're trying to iron this one out.

F. <u>GREENWOOD COURT – BLACK RIVER ROAD – SECURITY REDUCTION REQUEST</u>

Mr. Kern said the developer is requesting a reduction of security for improvements that have been completed to date. HEA has done an inspection of the improvements and is recommending that their security be reduced in the amount of $83,791.80 conditioned upon the developer addressing the items in their August 8, 2006 letter. The amount to be retained is $162,958.44.

MOTION BY: Mrs. deLeon moved for security reduction request for Greenwood Court – Black River Road, based on the HEA letter with the conditions..

SECOND BY: Mr. Kern

Mr. Kern asked if anyone in the audience had any questions or comments? Mr. Kern said remembering this plan at Planning Commission, he remembers that we were routing things to avoid trees. He drove past the site the other day and it seems there was a lot of stuff missing, can we refer back to the approved plan and see if there's trees that need to be replaced eventually? We tried to maintain as much as possible. Mr. Birdsall said they did set up the silt fence and it was discussed at the preconstruction meeting. He thinks they are doing a pretty good job, but they'll check on it.

ROLL CALL: 5-0

G. COTTAGES AT SAUCON VALLEY – MOUNTAIN VIEW – SECURITY REDUCTION REQUEST

Mr. Kern said the developer is requesting a reduction of security for improvements that have been completed to date. HEA has done an inspection of the improvements and is recommending that their security be reduced in the amount of $52,168.08 conditioned upon the developer addressing the items in their August 8, 2006 letter. The amount to be retained is $335,243.76.

MOTION BY: Mr. Horiszny moved for security reduction request – Cottages at Saucon Valley – Mountain View, per HEA's recommendations.
SECOND BY: Mr. Maxfield
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.
ROLL CALL: 5-0

H. ORCHARD VIEW – ROUTE 412 – SECURITY REDUCTION REQUEST

Mr. Kern said the developer is requesting a reduction of security for improvements that have been completed to date. HEA has done an inspection of the improvements and is recommending that their security be reduced in the amount of $161,325.36 conditioned upon the developer addressing the items in their August 8, 2006 letter. The amount to be retained is $278,214.84.

MOTION BY: Mr. Kern moved for security reduction request – Orchard View – Route 412, per HEA's recommendations.
SECOND BY: Mrs. Yerger
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.
ROLL CALL: 5-0

I. AGENTIS BROS. – AUTHORIZE ORDINANCE ADVERTISEMENT FOR ROAD VACATION OF LINCOLN STREET

Mr. Kern said the applicant has requested that a portion of Lincoln Street be vacated. Council should authorize the advertisement of a public hearing for possible ordinance adoption.

MOTION BY: Mr. Maxfield moved to authorize ordinance advertisement for road vacation on Lincoln Street – Agentis Bros.
SECOND BY: Mr. Horiszny
Mr. Kern asked if anyone in the audience had any questions or comments? Mrs. deLeon said last meeting we talked about the sewers and whether it was going to be in the township or Upper Saucon, has there been any action on that? Mr. Birdsall said they did write a letter to the township and the Authority. They did get themselves on the Authority meeting last night. Mr. Horiszny said they decided to investigate what the possibilities are to keep them as a customer and told them they would let them know by their next meeting.
ROLL CALL: 5-0

J. 3672 ROUTE 378 ASSOCIATES – SITE PLAN APPROVAL

Mr. Kern said the applicant is requesting a change in use from a retail establishment to a dance studio. HEA has prepared a staff recommendation for Council's approval. Kurt Leister, City Line Construction, was present representing the applicant. Tom Williams was also present. Mr. Leister said they received the letter as well and they don't have a problem with any of the conditions.

Mr. Leister said Boucher & James letter, No. 1 at Planning they discussed revising the plans to require to meet all requirements with Section 180-102. That has been done. They don't have a problem with that. Part B of that, is just a note that it's an existing non-conformity. They have no problem with that and it's also been done. Part C is the 15 yard setback. That appears to have been a drafting error. That has been changed on the plan already. Section 2 is the parking layout. It has to be restriped and that will be done. Section 3 is another note on the plan and the calculations for that will also be submitted. Section 4 for compliance, there will be a note on the plan and it's also been done and will be submitted as well. The note on traffic and driveways, he questioned whether they were flip flopped. They are correct as they are shown. The parking area is illuminated at night. They have no problem with that.

Mr. Leister said he got a letter from the sewer authority showing the easements. They will do a second plan. The second plan will show the existing easement and he does have a copy of what was provided. The laterals will be shown as well and the vent structure will be moved or protected as he doesn't like the location of it ether. Those conditions are perfectly fine.

MOTION BY: Mrs. deLeon moved for approval, per the Staff's recommendations for August 16, 2006, for Thomas P. Williams, 3672 Route 378 Associates.

SECOND BY: Mr. Horiszny

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

ROLL CALL: 5-0

IV. TOWNSHIP BUSINESS ITEMS

A. CASINO UPDATE

Mr. Kern said the Manager will update Council on the status of the proposed casinos.

Mr. Cahalan said it was reported at the last Saucon Valley Partnership meeting that Council representatives from Hellertown Borough and also from Freemansburg were invited to a meeting with the development group of the Sands BethWorks Casino. He doesn't know any details of the meeting. LST was not invited. He sent a letter to the Sands CEO asking him to confirm that they wouldn't meet with LST, but he hasn't received a reply. We still haven't been invited. The meeting was August 4, 2006. Council pointed out there's a proposed zoning ordinance up for a hearing before the Planning Commission in Bethlehem. It has to do with a proposal to put the buffer zone around where the casino site will be located to restrict the type of business operating in that area. Council has asked us to get more information about that proposed zoning ordinance. Someone from the Township will attend that meeting.

Mrs. deLeon said today's headlines in the paper said "Tax payers may pay for promoting slot parlors". Mr. Cahalan said according to the Gaming Control Board and the newspapers, they are trying to stick to a schedule of approving the race track license sometime in September and the slots casino by the end of the year. They are trying to stick to a firm schedule. There are some hearings in Harrisburg in November where the applicants will be able to come out and talk directly to the Gaming Control Board. There will be no public input.

Mrs. deLeon said another article was "Gaming Panel Mum on Slot Ownership". Remember when they had the hearings, we tried to get a list of who was going to testify and it was not for public information, but yet when we had our DEP hearing on the BRE application for the power plant, DEP had the list in the back of the room to see who signed up to testify. How could DEP be a state branch and then the Gaming Commission have their own rules? It's really unfair.

Mrs. Yerger said there was an article in the paper that there have been a small group of state legislators that are trying to ban together to put a moratorium on the gaming for a year to have it reevaluated as they feel there are some loopholes in the Act 72 that really need to be addressed before the licenses are allocated. She doesn't know how much momentum that is going to gain before now and December. She saw the article in the Bucks Herald. They feel the way the Act 72 is constructed, there's too many loopholes as far as casino ownership and responsibilities. Mrs. deLeon likes the idea of a coalition for adjacent municipalities. Mr. Kern said we're in a unique position in LST as adjacent municipalities to the Allentown site aren't affected as severely as we are. Mrs. deLeon said we should still set up a meeting with Bob Freeman. He can't do it the week of Labor Day, but the week of the 11th or 18th, we can get together with him and give a push to get legislation changed.

B. RESOLUTION #46-2006 – AUTHORIZING TRANSFER OF MONIES FROM ONE TOWNSHIP FUND TO ANOTHER

Mr. Kern said the Director of Finance is requesting Council approval to transfer monies from one Township fund to another to cover shortfalls in the accounts listed in the resolution.

RESOLUTION #46-2006
A RESOLUTION AUTHORIZING THE TRANSFER
OF MONIES FROM ONE TOWNSHIP FUND TO ANOTHER

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

FROM			TO	
Amount	Account No.	Account Name	Account No.	Account Name
$20,000.00	01-493-000	Contingencies	01-404-312	Special Counsel
$ 500.00	01-410-316	Training	01-410-470	Investigation Exp.
$15,000.00	01-430-140	Maint. Comp.	01-430-141	Seasonal Employees
$ 4,000.00	01-493-000	Contingencies	01-430-380	Rental Equipment
$ 1,956.36	01-486-351	Business Ins.	01-486-352	Vehicle Ins.
$ 2,000.00	01-414-750	Seminars/Education	01-414-460	Minor Equipment
$ 388.85	35-493-000	Contingencies	35-437-240	Equip. & Tools
$10,000.00	40-471-101	Loan Payment	40-452-310	Engineering
$10,000.00	01-414-143	Zoning Inspector	01-407-314	Website
$ 450.00	01-402-120	Finance Admin.	01-402-311	Auditing Services

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

RESOLVED AND ENACTED this 16th day of August, 2006.

Mr. Cahalan said there's a memo that explains the reason from the transfers. They are asking for approval to do that. Mrs. deLeon asked what price range are we looking at to update our website? Mr. Cahalan said the money we've used so far went to pay for a consultant to work on the zoning data base. That was an outstanding request from last year, so that's some of the money. The rest of the money we're talking about is in the range of $5,000 to complete and have the website done by the end of the year. The Partnership's website, he's looking into an inexpensive hosting agency, probably no more than $50 a year and something simple we can put information out there very quickly.

MOTION BY: Mr. Horiszny moved for approval of Resolution #46-2006.
SECOND BY: Mr. Maxfield
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.
ROLL CALL: 5-0

C. RESOLUTION #47-2006 – CELEBRATING 5TH ANNIVERSARY OF COMMUNITY DAY

Mr. Kern said Resolution #47-2006 has been prepared to celebrate the 5th anniversary of Hellertown Borough – Lower Saucon Township Community Day.

RESOLUTION #47-2006

RESOLUTION CELEBRATING THE 5TH ANNIVERSARY OF THE HELLERTOWN BOROUGH – LOWER SAUCON TOWNSHIP COMMUNITY DAY

WHEREAS, the inaugural Community Day celebration was held on August 17, 2002 in Hellertown with the assistance of the Hellertown – Lower Saucon Chamber of Commerce to recapture the spirit of the former Hellertown Sidewalk Sales; and

WHEREAS, based on the success of the first Community Day and a follow-up survey that cited "community spirit" as the best feature of the event, a formal Community Day Committee was established to guide the event and Lower Saucon Township began partnering with Hellertown Borough in the celebration along with the historical societies from the two communities; and

WHEREAS, over the past four years activities such as the popular cemetery tour, scavenger hunts, blood drives, and evening entertainment in Dimmick Park were added to this celebration; and

WHEREAS, throughout its 5-year history over 70 local business and service organizations in the Saucon Valley have been steadfastly committed to the Community Day celebrations; and

WHEREAS, Community Day celebrates the spirit of community pride and cooperation between Hellertown Borough and Lower Saucon Township which is recognized by the 2006 theme of "Community Spirit Times Five".

NOW, **THEREFORE, BE IT RESOLVED,** that the Council of Lower Saucon Township, Glenn Kern, President; Priscilla deLeon, Vice President; Thomas Maxfield, Council Member; Sandra Yerger, Council Member; and Ronald Horiszny, Council Member; hereby recognizes and salutes the Hellertown Borough – Lower Saucon Township Community Day 2006 upon its fifth annual celebration.

ADOPTED and ENACTED this 16th day of August, 2006

MOTION BY: Mrs. Yerger moved for approval of Resolution #47-2006.
SECOND BY: Mr. Kern
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.
ROLL CALL: 5-0

D. RESOLUTION #48-2006 – PENNDOT AGILITY AGREEMENT

Mr. Kern said resolution #48-2006 has been prepared to execute the Agility Agreement for mutual considerations between PennDOT and Lower Saucon Township. The current agreement expires August 28, 2006.

RESOLUTION #48-2006

Be It Resolved, by the authority of Council (Name of Governing Body) of the Township of Lower Saucon (Name of Partner), Northampton (County) and it is herby resolved by the authority of the same that the Council President (Designate official title) of said partner be authorized and directed to sign the attached Agreement of Amendment on its behalf.

Mr. Cahalan said this is an agreement that we need executed between us and PennDOT in the event we are ever going to be in a situation where we have to share services or work on mutual projects. It's a five year agreement. The one we have in place now is due to expire at the end of the month.

MOTION BY: Mr. Kern moved for approval of Resolution #48-2006.
SECOND BY: Mr. Horiszny
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.
ROLL CALL: 5-0

E. REQUEST FOR REDUCED SPEED AHEAD SIGNS – APPLE STREET

Mr. Kern said Hellertown resident Bob Linney who lives at 600 Apple Street, Hellertown, PA has requested through Hellertown Borough that a "Reduced Speed Ahead" sign be erected on Apple Street in the township to alert drivers to the transition from the 35 MPH speed limit on the township portion to the 25 MPH limit in the borough.

Mr. Cahalan said they circulated this to the Police Department and Public Works Department and they have no objection. Police Chief recommends that the sign be erected. Mr. Cahalan spoke to Hellertown Borough and if the Council approves posting the sign, Hellertown Borough indicated they would pay for the sign if we erected it in the township.

MOTION BY: Mr. Kern moved for approval of request for reduced speed ahead signs on Apple Street.
SECOND BY: Mr. Horiszny
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.
ROLL CALL: 5-0

F. REQUEST FOR HANDICAP PARKING DESIGNATION – ROUTE 378

Mr. Kern said Patricia Millington, 3876 Route 378, Bethlehem, PA 18015 is requesting Township approval to erect a handicap parking sign in front of her residence at the above location. If Council approves this request, the Township must apply for a permit from PennDOT to erect the sign within their right-of-way.

MOTION BY: Mr. Maxfield moved for approval of the request for handicap parking designation on Route 378, as per memo from Chief Guy Lesser dated August 8, 2006.
SECOND BY: Mrs. Yerger
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.
ROLL CALL: 5-0

G. AWARD OF SUMMER ROAD MATERIAL BID

Mr. Kern said the Director of Public Works is requesting Council award the bid for 20,000 gallons of E3M Emulsified Asphalt for road projects.

Mr. Cahalan said there were three bids received and Eastern Industries was the lowest bidder at the unit price of $1.79 per gallon for a total bid of $44,750.00.

MOTION BY: Mr. Horiszny moved for award of summer road material bid to Eastern Industry at $1.79 a gallon for $44,750.00.
SECOND BY: Mr. Maxfield
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.
ROLL CALL: 5-0

V. MISCELLANEOUS BUSINESS ITEMS

A. APPROVAL OF JULY 19, 2006 MINUTES

Mr. Kern said the minutes of July 19, 2006 have been prepared and are ready for Council's review and approval.

Mr. Horiszny said: Page 3, line 30 and 31, remove the letter "l" from multi floral, it should be multi flora. Same page, line 39, last word should be "is" instead of "so". Same page line 49, second last word should be "actually" instead of "equally". Page 4, Line 25, he questioned 373 sq. feet. Mr. Cahalan will check on it. Page 4, line 30, "most sensitive" should be "most sensible spot". Page 8, line 39, should be "is not a long term interim solution". Same page, line 51, should read "a problem that" and "trying to save the". Page 9, line 39, should read "interior stop signs". Page 13, line 43, should read "said their sewer line is going". Page 25, line 47, should be "fortunately no one was swept away".

MOTION BY: Mr. Kern moved for approval of the July 19, 2006 minutes, with corrections.
SECOND BY: Mr. Horiszny
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.
ROLL CALL: 5-0

B. APPROVAL OF JULY 2006 FINANCIAL REPORTS

Mr. Kern said the July 2006 Financial Reports have been prepared and are ready for Council's review and approval.

MOTION BY: Mr. Horiszny moved for approval of the July 2006 financial reports.
SECOND BY: Mr. Maxfield
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.
ROLL CALL: 5-0

VI. PUBLIC COMMENT/CITIZEN NON-AGENDA ITEMS

- Ms. Stephanie Brown, said she would like to add to her growing list of problems with Toll Bros. and Meadows Road. She talks to the police so much she has been told not to call anymore. One of her problems is what's going on at Meadows Road and the police don't want to address it. There's

problems on Stover, Clarence and Viola with speeding and not stopping at stop signs. She wants to know what can be done. It's another safety issue. Everything she says in this township falls on deaf ears. With your decision to extend Toll Bros. improvements, that again affected her family and their property. She needs some answers. Mr. Kern said Chief Lesser was present when we were discussing Meadow's Road and he understood the importance of patrolling that area. Ms. Brown hasn't noticed any patrols in that area. She was almost hit by a concrete truck. Mr. Cahalan said every time Stephanie has called and reported an issue about Meadow's Road, it's been passed on to the Township Engineer, the Zoning Officer or to the Police Department. If it's a police issue, she is to call the police department. They have focused on the overweight trucks coming over the bridge. He tries to address the issues they can handle here. Ms. Brown said when Stover Road floods her property and it's a weekend, what is she supposed to do? Mr. Cahalan said call the police if it's something on off hours and you feel it's an emergency situation. They will respond appropriately to that the police department can't come out and resolve what is a private property issue. She still doesn't know what to do about this flooding problem. There seems that there is flooding off of Meadows on to her Father's property. There is a question whether or not a swale exists. According to the plan from Mr. Novak, a swale exists. She can't find a swale anywhere. Mr. Birdsall said he will provide a report to the Manager on that issue. Mr. Cahalan said that was one of the issues you have brought up before and we referred that you deal with the developer on that and speak to Toll Bros. She hasn't been able to use their pool for two years and now it's because of the mud coming off of Toll Bros. property. Ms. Brown has now gotten a lawyer. Mr. Cahalan said the runoff from the Stover they responded on that and said she should request Toll Bros. to install a swale or you or your father install a swale of your own. We stated we believe the proposed subdivision improvements should reduce the drainage area. It didn't fall on deaf ears. She said none of those conditions are true. Mrs. Yerger asked if Mr. Cahalan had a meeting with Stephanie and her father in the office. Were some of these issues discussed then? Mr. Cahalan said no, he thought they had gone beyond some of these issues that were on the chart, and we were down to a couple of issues. Her father's issues had to do with the maintenance of the sidewalks and the curb along Stover Road. Ms. Brown said Toll Bros. is starting to sue her. Mr. Cahalan said he understood they were willing to resolve these by speaking to a lawyer. Attorney Treadwell said he would be happy to speak to her attorney and tell him what the township can and cannot do. Have the Attorney call him. Mr. Maxfield said he's glad she got an attorney because that's what the township has been recommending to her for the last year.

- Mr. Cahalan said he has to congratulate Stephanie that she's really been interested in preserving the bridge as Council has been. She's gone to Northampton County Council meetings to discuss that. She sent a letter to County Executive John Stoffa about the Meadows Road bridge. In it, she was talking about how the township is interested in preserving the bridge and pointed out, which he wanted to correct, that the township has never gone on record asking the county to give the township the bridge. What we've gone on recorded saying is we want them to maintain the bridge. He will clear it up by writing to Mr. Stoffa. Mr. Cahalan said there's a letter that Mr. Birdsall had given Council last year when they were looking for recommendations on the bridge. One recommendation was to ask the county to lower the weight limit to 3 tons. He would send that to John Stoffa also. They recommend that the county continues erosion control and the arch stability. The third one was that they minimize moisture penetration into the surface of the road by regular surface treatment and the last was to ask them to identify the bridge as a historic structure and obtain a listing of the bridge on the National Register. With Councils approval, he'll send that letter to the Northampton County Executive. Council gave their approval. Ms. Brown asked if there was any record of this bridge? Mr. Birdsall asked last year for records. He said they got the official report of the structural inspection. Mrs. Yerger said Ms. Brown should contact the Northampton County Historical Society and she could get records of the bridge. Mr. Cahalan said they could work together and come up with some information. In two years, it'll be the 150th anniversary of the bridge. Ms. Brown said she did go to the County meeting and they were very receptive. She had brought up the reduced weight limit for the bridge. Mr. Stoffa said she should

call him as he is adamant about preserving this bridge. She wants to know if the average daily count for Meadow's Road is going to be done? Mr. Birdsall said he doesn't know that it's meaningful at this point. There are traffic counts that were done on Meadows Road. Those probably are peak hour and wouldn't tell how many vehicles per day. Ms. Brown said the decision on making Meadows road one way and put that turn around, then traffic going to the Meadows has no other way to get to the Meadows other than over the bridge, and that's a bad idea. She thinks another letter is advisable. A phone call might be more beneficial. Mr. Cahalan said your father said in the letter about the street light at Stover and Meadows and indicates the light is extremely bright. It lights four sides of their property. She said she spoke to PPL on July 18 and they said they would be willing to change the bulb to a lower wattage if the township gives its consent to do this. The other part of the request was the height, the light appears higher. The lights go right into her bedroom. She did ask Chris to check it out, but nothing has been done. She needs relief from somewhere. Mr. Kern said is there a low wattage that would be appropriate. Mr. Birdsall said he will report back to Council. Our ordinance does not regulate the PPL lights.

VII. COUNCIL AND STAFF REPORTS

A. COUNCIL

Mrs. Yerger

- She said she is assuming all Council people have been invited and some consultants to a work shop by a gentlemen of the name of Ed McMahon. He is going to be in Forks Township and doing his presentation of "Ideas for Creating More Livable and Prosperous Communities in PA". He comes highly recommended. She would encourage members to go. The work shop is 7 PM to 9 PM on August 30. It's free. Register by the 25th.
- She said Jack was kind enough to include Act 4 amendment information in the packet. She thinks we should consider adopting it. She knows we need the three entities to make it happen, but we need to look into this and adopt it as a municipality and hope that the school district and the county follow suit. It's very important to preserving open space. Mr. Cahalan said Ron Angle sent us something and asked if we were interested in participating in the program. They are asking for a letter back to Northampton County if we are interested in the Act 4. He can work with Linc to get an ordinance together to bring back to Council to opt into the program.

MOTION BY: Mrs. Yerger moved that Jack respond to the Ron Angle letter to the county stating that LST is in favor of participating in the Act 4 at a County level, and copy all correspondences to the school district, and Ralph Puerta.

SECOND BY: Mr. Maxfield

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

ROLL CALL: 5-0

Mr. Maxfield

- He wanted to ask if we made any further progress on moving the detention ponds and double the setback from what they are now? Whatever wording we need to adjust the ordinance. Mr. Birdsall said there is an ordinance amendment in the works and Brien is trying to schedule a meeting to talk about it.
- They had a meeting with Majestic last week. They used a couple of consultants that they used on landfill issues before. He thought we should probably get an okay from Council since it's a new issue, a non-landfill issue, to get an okay to use these consultants in this capacity.

MOTION BY: Mr. Maxfield moved for authorization for use of the consultants as needed with the talks with Majestic.

SECOND BY: Mr. Kern

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

ROLL CALL: 5-0

Mr. Horiszny

- He asked if anyone read the PA Township news article on minutes? He is going to ask Leslie to copy it for next packet. Mrs. deLeon said she respects his opinions greatly, but with the minutes, she knows we need to shorten them, but in a way, she doesn't think that as just several things today she referred back to the minutes. If they were just motions or whatever, the information she was looking for would not have been there and she would have not been very happy. Mrs. deLeon said for all these years, she depends on the minutes for background.

Mr. Kern

- He has a concern regarding Polk Valley Park and the letter we got a month ago from the US GA expert who is an expert in turf management. There seemed to be an indication of an urgency for some type of aeration of the field and to be done in a timely fashion to create a healthy turf. He's wondering if anything has been done along those lines? Mr. Birdsall said the contractor responded to that letter with kind of a backhanded slam that we were trying to make this into a golf course. We met with them and went over the issues with their contractor. They promised to get back to us with a maintenance schedule that would include certain recommendations for the fall. They did step up their watering and they did adjust their cutting to meet the recommendation of HEA and the consultant. They are still way behind on manpower to finish the park in time. There was another certified letter sent out today telling them they have to be done and reseeded by September 10, 2006. They are trying to set up another field meeting with them within the next two or three days to try to tell them we are not satisfied with certain portions of the work. Jack authorized him to get prices from the local contractor to start to see what kind of maintenance costs there would be when we convert over from the contractor maintenance to regular maintenance, but also to throw this contractor off the site and take over.

Mrs. deLeon

- She said as SV Conservancy liaison, they had a meeting a couple of weeks ago, and we need to schedule a manager and staff meeting to visit the site for the budget items for next year for repairs, etc.
- She noticed the O'Brien Subdivision that we gave the extension to was missing a condition. How are we going to handle that? Mr. Cahalan said there is a letter going out to correct it.
- She said she received a response from the Police Chief regarding the South Mountain park and she does have other questions. She'll email Jack and maybe the chief can get back to her.
- Community Day is Saturday, August 19, please come.
- The Lower Saucon Chamber Clambake is next Wednesday, August 23 at the Meadows.
- We also got a resident letter regarding a Berkheimer issue. Did anybody call? Mr. Cahalan called the gentleman who had the problem. He had Cathy call Berkheimer to find out what they knew on their end. He told them to pick up the phone and give the resident a call and explain that to them. So the matter has been resolved. Mr. Kern said what was going on with the lack of communication? Mr. Cahalan said there were two stories. One side said they couldn't get through, all they got was an answering machine. When they

called Berkheimer they had a record of calling the individual and telling them what the issue was. He got Berkheimer to call the individual back that day to resolve the issue.

B. TOWNSHIP MANAGER

- He said he received a letter from Chief Tom Barndt inviting Council members to a commemoration ceremony on September 11 right here at 7:00 PM marking the 5th anniversary of September 11 attack on our country.

C. SOLICITOR

Nothing to report.

D. ENGINEER

Nothing to report.

VIII. ADJOURNMENT

MOTION BY: Mr. Horiszny moved to adjourn. The time was 10:50 PM.
SECOND BY: Mr. Maxfield
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.
ROLL CALL: 5-0

Submitted by:

Mr. Jack Cahalan	Glenn Kern
Township Manager	President of Council