

I. OPENING

- A. Call to Order
- B. Roll Call
- C. Pledge of Allegiance
- D. Announcement of Executive Session (if applicable)

REVISED
08/16/10

II. PUBLIC COMMENT PROCEDURE

III. PRESENTATIONS/HEARINGS

- A. Resolution #60-2010 – Honoring Stanley Turel for his years of Service as Se-Wy-Co’s Fire Police Captain
- B. Bethlehem Area Public Library Presentation
- C. Resolution #58-2010 – Honoring Andrew (Andy) Rosko (Andrew Rosko Agency) for their Service to the Community
- D. Resolution #59-2010 – Honoring Robert Gilman & Beverly Rozewicz (Lost River Caverns) for their Service to the Community

IV. DEVELOPER ITEMS

- A. Lehigh Gas – Route 378 – Request to Enter into Maintenance Period
- B. Kressler-Ungiran – 2793 Wassergass Road – Lot Line Adjustment

V. TOWNSHIP BUSINESS ITEMS

- A. Zoning Hearing Board Variance
 - 1. IESI Bethlehem Landfill – Variance Request of Rear Yard Setback and Setback from Waste Disposal to Property Line
 - 2. Steven & Thalia Camp – 2435 Alpine Dr. – Variance Request to Place Fencing in Flood Plain and to Construct Building in Portion of Riparian Buffer
 - 3. David & Sharon Kuhns – 1443 Greenwood Ct. – Variance Request of Rear Yard Setback to Construct Patio
- B. Resolution #61-2010 – DCNR Peer-to-Peer Technical Assistance Project Grant – Joint Recreational Study Committee
- C. IESI Bethlehem Landfill – Applebutter Road – Authorization to Forward Review Comments to DEP Regarding the Revised Plans for the Minor Permit Modification for Cell 4-F

VI. MISCELLANEOUS BUSINESS ITEMS

- A. Approval of June 16 & July 21, 2010 Minutes
- B. Approval of July 2010 Financial Reports

VII. PUBLIC COMMENT/CITIZEN NON-AGENDA ITEMS

VIII. COUNCIL & STAFF REPORTS

- A. Township Manager
- B. Council
- C. Solicitor
- D. Engineer
- E. Planner

IX. ADJOURNMENT

Next Planning Commission Meeting: August 19, 2010
Next Zoning Hearing Board Meeting: August 23, 2010
Next Council Meeting: September 1, 2010
Next Park & Rec Meeting: September 13, 2010
Next EAC Meeting: September 14, 2010

I. OPENING

CALL TO ORDER: The General Business & Developer meeting of Lower Saucon Township Council was called to order on Wednesday, August 18, 2010 at 7:01 P.M., at 3700 Old Philadelphia Pike, Bethlehem, PA, with Mr. Glenn Kern, President, presiding.

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

PLEDGE OF ALLEGIANCE

ANNOUNCEMENT OF ANY EXECUTIVE SESSION (IF APPLICABLE)

Mr. Kern said Council has not met in Executive Session since our last meeting. There will be a brief Executive Session following this meeting to discuss real estate acquisition.

II. PUBLIC COMMENT/CITIZEN AGENDA ITEMS

Mr. Kern said this is just a description of the guidelines and ground rules for the meeting. If you happen to be on the agenda, you have Council's undivided attention as well as staff. We ask you to speak to Council using the microphones as we do transcribe the minutes verbatim. We ask that you state your name for the record and at the conclusion of discussion with Council, we do open it up to the floor at each agenda item for public discussion, each agenda item separately. There's also an opportunity under Item VII. if you are not on the agenda, which is Public Comment/Citizen Non-Agenda Items, where you'll have an opportunity to discuss anything on your mind regarding Township items at that point that's not on the agenda.

III. PRESENTATION/HEARINGS

A. RESOLUTION #60-2010 – HONORING STANLEY TUREL FOR HIS YEARS AS SE-WY-CO'S FIRE POLICE CAPTAIN

Mr. Kern said Resolution #60-2010 has been prepared honoring Stanley Turel who has served the residents of Lower Saucon Township in various emergency services capacities for over forty-five (45) years.

**RESOLUTION #60-2010
A RESOLUTION HONORING THE SERVICE OF STANLEY E. TUREL, JR.**

WHEREAS, Stanley E. Turel, Jr. has faithfully served the residents of Lower Saucon Township in various emergency services capacities for over forty-five (45) years; and

WHEREAS, Stanley joined the Se-Wy-Co Volunteer Fire Company in 1964 and served for a period of time as the fire company's Treasurer; and

WHEREAS, Stanley also worked as part-time Police Dispatcher for the Township from 1985 until 1997; and

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WHEREAS, Stanley, who was also a certified Emergency Medical Technician (EMT), served in the positions of Captain, Ambulance President, Vice-President and Treasurer when the Se-Wy-Co Volunteer Fire Company operated an Ambulance Service; and

WHEREAS, Stanley was appointed a Se-Wy-Co Fire Police Captain in 1979 and continued to serve the fire company in that capacity for over thirty (30) years; and

WHEREAS, after thousands of emergency calls, Stanley retired from service with the Se-Wy-Co Volunteer Fire Company in 2009.

NOW, THEREFORE, BE IT RESOLVED, that the Council of Lower Saucon Township, Glenn Kern, President; Thomas Maxfield, Vice President; Priscilla deLeon, Council Member; Sandra Yerger, Council Member; and Ronald Horiszny, Council Member; wishes to recognize the dedicated service of Stanley E. Turel, Jr. to the residents of Lower Saucon Township.

MOTION BY: Mr. Maxfield moved for approval of Resolution #60-2010.

SECOND BY: Mrs. deLeon

Mr. Kern asked if there were any comments or questions? No one raised their hand.

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

B. BETHLEHEM AREA PUBLIC LIBRARY PRESENTATION

Mr. Kern said representatives from the Bethlehem Area Public Library would like to discuss the Library's renovation plans.

Present were Lynn Koehler, Lower Saucon Representative to the Bethlehem Area Public Library (BAPL) and she is also a member of the Board of Trustees; Melanie Fiske, Children's Librarian for 27 years and she is on the State Task Force for Library Service for Children; and Linda Robertson is also a Trustee for the library. She joined the library Trustees in 2009 and represents the City of Bethlehem. She is a professional fundraiser for 25 years and for the last six years she's been with the Visiting Nurses Association Fundraiser; Janet Fricker, our new Director since 2008, who came from the Bucks County Library system and was Assistant Director there. She and her husband have moved to Lower Saucon Township and live here with two dogs, two cats and two birds.

Ms. Robertson said she is on the Board and serves as Chair of the Development Committee. She raises money for the outside and also raises money for the library. They are pleased to come here this evening and tell you about the plans to expand and renovate the children's services areas at both the main library on Church Street and the South Side Branch at 4th & Webster Streets. They've called this campaign "Room to Grow". She is happy to report that they already have promises, pledges and gifts totaling \$1.5 million towards the \$2.5 million goal that it will cost for this renovation. These gifts will come from private individuals, from foundations, grants, and quite a variety of fundraisers that the library staff and volunteers have put together. She will ask Melanie to tell one story about a particular program called "Family Place" that takes place now in the libraries and will, of course, continue to take place. They will show you the drawings.

Ms. Fiske said we have a special program called "Toddlers at Play". It's part of the Family Place National Initiative. It is a delightful program on Mondays. It's a five week parent child workshop where they have received grant money. They have a floor full of toys and a place for parents or caretakers and their children to come. The children are ages 1, 2, and 3. They have an hour and fifteen minutes with them to enjoy special time together. There's no laundry to do, no phones to answer. They just hang with us for that time. Not only that, they invite resource professionals in to talk to the parents, so they get the free one-on-one advice. It could be a resident dentist from the St. Luke's program or a nurse from St. Luke's. They have people come in to talk about hearing, speech, physical activity. They cover all types of special activity, nutrition. One of the Mom's told her they moved

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from New York City to the Bethlehem area and this is the one of the first things they did. They came to this program and she thanked Ms. Fiske very much. This is a program they run twice a year with lots of extra weeks to come back and have a parent meet again as they enjoyed the program so much. It's one of the many kinds of pre-school programs they do because as a library they are the first educators right along with the parents and they have lots of space, lots of materials and special AV and things like that for the families to use in these very early, crucial learning years.

Ms. Fricker said this project is near and dear to her heart. When she first came to the library, she thought what a great place, but take a look at the children's room. The space is minute compared to what she thought it should be for serving such a diverse and large population. 35% of our business is through the children, whether check-ins, check-outs, programs, but they only have about 8% of the floor space in the library. They looked around, and rather than plan on a new building or an addition, they saw that the people who built the building 50 years ago were thinking ahead and built a second floor which hasn't been used, but has always been planned to be used by the public. That's where they are going to go with their children's area and it will increase the space about three times from what they have now and the views are magnificent. It's like you are in a tree house. You'll all have to come by and take a look at it. About 100 people an hour come through their gates. They expect that number to go up by at least 10% once this new phase is in as new things bring new excitement and new people. They are very excited about that. Currently the 2nd floor is very big and open. It was used to be house various materials that hadn't gone out in ages.

Ms. Fiske said currently their room is vibrant and full of materials. There are over 67,000 children's books. Their stacks are way too high for children to be using. This is an opportunity to move to the second floor and get the stacks the size they should be for the children to reach them and to get a better flow. The architect came up with a nice flowing idea for the books. You can see South Mountain and the beautiful vistas. They are hoping to have a big tree in the room to bring the flavor in. They are very excited to have wide enough aisles for strollers and for handicapped people to get through with a wheelchair. They have a very hard time in our room right now after our pre-school story time. There's almost no place to go with all the strollers. They are going to have a special parking area for the strollers. They are delighted that they are going to have family and ADA compliant bathrooms so everyone can be together. These things do really make a difference. The one thing they are really excited about is the activity area. Currently, the pre-school story times are on the ground floor. They are separated from our materials. We do have elevators and the stairs so parents can go up and down their way, but we are very excited as we now have the materials in our family area so they can go out and get materials. They are going to have areas where parents can go and sit down and read with their children which they are lacking right now. It's important to be able to come and relax. It's being called a destination area. They also have another meeting room which will be expanded and that's where the Family Place program will be taking place. They have a lot of square footage and can have their toys in there also. They have their computers there and they are very near to the staff so there is easy access for people working on the computers. They have a wonderful program right now with Moravian College. Moravian is providing free tutors for them. They envision them using a special space and a dedicated space for the tutor. There's going to be an organized work area to better plan for their program.

Ms. Fricker said this is a rendering of our South Side branch and she doesn't know how many of you go and visit there, but it's a beautiful library which was built in 1930. It's basically rectangular and they are going to be putting the children and families in the biggest part of the library and in the smaller end they are putting the adults and the computers as they don't need as much space. The kids can spread out a little bit more. It's a beautiful building with gorgeous windows and they will be redoing that and refinishing the 1930's tables and chairs and woodwork that's already in there. There will be some new carpeting which will designate the different areas. There is a multipurpose computer spiral for the little ones and it goes all the way up to the parents, so it's a very exciting thing and they are going to have great success and bring even more people into their South Side branch with that. The teen area they currently have is a children's room, but it's a perfect size for young adults. They

don't have any particular area for them right now, but it will be when you come into the front door of the library. On the left side where the children are, will be the teen area. They are going to have computers, a little stage area and it will be great. They've done miniature golf in the library, fashion shows, all kinds of family days, lots of cool things and we will be planning more. They've had this library for about 50 years and what they are doing is preparing for the next 50 years. This will do it. Ms. Robertson has some handouts with information about their program and some of the things they do. Mr. Kern said what are you doing with the old children's room in the main library? Ms. Fricker said it will be the teen area. They have the Mayor's permission to use the front porch when the weather is nice, and you will be able to take your coffee out there and read a magazine. They will have a lot of people from the downtown area coming in and discovering the library.

Ms. Fricker said she wants to thank you again for letting them come to talk to you about this exciting program and they've been having a blast raising money for this program.

C. RESOLUTION #58-2010 – HONORING ANDREW (ANDY) ROSKO (ANDREW ROSKO AGENCY) FOR THEIR SERVICE TO THE COMMUNITY

Mr. Kern said Resolution #58-2010 has been prepared honoring Andrew (Andy) Rosko and the Andrew Rosko Agency for over 40 years of service to the residents of the Saucon Valley. This resolution will be presented to Andy at the Hellertown – Lower Saucon Community Day on Saturday, August 21, 2010.

**RESOLUTION #58-2010
A RESOLUTION HONORING ANDREW (ANDY) ROSKO AND THE ANDREW ROSKO
AGENCY FOR SERVICE TO THE COMMUNITY**

WHEREAS, Andy Rosko, who was born in South Bethlehem and has been a long-time resident of Lower Saucon Township, has been serving the residents of the Saucon Valley for over forty (40) years in various capacities; and

WHEREAS, after graduating from Liberty High School in 1942, Andy served for three (3) years during World War II as a 2nd Class Petty Officer in the U.S. Navy Seabees in the European Theater; and

WHEREAS, following his return from the war, Andy managed the family-owned Rosko's Market in South Bethlehem for ten (10) years while beginning his own construction business; and

WHEREAS, after working for PennDOT as a construction inspector and obtaining his real estate license, Andy opened the Andrew Rosko Agency, a real estate and insurance office in Hellertown, in the 1970s and has continuously operated the business for over forty (40) years; and

WHEREAS, Andy also worked as a local real estate developer in the Saucon Valley and was the builder and developer of Saucon Valley Terrace, a 30-unit residential development in Lower Saucon Township in the 1980s; and

WHEREAS, Andy was a member and Chairman of a Lower Saucon Township water authority and also served multiple terms on the Board of the Hellertown- Lower Saucon Chamber of Commerce; and

WHEREAS, Andy and his Andrew Rosko Agency will be saluted at the 2010 Hellertown – Lower Saucon Community Day for their community service to the Saucon Valley.

NOW, THEREFORE, BE IT RESOLVED, that the Council of Lower Saucon Township, Glenn Kern, President; Thomas Maxfield, Vice President; Priscilla deLeon, Council Member; Sandra

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Yerger, Council Member; and Ronald Horiszny, Council Member; wishes to commend Andy Rosko and the Andrew Rosko Agency for their service and dedication to the residents of the Lower Saucon Township.

MOTION BY: Mrs. deLeon moved for approval of Resolution #58-2010.

SECOND BY: Mr. Maxfield

Mr. Kern asked if there were any comments or questions? No one raised their hand.

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

D. RESOLUTION #59-2010 – HONORING ROBERT GILMAN & BEVERLY ROSEWICZ (LOST RIVER CAVERNS) FOR THEIR SERVICE TO THE COMMUNITY

Mr. Kern said Resolution #59-2010 has been prepared honoring Robert Gilman, Jr. and Beverly Rosewicz of Lost River Caverns, which has been in operation for the past 80 years and is the longest running, family-owned business in Saucon Valley.

**RESOLUTION #59-2010
A RESOLUTION HONORING ROBERT (BOB) GILMAN, JR. AND BEVERLY
ROZEWICZ OF THE LOST RIVER CAVERNS FOR THEIR SERVICE TO THE
COMMUNITY**

WHEREAS, Lost River Caverns, which has been in operation for the past 80 years, is the longest running, family-owned business in the Saucon Valley; and

WHEREAS, the cave, which was discovered in 1883 during quarrying operations in Hellertown, was purchased by Erwin (E.C.) Gilman in 1929 who named it Lost River Caverns. The cave received its name from an underground stream that flows through some of the passageways. It has never been determined where the Lost River originates or where it flows to after leaving the caverns; and

WHEREAS, Mr. Gilman developed the cave, installed walkways, railings and lights and opened it to the public for tours in 1930; and

WHEREAS, the business was operated from the late 1950's to the 1970's by E. C. Gilman's son Robert who expanded the original souvenir/snack shop into the Gilman Museum of Rocks and Minerals and added a large Tropical Garden; and

WHEREAS, the business is currently owned by E. C. Gilman's grandchildren, Robert (Bob) G. Gilman, Jr. and Beverly Rozewicz, who have added an expanded jewelry and gemshop; and

WHEREAS, throughout the years the cave has been used for such things as hazing fraternity pledges, as a hideaway still and storage for bootleg whiskey during Prohibition, as a dance floor in the horse and buggy era, and as a chapel where over 80 weddings have been held since 1949; and

WHEREAS, the Lost River Caverns has been a tourist attraction that has drawn people from around the world to Hellertown; and

WHEREAS, Bob and Beverly will be saluted at the 2010 Hellertown – Lower Saucon Community Day for their community service to the Saucon Valley.

NOW, THEREFORE, BE IT RESOLVED, that the Council of Lower Saucon Township, Glenn Kern, President; Thomas Maxfield, Vice President; Priscilla deLeon, Council Member; Sandra Yerger, Council Member; and Ronald Horiszny, Council Member; wishes to commend Bob

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Gilman, Jr. and Beverly Rozewicz for their service and dedication to the residents of Lower Saucon Township.

MOTION BY: Mr. Maxfield moved for approval of Resolution #59-2010.
SECOND BY: Mrs. deLeon
Mr. Kern asked if there were any comments or questions? No one raised their hand.
ROLL CALL: 4-0 (Mr. Horiszny- Absent)

IV. DEVELOPER ITEMS

A. LEHIGH GAS – ROUTE 378 – REQUEST TO ENTER INTO MAINTENANCE

Mr. Kern said the Lower Saucon Staff recommends that the Township Council allow Lehigh Gas to enter into the 18-month maintenance period, subject to the staff recommendation.

**STAFF RECOMMENDATION
START OF MAINTENANCE PERIOD LEHIGH GAS**

The Lower Saucon Township Staff recommends that the Township Council allow Lehigh Gas to enter into the 18-month maintenance period, subject to:

1. The Applicant must satisfy the outstanding issues noted in Hanover Engineering Associates' Inc. letter dated August 10, 2010.
2. The Applicant must execute an 18-month Maintenance Agreement prepared by the Township Solicitor.

MOTION BY: Mrs. Yerger moved for approval of Lehigh Gas to enter into an 18-month maintenance period.
SECOND BY: Mr. Maxfield
Mr. Kern asked if there were any comments or questions? No one raised their hand.
ROLL CALL: 4-0 (Mr. Horiszny- Absent)

Mrs. deLeon asked about the parking issues? Mr. Kocher said Attorney Treadwell and Mr. Garges are working on that. Attorney Treadwell said there is no resolution to it yet. Mr. Garges said they are keeping an eye on it. The problem is when there are corporate meetings.

B. KRESSLER-UNIGIRAN – 2793 WASSERGASS ROAD – LOT LINE ADJUSTMENT

Mr. Kern said the applicant is requesting a lot line adjustment in order to re-configure and consolidate the existing three (3) lots into two (2) lots.

**STAFF RECOMMENDATION FOR KRESSLER/UNIGRAN MINOR SUBDIVISION,
WASSERGASS ROAD TAX MAP PARCEL Q8-4-13, 13D, AND 13L FINAL
SUBDIVISION PLAN APPROVAL**

The Lower Saucon Township Staff recommends that the Township Council approve the "Final Minor Subdivision Plan – Kressler/Unigran Lot Line Adjustment Plan," as prepared by Mease Engineering dated July 6, 2010, consisting of Sheet 1 of 1.

Subject, however, to the following conditions:

1. The Applicant shall address the review comments contained in the letter dated April 12, 2010, from Hanover Engineering Associates, Inc. to the satisfaction of the Township Council.

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2. The Applicant shall address the review comments contained in the letter dated August 11, 2010, from Boucher & James, Inc. to the satisfaction of the Township Council.
3. In the event the lot pins and survey monuments have not been set nor is the required Financial Security Agreement executed within 90 days of this approval, this approval shall expire and be deemed revoked unless a written extension is granted by the Governing Body.
4. The Applicant shall provide two (2) Mylars and seven (7) prints of the Record Plans with original signatures, notarizations, and seals. Four (4) complete sets of Plans shall also be provided with original signatures, notarizations, and seals. The Applicant shall also provide two (2) CDs of all Plans in an AutoCAD format (jpeg-ROM).
5. The Applicant shall pay any outstanding escrow balance due to the Township in the review of the Plans and the preparation of legal documents.
6. The Applicant shall satisfy all these conditions within one (1) year of the date of the conditional approval unless an extension is granted by the Township Council.
7. All waivers granted shall be noted on the Plans with the applicable section, requirements, date of approval, and any conditions of approval.

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

1. Sections 145-33.C(1) and (2) and 145-34.B – requiring that existing features be shown on and for the required 500 feet surrounding the site.
2. Sections 145-33.E(2), 145-34.C(12), 145-34.D(1), and 145-49.I – waiving the requirement of a formal Sewage Facilities Module. The Applicant may submit a Form B Waiver Request.
3. Sections 145-36, 145-41.B(4), and 145-45.B(9) – roadway improvements.
4. Section 145-43.B(2) – the required elevated buffer berm, planting screen, and related easement along a collector road.
5. Section 145-47 - concrete monuments, until such time as the ultimate right-of-way is dedicated.
6. Section 145-52.B – street trees.

Mr. Scott Mease from Mease Engineering, Mr. Ungiran and Mrs. Kressler were present. Mr. Mease said they are proposing to settle an estate and are taking approximately 22.7 acres of land located on the north side of Wassergass Road. It's a vacant land and they are going to be dividing it in two, with one-half going to Mrs. Kressler and one-half going to Mr. Ungiran. Half of the land that goes to Mrs. Kressler will be added to her property. Essentially they are starting with three lots and ending with two and it is based on lot line adjustments. He has review letters from Hanover and Boucher & James and there are some drafting items they don't have a problem with. They are asking for certain waivers because it's a lot line adjustment.

Mr. Kocher said most of their comments are check list items as legal items. They are very standard items. Mr. Mease said item 9, they have asked for a waiver from roadway improvements. There's no development proposed as it's a lot line adjustment. Item 10 they've asked for a waiver from the buffer berm, planting screen and related easement and citing the nature of the subdivision. There's an additional comment in there that says "please also note that the frontage ownership is not changing and the elimination of the berm is consistent with the anticipated revision from the subdivision and land development ordinance". Item 12 they've requested a waiver from installing concrete monuments from the ultimate right-of-way, citing exemption from dedicating said right-of-way. The other required monuments will be installed. Item 13, a waiver from providing the street trees citing the front and the development are not changing. There's not a lot of frontage, about 50 feet and the other frontage would be Mrs. Kressler's front yard. Mr. Kocher said they are also asking for waivers for features within 500 feet of the site. From formal sewage facility planning, you will follow the waiver request. Mr. Mease said yes.

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Mr. Maxfield said the EAC had no comments on this, it was very straight forward. They like the three lots going to two lots. Mr. Kochanski said they also issued a review letter . There was one additional waiver that was not covered in the Hanover review letter and that is our review letter 3A from 145.43.B(2) regarding the additional setback requirement from arterial collector roads. It's an additional waiver they are requesting. Mr. Kocher said that covers everything we have talked about except what Mr. Kochanski just said about the setback which would be waiver no. 7.

Mrs. deLeon said why don't you just say on the staff recommendation, per the letter dated so and so, like you were saying? This is great that they key items are pulled and it's all on one page, something she's been asking for, for a long time as we used to do it this way. She likes to see a punch list and it's very clear cut. Mr. Kocher said No. 1 refers to their letter and No. 2 refers to Boucher & James letter. It just looks different. Mr. Maxfield said he thought we talked about this before and decided not to do it because in the transfer of information we may lose something referring directly to consultant's letters. Mrs. Yerger said yes.

- MOTION BY:** Mr. Maxfield moved for approval of the Kressler-Unigiran lot line adjustment per the staff recommendation with the addition of the waiver for Section 145-43(B)2.
- SECOND BY:** Mrs. deLeon
- Mr. Kern asked if there were any comments or questions? No one raised their hand.
- ROLL CALL:** 4-0 (Mr. Horiszny- Absent)

V. TOWNSHIP BUSINESS ITEMS

A. ZONING HEARING BOARD

1. IESI BETHLEHEM LANDFILL – VARIANCE REQUEST OF REAR YARD SETBACK FROM WASTE DISPOSAL TO PROPERTY LINE

Mr. Kern said the applicant is requesting a variance of relief for approximately 30' of the required 50' rear yard setback and relief for approximately 25' of the required 100' landfill use setback.

Vito Galante, Regional Engineering VP; Dave Brooman, outside Counsel; and Rick Bodner, from Martin & Martin were present. Mr. Galante said they are here to provide the board with more information concerning the variance request from the setback ordinances.

Attorney Brooman said Sam Donato would be here, but he's on a family vacation. They will be at the ZHB on Monday night for a variance request for the location of an MSE or Mechanically Stabilized Engineered wall which is part of a stormwater management design change associated with the Phase IV expansion. To refresh everyone's recollection, when we applied and received in 2003 what is known as the Phase IV expansion of the IESI Bethlehem Landfill, there was an open issue on the stormwater. The design for the very back of the landfill, which faces the north slope that looks down to the Lehigh River, had a design that would have originally taken the pipe under the landfill. The design engineer, Mr. Bodner, had done several of those throughout the state, but there was a change in policy in the DEP NE Region, and for whatever reason, they decided they didn't want to put a stormwater pipe below the landfill so they went ahead and designed it the way they wanted to which took it around the side of the landfill. Once they got the permanent expansion, they looked at alternatives to that as they did not want to bring it around the side and underneath for many reasons, not the least it would have created a situation where they are underneath the landfill if there was ever an expansion to the west. When the Township met with DEP, literally over a course of five years, they looked for alternatives. The problem was that the Township and Hanover Engineering really didn't want us to go over the North Slope with the stormwater, and for other understandable reasons. They

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looked at how do you take this stormwater, bring it south effectively, without going under the landfill and not increasing anything on the North side. In 2009, they actually came up with what appeared to be a very viable solution through the use of an MSE wall. They passed that conceptual design by DEP. They liked it. Then they passed it by Hanover and they liked it, then they went into actual design. That's what you have in front of you which is an actual design. DEP is treating this as a minor permit modification as this was from a major permit modification and basically that application is pending before the department. They've been through a set of review comments from Hanover and hopefully, they've addressed those comments. They applied for the variance for this wall in order to get the water effectively from where it is now on top of the landfill south, and you have to increase the elevation and bring it south. It just so happens that it encroaches upon the rear setback of 50 foot to the property boundary and 100 feet from the waste disposal. The MSE wall is popular today, and he has some pictures of what it looks like. This wall he is showing you is 50 feet.

Mr. Bodner said he showed an outline of the IESI Bethlehem Landfill and within it the permit line, 201 and a fraction of acres which is permitted by DEP. The area to the central west is the Phase IV expansion and the area particularly in question, Cell 4-F, is a little 2 acre wedge on the north side of the Phase IV expansion. The MSE wall goes along between this proposed Cell 4-F wall and the north and northwest property line. He showed the Bushkill Motorcycle Club property and the subject waiver issues have to do with our proximity to that property line and our neighbor, Bushkill. There are two waiver requests. One is an encroachment into the 50 foot building setback line for the wall. The second is an encroachment into the waste setback of 100 feet. The reason why they need to put the wall where it is, is to get the stormwater to an elevation in a ditch on top of the wall so as to direct the water, some to the west, some around to the east, and some to the south rather than have it go to the previously receiving area which was Basin 7, and from Basin 7, with a very deep pipe, as deep as 60 feet, around the west side of the landfill. The reason for the encroachment into the setback is to get the wall high enough so it can direct the water as necessary to solve that drainage issue. You can see on the drawing and in the handout you have the lack of magnitude for the size of the two little wedges of variance that they are asking for. The greenish area is the proposed Cell 4-F. The red is the building setback variance area, and the reddish green area is the waste setback area. Mr. Kern said in essence you are building an aqueduct to transport the stormwater. Mr. Bodner said yes.

Attorney Brooman said we've coordinated with our neighbor, Bushkill Motorcycle Club, who owns a large parcel. It's all wooded. They have motorcycle activities there. They've consented to both of the waivers. We needed an easement from them to be able to provide an access from them for the road in back of this which was one of the requests of Hanover Engineering, so they actually gave us a 100 foot easement. They've also given an easement to PPL as part of this will require relocation of those power lines, and last, but not least, a waiver which is required for the PADEP 100 foot setback. To infringe on that, you need a waiver from the property owner that's very similar to your zoning setback. They've consented, so we'd love Council to look favorably on this.

Mrs. deLeon said going to the Zoning Hearing Board on Monday is the zoning part of this, and then the other part is the Township land development plan. Attorney Brooman said yes, the way they sequenced this was obviously minor mod pending from the department. The dimensional variances to comply with zoning, and then lastly, the modifications that will be necessary once DEP acts to the land development plan which has been approved. Mrs. deLeon said later down is the comment letter to DEP which is the berm. Maybe we could talk about it right after we decide on this so you don't have to sit for the other agenda items.

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Mr. Kern said does Staff have issue with this particular project? Mrs. deLeon said there are a couple things the consultants reviewed and came up with - the land development type issues, so it doesn't have anything to do with the two variances. Mr. Maxfield said because the applicant has moved it from the original thing because of our request, he would ask that we support this as it is what we want and would like to see. Mrs. deLeon said exactly. Mrs. Yerger said they went through a lot.

- MOTION BY:** Mr. Maxfield moved for support of the variance request of rear yard setback and setback from waste disposal to property line.
SECOND BY: Mrs. Yerger
Mr. Kern asked if there were any comments or questions? No one raised their hand.
ROLL CALL: 4-0 (Mr. Horiszny- Absent)

C. IESI BETHLEHEM LANDFILL – APPLEBUTTER ROAD – AUTHORIZATION TO FORWARD REVIEW COMMENTS TO DEP REGARDING THE REVISED PLANS FOR THE MINOR PERMIT MODIFICATION FOR CELL 4-F

Mr. Kern said we will move to item C under Township business items. the Township Landfill Consultants have reviewed the resubmission of plans provided by IESI for the Minor Permit Modification and would like Council's approval to submit review comments to DEP.

Mrs. deLeon said they talked about this at their quarterly meeting. It said Lower Saucon Township thanks the department for allowing time for host municipal comments and IESI responses. The Township also appreciates the positive and thorough responses provided by way of the IESI letter of June 29, 2010 and the revisions to the plans and supporting documents in support of this application. 2. The access road, access area north of the MSE berm is not well defined with regard to width, cross slope or surface improvement. This area should be more clearly defined at the time of land development plan submission to the Township. 3. The Township geologist will be reviewing historic files to confirm whether or not prior documentation had indicated the potential for any perched water table under the toe of the proposed MSE berm. If any information is found, it will be immediately forwarded to the department and IESI. 4. It is requested that DEP approval be conditioned upon the applicant also receiving all Township applicable zoning and land development approvals. That's basically the letter and we've come a long way. That was the consultants review comments. We need to direct the Manager to forward this letter to DEP.

- MOTION BY:** Mrs. deLeon moved to direct the Manager to forward the comments as stated above to DEP.
SECOND BY: Mr. Maxfield
Mr. Kern asked if there were any comments or questions? No one raised their hand.
ROLL CALL: 4-0 (Mr. Horiszny- Absent)

2. STEVEN & THALIA CAMP – 2435 ALPINE DRIVE – VARIANCE REQUEST TO PLACE FENCING IN FLOOD PLAIN AND TO CONSTRUCT BUILDING IN PORTION OF RIPARIAN CORRIDOR

Mr. Kern said the applicant is requesting a variance for relief to disturb floodplain soil which is 100% protected by the zoning ordinance, and will need relief to permit a fence to be erected in a riparian corridor.

Steven and Thalia Camp were present. Mrs. Camp said they moved here about 2 years ago from Minnesota and she brought her horse with her. They purchased this particular piece of land to keep the horse on the property as she was unable to find boarding prior to moving. They did request permission prior to making the contract on the property if they could keep up to two horses on the property and they were given permission. They arrived and discovered they had to have a variance to put a fence in the lower portion of the

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property. The upper portion along Apple Street, they did fence last summer, but it's not a terribly large section. They have a much larger area in the back that would be much better to allow the horse to graze and some leg room. It would also be helpful to have two separate pastures so that she could alternate and the horse would not be able to eat down just one because then it mostly becomes mud. She can get into a rotation giving each one time for rest between grazing. They have the creek that runs through the back of the yard. There's a drain that comes under the road and brings drainage from the other side over and then it kind of separates. She had pictures and showed the main flow. Right now she has a two stall barn and it's not in the riparian buffer area. They would like to fence it and possibly erect an out building and some would extend into the riparian buffer. She is guesstimating that only 10 to 12 feet would extend in the riparian buffer. She would like to use some of the driveway they already have there and build on that if it's possible. It would also have to be built up as it's sloped. They would have to have a foundation to build it up. It wouldn't be over very far at all. They have to come in at least 12 feet from the road for a fence, and it's 25 feet from the center of the road. Since they've been here, it has been reported in the news that they've had a number of rainfalls that had been record rainfalls and the creek has never breached or come over the top. It has run pretty strong, but clears pretty quickly when the rain stops. The fence would also be outside of the creek. She doesn't want to use the creek for hydration of the horse or to drink. The house would not be able to get to the creek. Mr. Camp said the fence would not restrict the natural flow of the creek. Mrs. Camp said it would be an open fence and there will not be any obstruction from that at all. The house wouldn't be able to get over to eat down the vegetation where it could erode away. The vegetation should be able to stay intact the way it is. There is a lot of wildlife that comes through the yard, and they follow the creek through.

Mr. Kern asked how she has been handling the horses without the fence? Mrs. Camp said she has a temporary thing with step in stakes put around with white tape on, but she has to sit out there with him. She cannot let him out there unattended. She's either right next to him or very close by and every two minutes she has to look and see where he is and make sure he's not breaking through her little rig. It does take a lot of her time, and she tries to let him graze down there a couple times a day.

Mr. Kern said the main issue Council has to decide is the disturbance of the flood plain and soils which are 100% protected. Mrs. Yerger said how close to the creek are you going to get with your fencing? Mrs. Camp said not really close, she has to come in from the road 12 feet. Because there's all this over growth, it's hard to see where the actual edge is, but she was thinking at least 4 feet in from that. Mr. Camp said it's about 10 or 15 feet from the creek. From the loop that comes through and doesn't flow very much and gets dry when it doesn't rain, it probably would be closer to 5 feet. Right now all of the growth is along the edge. Mrs. deLeon said the width of the creek changes daily depending how much water is going through. Mrs. Yerger said she lives along one of the branches of the creek and they have not have a rain where the creeks have jumped recently, but we do get them every couple of years and they jump significantly. She knows the creek look very innocent and stays in its banks, but they do not. When we get a significant hurricane or storm, they turn into raging torrents. Just for your own sake, you would not be happy putting any part of a building in the riparian corridor. Until you've experienced it, it's hard for her to explain it to her. Mr. Maxfield said they had reports of Saucon Creek at the last hurricane of a three or four foot wall of water coming down the creek. That's one thing to consider here. The other thing is we need to consider are obstructions in the flood plain, and how that affects others, the size of the drain coming through there will have the water flow over the road. Mrs. Camp said she understands from one of the neighbors that they replaced the drain a few years ago and put a bigger one in there. Mrs. deLeon showed Mrs. Camp pictures of Lower Saucon Road from Ivan. Mr. Maxfield said we've always

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operated on the fact that whatever you do upstream ends up downstream. Obstructions in the flood plain affect all your downstream neighbors. He thinks knowing that area and most of the riparian corridor is stripped out of there, he'd have a lot smaller of a problem with a corner of a building going through the riparian corridor area there than he does with putting something in the flood plain. The flood plain he doesn't feel is anything we should be promoting. Mr. Kern said there is a reason the regulations say it's 100% protected. Mr. Maxfield said our zoning ordinance allows 15% increments into the riparian corridor in a development, but it's still 100% protected floodplain and we should air on the side of caution and not allow this to occur.

MOTION BY: Mr. Maxfield moved that Council opposes this application.
SECOND BY: Mrs. Yerger

Mr. Kern asked if there were any comments or questions? Mrs. deLeon said she was there for Ivan and it was a big eye opener for us and we had to pay to fix all those roads. She feels for Mrs. Camp as she's an animal lover, but also has to go by our ordinance. Mrs. Yerger said they are in the rural area of our Township and having horses is a really rural thing to do and she's reluctant to not let that happen. Mrs. deLeon said what do you do then. We have a country atmosphere and this is part of living out in the country. Mrs. Yerger said the streams are very volatile here. Mr. Kern said the bigger issue is public health and safety. Mrs. Camp said she's not sure how a fence would affect that. It's not going to block the flow of water in any way, shape or form. The creek will be below the fence. They are not putting up a privacy fence that comes all the way down to the ground and water would be able to freely flow through it. Even with that, it would be some sort of a rail or something with the small line that runs through and would be almost completely open so water could flow through. The only problem if there were a flood and it damaged the fencing, would be to repair her fence and make sure her posts are solid in the ground. Having done the fence on the upper side of the yard, the person who she worked with and the fence builder said the materials they use now for the wood posts do not contain any of those toxic elements that they used to. There are steel T-posts that could be used that would pose no problem. Mrs. deLeon said could someone explain to her who sets the parameters of the floodplain and riparian corridor. Mr. Kocher said this is done by engineers who calculate high water in the very heavy storms that they talked about, that's what the line is on your plan. A lot of times it's the Army Corp of Engineers. The issue with the fence, even though you may think normal water may flow right through the fence and that's fine, but they are debris catchers. A lot of times in the big floods, there are trees that float down and then the fence becomes debris when the tree takes it out and the fence pieces get blocked up at the culvert. Mr. Maxfield said during our last hurricane, down on Lower Saucon Road, we had a swing set that had been lifted up from two or three properties away and carried down and jammed up against the bridge with an enormous ball of debris stuck all around it. We had a yard tractor picked up and moved from one yard to another. It picked a truck off the road and carried it down the stream and the guy had to climb out and hang onto a tree. These are incredible events that can possibly happen here. With the right event, it can take your fence right out of the ground. Our decision is caring about your welfare, the welfare of our residents, your neighbors and just the general overall health of the way this whole system works. That's why we pursued this kind of approach over the years and why those laws exist. We need to pay attention to that and we'd be foolish if we didn't.

Mr. Kern said we also have a copy of the request from the realtor to the Zoning Officer before you bought the house asking if fences were permitted and the answer came back "no, they are not permitted". That information was available before you bought the house. Mrs. Camp said it said not all of the property could be fenced was the way it was written on the form she got. Mr. Kern said it was delineated on the area that the fence was not permitted and that's the area you are requesting right now. Mr. Maxfield said we have

certain number of animals permitted on so many acres. You still have to think about the piece of property and if that is an applicable thing to do on your property. He doesn't know what the discussions were before you bought the property, but he thinks in talking to Chris Garges, that's probably what you heard from him not that we were giving you permission to do this, but that it was permitted within the ordinance and you still have to make the decision to do it or not. Mr. Kern said Council does not like saying no, and the only time we do if there's a public safety and health issue involved and Council has come to that decision. Mr. Maxfield said on the motion, he forget to mention that we will send Attorney Treadwell to the ZHB meeting or send the ZHB a letter. Attorney Treadwell said this Council is opposing your application in front of the ZHB. Mrs. deLeon said the ZHB will make their own decision. Mrs. Yerger said do you have any property outside of the floodplain? Mrs. Camp said the upper portion, but the septic mound is there also. She lost space there that she thought she was going to have. Attorney Treadwell said the ZHB is scheduled for Monday, August 23, and depending on the discussion he has with the Township Manager, they will either send a letter on behalf of Council to the ZHB stating Council opposes it for the reasons stated here tonight or he will be at the ZHB to present Council's opposition to them. Mr. Kern said the ZHB can ignore it or not. Mr. Camp said it's not only your recommendation against the fence, but also the building? Attorney Treadwell said the application you made a motion to oppose did not include the building. Chris has already made the determination that the corner of the building is okay under the zoning ordinance. Attorney Treadwell said the three variances you requested that were opposed were floodplain protection of 100%, floodplain soil protection of 100%; and fences not permitted in the riparian buffer.

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

3. DAVID & SHARON KUHNS – 1443 GREENWOOD CT. – VARIANCE REQUEST OF REAR YARD SETBACK TO CONSTRUCT PATIO

Mr. Kern said the applicant is requesting a variance of 10' to 14' of relief from the minimum rear yard setback of 40'.

David and Sharon Kuhns were present. Mr. Kuhns said they are going to be building a house on that lot in three or four weeks and they applied for a variance for a patio. He wants to roof it. The patio will have a footer around it because you need that for the posts for the roof. It's going to be 14'x20'. Mr. Maxfield asked if the footer would go around the entire perimeter or just where the posts are? Mr. Kuhns said around the perimeter. Mr. Maxfield said is the roof attached to the building? Mr. Kuhns said it will be. There's no plans for that yet as they need the variance. He talked to the builder and if they get the variance he is going to install the roof. Mr. Maxfield said does that make it a porch? Mr. Garges said it's covered under the same part of the ordinance as an accessory structure. Mr. Kuhns said it will go into the no building zone about 8'. At the deepest corner it will be 8' into the 40' setback. Mr. Maxfield said on your zoning application he always looks for the unnecessary hardship, and you didn't fill anything in here. The hardship is the shape of the property, and they should tell them the same thing at the ZHB.

Council took no action.

D. RESOLUTION #61-2010 – DCNR PEER-TO-PEER TECHNICAL ASSISTANCE PROJECT GRANT – JOINT RECREATIONAL STUDY COMMITTEE

Mr. Kern said Resolution #61-2010 has been prepared authorizing the submission of application for a DCNR Peer-to-Peer Technical Assistance Project Grant on behalf of the Township and authorizing the allocation of Township matching funds toward this grant.

RESOLUTION #61-2010

**RESOLUTION AUTHORIZING THE SUBMISSION OF APPLICATION FOR A DCNR
PEER-TO-PEER TECHNICAL ASSISTANCE PROJECT GRANT ON BEHALF OF THE
TOWNSHIP AND AUTHORIZING THE ALLOCATION OF TOWNSHIP MATCHING
FUNDS TOWARD THIS GRANT**

WHEREAS, the Saucon Valley Multi-Municipal Comprehensive Plan which was adopted by Hellertown Borough, Lower Saucon Township and the Saucon Valley School District in 2009 outlined a wide range of policies, projects and actions for future regional collaboration; and,

WHEREAS, among these priorities, was a recommendation that the partners address joint opportunities related to parks and recreation planning, administration, facilities, maintenance and programming through formation of a Saucon Valley Recreation Authority or comparable public entity; and

WHEREAS, representatives from the two municipalities and school district have been appointed to a Joint Recreational Study Committee, and since October 2009, have been meeting on a regular basis to assemble information about recreational facilities in the Saucon Valley; and

WHEREAS, the Joint Recreational Study Committee wishes to obtain the services of an experienced parks and recreation professional through the DCNR Peer-to-Peer Technical Assistance Project Program to assist the group with further exploration of regional recreational opportunities; and

WHEREAS, the application meets the goals of the Multi-Municipal Comprehensive Plan and has been endorsed by the Saucon Valley Partnership.

NOW, THEREFORE, BE IT RESOLVED, that the Council of Lower Saucon Township hereby authorizes the submission of a DCNR Peer-to-Peer Technical Assistance Project Program application.

AND, BE IT FURTHER RESOLVED, that the Council of Lower Saucon Township hereby approves the allocation of an amount up to \$1,000 from the Saucon Valley Partnership operating account to said project.

Mr. Cahalan said the Joint Recreational Study Committee, which is made up of representatives from the Township, Glenn is the Council Representative; Dave Spirk from Parks and Rec Board; John Landis from the Planning Commission; representatives from Hellertown Borough; Saucon Valley School District have been meeting for the past year to gather information on joint recreational opportunities in the Saucon Valley. They've been assembling information about all the different playing fields and have been asking reps from the different sports groups to come in and share information with us. We hope to work on such things as scheduling of the fields, maintenance and those types of things. We are looking for the help of an expert that would be available from DCNR, which has a peer-to-peer program. If we are eligible for this funding, which would be approximately \$10,000 to \$12,000, that would pay for the services of a Parks & Recreational expert who would come in and continue to work with the group over a 6 to 12 month period while they continue gathering information and they'd come up with a report with some recommendations for each of the bodies to consider as potential next steps. This is a resolution that would authorize us to submit this grant application to DCNR and it was also put before the SVP at our last meeting in August and they did make one change in the resolution. Originally they were asking for approval to submit up to \$333 of Township funds, but after the SVP meeting, the decision was to use funds from the SVP's treasurer's fund. There will not be any funding coming from the Borough, Township or school district. They will put up the amount to \$1,000.00 from the SVP. Mrs. deLeon said since the SVP can't make real decisions and can only made

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recommendations, do we need a Council vote that we support that? Mr. Cahalan said yes, in the resolution it says that the Township approves the allocation of an amount up to \$1,000.00 from SVP operating account to said project.

MOTION BY: Mrs. deLeon moved for approval of Resolution #62-2010.
SECOND BY: Mr. Maxfield
Mr. Kern asked if there were any comments or questions? No one raised their hand.
ROLL CALL: 4-0 (Mr. Horiszny- Absent)

VI. MISCELLAENEOUS BUSINESS ITEMS

A. APPROVAL OF JUNE 16 & JULY 21, 2010 MINUTES

Mr. Kern said the minutes of the June 16 & July 21, 2010 Council meeting have been prepared and are ready for Council's review and approval.

MOTION BY: Mrs. deLeon moved for approval of the June 16 and July 21, 2010 minutes.
SECOND BY: Mr. Maxfield
Mr. Kern asked if there were any comments or questions? No one raised their hand.
ROLL CALL: 4-0 (Mr. Horiszny- Absent)

B. APPROVAL OF JULY 2010 FINANCIAL REPORTS

Mr. Kern said the July 2010 Financial Reports have been prepared and are ready for Council's review and approval.

MOTION BY: Mrs. Yerger moved for approval of the July 2010 Financial Reports.
SECOND BY: Mr. Maxfield
Mr. Kern asked if there were any comments or questions? No one raised their hand.
ROLL CALL: 4-0 (Mr. Horiszny – Absent)

VII. PUBLIC COMMENT/CITIZEN NON-AGENDA ITEMS

- Ed and Gloria Myers were present. Mr. Myers said they live in the Cobble Creek development built by Ashley Development. They purchased their home three years ago from Ashley Development and they patiently waited for the tree landscaping to be completed by their home. He wanted to know if Council could take some action to get the builder to plant the trees. On April 12, 2010, the developer came to complete the open landscaping, which is a section behind their home and their neighbor's home. He pulled 17 trees from his tree farm and placed the flags on the property where the trees were to be planted. This flags were in accordance with the Township plan on file. Unfortunately, two days later, the Cobble Creek HOA, a three member board, went and pulled all the flags from the ground and interfered with Ashley's attempt to planting the trees. The planting process stopped in April and was never resumed. We don't understand why the HOA board interfered with this plan. This plan has been on file at the Township and has been used for the past two years and they planted trees along the street and they came back later on and planted some low shrubbery around the sub-station. There was never any objection at all. We were also told that the Township had heard from the HOA board that no one in the community wanted anymore trees and this is the reason they were using. Upon hearing that, they did state to Mr. Cahalan that was not true and the HOA board was fully aware that we were expecting these trees for three years. Mrs. Myers said they also wrote a letter to the management company that operates in the development and told them they shouldn't be interfering and that we did want the trees and they knew we were waiting for the trees. Mr. Myers said during April, May and June, we've been in written communication with the property management company, with Ashley Development and Mr. Cahalan. On April 14, 2010, we wrote to Ryan Pektor and asked what was happening and he

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said that it's been put on hold because of the HOA, but he expected resolution by the end of April, but that didn't happen. On May 7, 2010, Mr. Pektor said the Township is working with the HOA to resolve and he will proceed as instructed by the Township, but nothing happened. We wrote to Mr. Cahalan on May 20, 2010 and asked for the Township intervention and provided all of the communication that had occurred and asked for the Township to intervene to get the trees planted. Mr. Cahalan responded that they were working with Ashley and the developer so they could enter this 18-month maintenance period. He said it's up to Ashley to proceed and come before Council and get approval. That didn't happen. We went back to Ryan Pektor and told him the Township said it's up to him to come to Council, so please come to the June Council meeting. We saw that wasn't happening, so we wrote to Mr. Cahalan and asked him to put the landscaping on the agenda for the June 2 meeting. Mr. Cahalan said it's up to the builder to decide when he wants to come to Council and put up the necessary escrow so he will not put it on the agenda. We're the homeowner most impacted by these trees not planted. Of the 17 trees involved here, 8 were to be planted on the hill behind him, and one between their home. They wouldn't have purchased their home without the trees and they will show you one of the reasons why. A lot wasn't done when they moved in. Driveways, walkways weren't in, so for the trees not to go in, they had no reason not to think they would not go in. Our sales agent, Amy Pektor, daughter of Lou Pektor, was also a neighbor, so we had every indication to think the trees would be planted. They showed a picture of one of the reasons they wanted the trees. You are looking at the Lower Saucon Authority Pump Station and we are working with Gar Davidson to do some blockage of that, so he did paint and pressure wash the building, but that's about it. He's been so kind and taken up a lot of time with us, but there's no more he could do. Mr. Kern said why did the HOA remove the ribbons? Mr. Myers said the reasons was that one of the board members who lives on the same road as they do is strategically trying to place the trees and they've called Plantique in and want to make plans, now there's a stormwater management basin behind them, and he has five trees placed in the basin and there's a curvature in the street. Of the 17 trees, 12 of the flags that he's put up there are not in accordance with the plan. They've requested a copy of the plans from the Township. Boucher & James in February wrote to Hanover and the Township and said everything is in order. They've spoken to the HOA board when it first occurred and knew they didn't want the trees on top of the hill, and told them they shouldn't be interfering with this as it's an agreement with the Township and Ashley and an agreement when we bought our home, and they really didn't care. When the first set of flags was put all over the place and there were none on the hill, they asked what happened, they were told the grass is too hard to cut and he walked away. They said it's the board's decision and that's it. They didn't want to discuss it any further. The third time we approached the HOA Board, they said the Township is going to do what the HOA board recommends. They have the plan if you want to see it. There was discussion that there would be field grass there and would be cut twice a year, but they stripped the ground. Then the trees that were there, they had the vendor cut the trees down. They dragged the tree where the Saucon Creek was. There was another large bush there also. He showed a picture of the end result. They've taken the 17 flags and placed 5 of them in the area that is all stripped down and 7 along the curvature. Where the flags are now placed, they are strategically placed for the HOA President's and his neighbor's view. Mrs. deLeon said they have to be planted according to the plan. Mr. Myers said everything is at a standstill, so we're asking if Council can approve this plan and possibly send a letter to Ashley, who wanted to plant the trees, to plant the trees. Mrs. Myers said they have been waiting three years for these trees. They were so elated when the flags showed up, to only wake up the next day and they were gone. Mrs. deLeon said her question is, what is the status of this subdivision and are we in maintenance period, where are we in this process? Attorney Treadwell said the landscaping plan that is being referred to has not been formally approved by Council. Mrs. deLeon said why not? Attorney Treadwell said Ashley ran out of money. They owe the Township however much money they owe them. They are in arrears in their escrow account and there is a stop work order on the whole project. Mrs. deLeon said where do these white flags come from? Attorney Treadwell said Ashley has not chosen to pay the Township the money they owe us and replenish their escrow account to allow them to move forward to get the plan approved. As far as the Township is concerned, until Ashley pays the money they owe

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and replenishes their escrow account, there won't be any action which is why it has not been on the agenda. Mrs. deLeon said she also sees pictures of things being done. Attorney Treadwell said he doesn't specifically know, but has a feeling that those pictures are of areas owned by the HOA. He doesn't know that those trees they cleared away are on a plan anywhere or anything from the Township's perspective to have the HOA property owner from taking down a shrub. Mrs. deLeon said we used to get plan notes just to preserve or protect something so that this won't happen. Do we know what's on that plan? Attorney Treadwell said offhand he doesn't know what's on the plan. Mrs. deLeon said tomorrow someone should look at those plans and see what the plan notes say and see if what they said tonight, they removed something they shouldn't have. The creek is right there. Mr. Kochanski said if there is vegetation shown in the approved plan that is to remain, then that would be something that once they would be scheduled to go in front of the maintenance, they would be going out to do an inspection and they would note those deficiencies on the plan with respect to what is supposed to be there, what is not supposed to be there, what was there and may have died. As indicated, this is under a stop work order issue. Mrs. Yerger said we can't tell Ashley to replace them. Mr. Kochanski said those issues will be addressed once the developer tries to go into maintenance. Until he requests that and pays up his escrows, we are under a stop work order. Mrs. Myers said they've been following those plans all along, now that they are down by us, why do they have to have the stop work order at that point? Mr. Maxfield said every action the developer takes has to be reviewed and inspected and that is why they established an escrow and as Linc said they are in arrears with their escrow. We don't have money to do anything on that site. His question is we do have somewhat a plan with vegetation marked on it and the HOA can't change that plan. They don't have the power to change that plan. We don't have money to go onto that property to exam and inspect. Mrs. deLeon said could we send them a letter. Mrs. Yerger said if it's an incursion into the riparian corridor, would that become a zoning issue on a totally different issue. That's a violation of our riparian corridor ordinance and Mr. Garges could at least go and look at that and see what's been damaged or altered if it's affected the riparian corridor. Mrs. Myers said the vegetation is growing back. They cut it periodically right now. It does not look as you see on that picture today. Mr. Kern said your major issue is you want the trees planted where they were supposed to be planted. Mr. Myers said correct. Mr. Maxfield said it's all tied together as the HOA is moving and cutting down trees. It could be a zoning violation and there was a spot down by the creek where they weren't supposed to touch anything. It was all going to be buffered and they were going to be natural. That doesn't help you get the trees, but it would start an awareness and dialogue with your HOA. Mr. Myers said when they did the stripping, the first thing they did was contact Mr. Davidson and questioned what they were doing and he said he was outside of his jurisdiction. They contacted Mr. Garges and explained it to him and he said it's a stormwater management basin and unless the tree has a 6" or greater diameter, they can cut them down, so they didn't pursue what they were doing down there, but basically cutting trees down there that we feel were approved and planted behind our house and placing them down there. We aren't saying they have to put every single tree that's on the plan behind our house, if they just took the five they put in the basin and put them behind our house, that would be fine. Mrs. deLeon said you have to get them to do everything. Mr. Myers said they feel they should be following the plan. Mr. Kern said is there any way the Township can ask the HOA to plant the trees according to the plan? Attorney Treadwell said we are back to what we started with which is we don't have an officially approved landscaping plan because the escrow account is in arrears and Ashley needs to bring their plan before us to get it approved. Mrs. deLeon said who put these white flags in the ground? Attorney Treadwell said locations of where assuming that the plan got approved, that's where the trees were going to go. Mr. Kern said why can't the Township approve the plan? Attorney Treadwell said someone has to pay Mr. Kochanski and Mr. Kocher to look at it. In order for you to get a motion saying we agree that this plan meets our ordinance, someone has to look at it.

Mr. Kochanski said the ball is in the developer's court to pay the escrow so the project can move forward so he can get into maintenance, and stop his financial obligation. Attorney Treadwell said that is the catch 22 that we're in now, obviously the Township could go ahead and authorize the

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reviews and hope that you get reimbursed by Ashley or we wait for Ashley to replenish their account and move it forward. Mr. Kern said what happens if Ashley goes belly up? Attorney Treadwell said then we have the security and can declare them in default and move on the security and then we finish it. We probably were giving them year to year extensions, and he doesn't know what the date is when their next extension expires, but you cannot give them an extension and take the money. Mr. Cahalan said we did report at the last extension that there were several issues on the punch list. One was the landscaping and another one was the mailboxes, and one had to do with the lighting; only a couple of issues. It probably was earlier this year and it goes until next year. Mr. Kern said the planting season is almost over, and at the end of six months when it's up for renewal we deny it. Mr. Kochanski said planting season is just starting now. Attorney Treadwell said the extension that goes until 2013, he doesn't know off the top of his head if it applies to an extension of a time period to complete the approval. We're not turning down the approval, just their time to complete their improvement. He will have to take a look at it.

Mrs. deLeon said it's just frustrating. We look at a plan and they present these beautiful pictures and the landscaping and these are the existing features. We try to protect them, and then ten years later, you drive past them and they are gone. Mrs. Yerger said the tree issue they are here about is tied with the finances and the housing market. Mr. Myers said we have a letter from Ashley saying they pulled the trees and they are beautiful. They came, they put the flags up and they were going to do it. The plan wasn't approved, but the plantings were in accordance with the plans. Attorney Treadwell said he can only guess at what Ashley was doing, but they were planting assuming the plan would be approved. Mr. Myers said when you give it to Council, someone has to go out and look at it so they put it at the right spot, but they had the flags up and they were where the plan said they should be. The Township has it and it's been on file. Mr. Cahalan said Ashley did have Plantique looking into a proposed revision to the landscape plan that they were planning to bring to Council and ask if you would approve a revision to that plan. We never saw it. He thinks the HOA also had some ideas for revisions to that plan. It never got to the stage of them formally making a request to Council and bringing it to Boucher & James for review because of lack of money. Mr. Kern said there never was a Council approved final landscaping plan? Mr. Cahalan said there was a plan that had landscaping on it from Plantique. This plan was a proposed revision Ashley wanted to bring to Council as they felt they couldn't get all the trees in the approved plan onto the property and they were going to propose a revision that included giving some of the extra trees to the Township if they couldn't fit them all on. Plantique was going to come to Council, discuss it, and make an offer for the trees, and everything would get approved. The HOA had ideas of their own and were going to make some suggestions to that revision. Mr. Myers said it's the HOA Board which consists of three members. There's a difference between the HOA and the HOA Board of three members who is saying they don't want these trees. At their annual meeting, there were some open issues with Ashley and they mentioned one or two things and he said what about the trees? They didn't even mention to the homeowners that were there that Ashley still owes us trees and the other homeowners don't really care as they are at the top of the development. The twelve at the top each have seven large oak trees and the other one has eight oak trees. There are fifteen along their walkway. Our six homes have two trees. Mr. Kochanski said Ashley hasn't taken that next step to proceed to look at any revisions, make our recommendations, and get it in front of Council for their approval. Mrs. deLeon said you keep saying the word revisions, and to her if you revise something, there was an existing something. Mr. Cahalan said you approved the plan that had landscaping on it. They were getting ready to go into maintenance. It had several items on the punch list – completing the landscaping, doing some driveways, fixing the lights. Instead of doing that plan, they went to Plantique and they said do a proposed revision that we want to bring to Council and ask you to adopt that instead of the approved plan. That's what they did and that's what we are looking at. Something they just strictly is proposed. Mrs. deLeon said if it's a revision, then we did approve a landscaping plan. Mr. Kochanski said you are asking if there was an approved landscape plan as part of this subdivision land development process. Mr. Cahalan said that was approved, he said there was an approved plan. Mr. Myers said there is a January 07 plan that had all this landscaping. When they purchased it, they were showed a plan that was very

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similar. There are revisions, March 30, 2007, April 30, 2007, and January 30, 2009. When we asked the Township for the latest plan, we were given the January 30, 2009 plan. They paid the \$20.00 and you signed off, he has the fax. This is the last landscaping plan on file with the Township. Mr. Cahalan said whose name is on the landscaping plan? Mrs. Myers said it says Plantique. Mr. Cahalan said that was in the file. He doesn't think that was indicated as the latest plan. Mrs. deLeon said she thinks they should have been given the plan we approved the night we approved the subdivision with the landscape. Mr. Cahalan said he thinks they have that copy. They asked for a copy of the proposed plan and that's what we gave you. You wanted the plan with proposed changes. It's not the approved plan. You got a copy of the Plantique proposed changes. Mrs. deLeon said she wants to see what's on record that's not revised, that has been official. Mr. Cahalan said they can bring that back to Council. Mr. Maxfield said he thinks there was one that there were trees they wanted to leave that were on the plan to be removed. Mr. Kocher said there are trees on that plan that are circled that say "preserve this tree" because they had to cut one of the trees down as it was a danger. There are some on that approved plan that does say that. Mr. Maxfield said if they don't ever come in here again, we are stuck with the approved plan that is part of the subdivision plan, so that's right now, that's what we are holding them to which means they should be out there doing that. That means also that the HOA should not be changing that plan in any way as it's an existing on-file plan. If they are changing it, then we need to know that. Mr. Cahalan said he doesn't know what's going on with the flag issue but the HOA does have some suggestions they wanted to bring to Council with the proposed revisions. Mrs. deLeon said she doesn't want to hear proposed revisions. Mr. Cahalan said there is an approved plan that we have on file. That's what you approved for the landscaping. What this gentleman is talking about is a proposed revision to that plan. Mr. Kern said he thinks what we're asking for is a copy of that approved plan so we all know what ground zero is. Mrs. deLeon said in all fairness to Mr. & Mrs. Myers, they are a residents, and they may not know the official name of things and may have inadvertently been asking for the wrong thing. All you wanted to know what was the legal approved plan for where you live. Mr. Myers said there is some really, really ancient plan which is nothing at all of what they've been doing in the development. If you look around this is the landscaping that's been done. Mr. Kern said they were doing unapproved landscaping. Mr. Kochanski said any changes the developer has undertaken on his own is at his own risk. If they made changes to the landscaped plan without Council's approval, and they were to request and start maintenance, Boucher & James would go out, review the site based off of the approved plan, note the deficiencies, and create all the deficiencies in our review letter. Then they would be responsible to address those to our satisfaction. If they did do per plan and somebody at the direction of the HOA changed that, that's a private issue between the developer and the HOA to get that fixed. Certainly the developer is still responsible to get it into the state as it was approved when they go out and inspect it to start maintenance. Any changes are on the developer assuming Council would approve those plans, it's at his own risk. Mr. Maxfield said the developer has a lot of work to do before any implementation of that plan should legally occur; however, he seems to be doing some of it already. Mrs. deLeon said what we need to do is go out there, whether there's escrow money or not, this is a Township issue. Mr. Cahalan said Boucher & James has been out to this development multiple times doing inspections and when this came down to the last extension, less than six months to a year ago, there was only several items left on the punch list including some landscaping that was remaining. The other landscaping was done, as far as we know, by the approved plan that you approved five years ago. He wants to make it clear that the developer has not been drastically diverting from the approved plan. That has been looked at and has been done over the period that they've been finishing the development. He's not sure what Mr. Myers is referring to about following that plan. There may be some areas where it duplicates the approved plan. We'll go back to the last extension approval, where there were several items on the punch list, and then Ashley Development approached us and said they can't fit all of the landscaping that's on that plan and they have some ideas for a revision and that's where Plantique came in and then the process stopped because of financial issues. It's not something where they are totally off onto this Plantique plan. They are still following the approved plan. That's what Boucher & James would look at when the escrow money was put up and see what was on the plan.

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Mrs. Yerger said we need the list of things that still need to be done from the original approval. Mrs. deLeon said what she's hearing is the developer was supposed to do certain things and he's not available because of financial reasons, so now the HOA is implementing some things. Mr. Cahalan said the only thing they are doing is having discussions. They may be clearing some of their property as Attorney Treadwell indicated. Mr. Kern said the issue is the plan isn't being completed due to lack of funding. Mr. Maxfield said the Myers are referring to a plan that isn't approved and hasn't gone through the process, so they are not even sure if that's what we would approve at this point. That plan should probably be out for right now as we don't even know if those are the changes that are going to be approved or not. It's not even a draft plan or officially submitted. Mr. Cahalan said it was given to the Township and was in the file. When Boucher & James goes out, they compare it to the approved plan and make a recommendation and that would come to Council and say it meets it or it's deficient. That never happened. What you saw was a process that was aborted because of a lack of funds. It never went any further. Mr. Maxfield said if they wanted to start up the process, they could come in and submit a brand new plan that has detailed changes on it different from the one you are looking at, so he wouldn't put any trust in that plan you are looking at right now as it's unofficial in all ways. Mr. Kochanski said chances are there is an overlap with this plan and the approved plan so that it reads as one complete area and you're not just showing an individual tree to meet the discrepancies. We're seeing how it fits with the overall landscape concept. Mr. Maxfield said can we get a detailed list of what changes are exactly occurring, like how many trees are involved. Mr. Kochanski said at this point, we did issue a review letter back in 2009. It does not say there are not more changes or discrepancies out there since that time. The list could grow or they may have gone out and addressed some of them. It's been awhile since we've been out there. Mr. Cahalan said since the February 2009 letter has been mentioned, could you get Mr. Myers a copy and summarize what the discrepancies were. Mr. Kochanski said it looks like there is a deficiency in 35 shade trees, including one street tree and 27 shrubs. Mr. Cahalan said deficiencies meant they had to make that up. That's what they were preparing to do with Plantique. Mr. Kochanski said initially there were 81 shade trees, 39 flowering, 21 evergreen, 575 shrubs, and 168 in ground cover. While there were a lot of trees that were deficient in the overall scheme, it is minor to what the total number that was for the entire site. Mr. Cahalan said as he stated earlier, he believes the developer could not fit all of the required trees on the plan and they were going to ask you for a revision to that plan. Mr. Myers said they are fully aware it wasn't approved by Council, but they have been using it since 2007. Mr. Cahalan said he's not sure that is correct. Your speaking as that is your observation. Mr. Kochanski said the approved plan was dated August 12, 2003, last revised March 6, 2004, which is what they based their December 5, 2008 review on which they noted those deficiencies. The official approved plans from Council go back to 2004. Our February 24, 2009 letter basically notes where the deficiencies were. That proposed plan with the changes to correct those deficiencies which included the 27 shrubs and 15 of the 35 shade trees, the additional 20 were something we could locate in different areas as there wasn't enough room on the site. Based off of that, we felt that was a reasonable solution to correct those deficiencies subject to Council's review and approval. That's where the process stopped. Mr. Myers said the HOA Board is way out of line to pull the builders plans, sign a contract with Plantique to put in new trees. They've waiting for Ashley or the HOA Board to do something. The HOA Board doesn't care and Ashley's in a bind as they don't have any money. They were the most impacted. Mr. Kern said they can direct Mr. Cahalan to find the original plan. Mrs. deLeon said what about when we're asked to vote on granting an extension? Attorney Treadwell said you don't have any obligation to grant an extension. You can say no. Your five years to build according to the plan under the ordinances that were in place when your plan was approved is over, no. If your ordinances have changed during that five year plan, there may be some issues, but you have no obligation. Most of our development agreements give people a time period to complete it. If you don't complete it, within that time period, then they come back and ask for an extension. At that point, you can say, no, we gave you seven years, you're not done yet, we're going to take your security and we'll do it. If that causes a problem, then we have to do it. Mrs. deLeon said that's why we don't do that as we'd have to do it ourselves. Mr. Kern said is there enough security to plant trees? Attorney Treadwell said he didn't know this was going to be

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on the agenda, so he doesn't know. Mr. Kern said we can at least find out what the security is for next meeting and see what the timeframes are that are involved. Mr. Myers said of the 17 trees they are speaking about, it's really about six trees they are talking about that will benefit their view shed. Mr. Kochanski said \$400 a piece for that sized tree. It's typical 3 inch caliper tree installed.

VIII. COUNCIL AND STAFF REPORTS

A. TOWNSHIP MANAGER

- Mr. Cahalan said we had reported previously we had submitted grant applications to the Northampton County Gaming Revenue and Economic Redevelopment Authority under the restricted funds round of the municipal grants. That's the money funded by the revenue from the Sands Casino. The restricted funds round is restricted like it says to the contiguous municipalities and the City of Bethlehem and Northampton County. They did submit a considerable amount of projects, both for infrastructure and also for emergency services. They were grants for the Township and joint projects for the Township and Hellertown Borough. They are scheduled to go in on August 23 to do brief presentations before the Gaming Authority on those projects and we also have to go back on September 27 and give a presentation on the Township projects that were submitted. The Gaming Authority, as Mrs. deLeon has mentioned several times, here and at the Partnership meetings, also has an amount of money called the "uncommitted funds". Those funds are available to all 38 municipalities in Northampton County to submit projects for those grants. The Gaming Authority announced just recently they were opening up an application period for the second round of uncommitted funds. The deadline for submission of applications for that round is due to close October 14, 2010. The problem we had, and we took it to the SVP to discuss, was that we have all these other project applications in for the first round, and the Gaming Authority is not going to make a decision on any awards for those until October 25, so we have to make a decision by October 1; do we put in new applications or do we put in all our applications (old and new) as we won't know until October 25 which of our restricted fund applications are going to make the cut and get awards. This was discussed at the last Partnership meeting and the SVP voted to ask Hellertown Borough Council and the Township Council if we could submit a letter to Alicia Garner who is the Director of the Northampton County Department of Economic and Community Development and the entity that works with the Gaming Authority and we would like to request that they extend the deadline beyond the October 25 date for the restricted funds so we could have some idea how we did in that first round, and then we can reassess what we want to do for the second round, whether to resubmit with additional information or resubmit something entirely new. There's a letter in your red packet that was prepared to be sent to Mrs. Garner and we are asking for approval for him to sign that. It has already been approved by the Hellertown Borough Council at their meeting on Monday night. Mrs. deLeon said they did discuss this at the Authority meeting about the deadlines and she did bring up the fact that it's going to be putting the contiguous municipalities at a little bit of a dilemma because we won't know if we got approval on the grants, so it should be after the fact.

MOTION BY: Mr. Maxfield moved to send the letter that Mr. Cahalan referred to above.
SECOND BY: Mrs. Yerger
ROLL CALL: 4-0 (Mr. Horiszny – Absent)

- Mr. Cahalan said in your packet there is a request from the City of Bethlehem and they are asking if we would send a support letter. They are submitting a Challenge Grant and that's for funding to pay for a greenway master plan. This master plan would look into connections with our Saucon Rail Trail that is being developed. If you would approve that, he could send that draft support letter to Mayor Callahan.

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MOTION BY: Mrs. deLeon moved to send the support letter to the Mayor Callahan.
SECOND BY: Mr. Maxfield
ROLL CALL: 4-0 (Mr. Horiszny – Absent)

- Mr. Cahalan said the Township received a courtesy copy of plans from the City of Bethlehem for a proposed development in the city that's along Applebutter Road and is referred to as the Applebutter Village land development plans. According to these plans, it proposes the development of 66 single family dwellings on an 11+ acre parcel that's along Applebutter Road. He left the plans out and some Council members have reviewed them. The Landfill consultants have also reviewed them at their staff meeting. If there are any comments you have, let him know. Mr. Maxfield said can we make a formal statement to Bethlehem. Let's call it what it is, it's a trailer park. It's single family dwellings on wheels and there are 60 of them. The proposal from his reading of it is that the road will be realigned on the sharp bend in Applebutter Road and basically they are going to take down the stone house and the road will go right through there. They are going to keep the cement block garage that's down there. The entrance road into this place are really close to that corner and they go right back up into an area that will have to be all cleared out. It's full of trees and he's guessing a few of those homes would have to go also. He drives that road every morning and the traffic combined with the trucks coming up from the landfill and people going to work that way, and school busses, it's intolerable now. You add 60 cars in the morning into that, it will be unusable. Mrs. Yerger said isn't that part of the Applebutter Road historic district? Mr. Maxfield said if it's recognized by Bethlehem, yes. Mrs. Yerger said she assumes it includes the house they want to tear down, and she thinks we need to look at that. She would not be in favor of it then. Mr. Maxfield said from practical matters of traffic and travel, it's awful. This will drastically change that neighborhood. Mrs. deLeon said when she looked at it, she noticed there are 14' wide mobile homes and the distance between them was less than 14', so that's how close they are going to be and they are all lined up exactly even. What jumped out at her was they are taking out the house, and the entrance in and out of the land development is at the middle of the curve. She doesn't understand with landfill trucks coming and going on that road, how do you safely pull out on that radius. Mr. Maxfield said he thinks they are counting on the radius being gone as right now the house is what blocks your view. Mr. Cahalan said they are realigning the curve. Mr. Maxfield said another thing we should make comment on is the intersection at Shimersville Road is always backed up in the morning. The landfill trucks are stuck out across the road in the morning trying to force their way out across two or three lanes. The intersection often, right now, is backed up and the road makes a split, you can't make a right turn on that because it's blocked and you sit and sit and sit. He realizes they have to have a trailer district somewhere, but let's really think about what's going on here. Mr. Cahalan asked if Council would like him to put together a draft letter with comments and bring it back at the next meeting. They will research the historic context. Council said that would be great.
- Mr. Cahalan wanted Council's opinion. There was some information that came in about two bills at the State Legislature about changing the State constitution to establishing the County as the basic level of government. They were SB-1357 and HB-2431 proposed by a legislature from Berks County. Basically it would abolish local government and consolidate it at the County levels. PSATS had requested that resolutions be done opposing that by Township's and according to a Morning Call article, there's some information in your packet about 600 municipalities state-wide have adopted resolutions in opposition to this legislation. In the article, it says the bills have no chance of being adopted. He believes the legislative committee is hearing this today and PSATS was asking for the resolution. This came in between our meetings. He wants to know if Council still wants to do the resolutions. We'd have to bring them back to the next Council meeting. Mrs. Yerger said why don't we authorize to have the resolutions prepared and at least we would show support.

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- Mr. Cahalan said Community Day is on Saturday, August 21, 2010. We adopted resolutions for Andy Rosko and Lost River Caverns. We will be presenting those at the Fountain. He asked if any Council members will be there to present the resolutions. Mrs. deLeon said she will be there.
- Mr. Cahalan said he wanted to bring up the recommendation from the EAC that was made on the Native Plant Garden purchasing additional plants. In your packet is the recommendation from the EAC and attached to that is the list of plants that Hans put together. It has a total plant budget of \$906.00 and the EAC in their recommendation recommends to Council the list of plants they received from Hans for a total of \$906.00 which are to be put into the Native Plant Garden by Hans and by the volunteer Girl Scouts. They want Council's approval. Mrs. Yerger said the upside to that is Hans so carefully explained to the EAC was that the native plants are closing in and spreading and by natural selection, they are filling in the areas. The whole idea in the long run is in future years, maintenance will be minimum and it will be a long way down the road and it's actually very pretty. It will sort of be a self perpetuating type of garden. Mr. Riemann said the garden, it's been a long time in getting this together, and this is the final investment in plant material. It is the project for the Gold Award for the Girl Scout and her volunteer friends and family. He says investment because not only is it aesthetically pleasing and will be continuously for years, but he's hopeful it will be an investment in getting the Council and the community to finally do something with that building next door. He's hoping to get permission to put a rain barrel next to that porch so the storm water will begin to actually brought into the garden for proper infiltration. It's a practical aspect to the garden now that he really didn't see in the beginning, but that's part of the issue now. Mrs. Yerger said Hans is planning on getting the rain barrels from the Saucon Creek Watershed Association and are hoping they will be donating them. Mr. Riemann said he has also been talking with a couple of friends, and he checked in his barn, he has some rain gutters and he could probably get some volunteers to help install at least on the garden side of that garage. He's been instructed by the EAC to talk to the Mr. Rasich. He will arrange a meeting with Mr. Rasich and let him know what's going on. Mr. Cahalan said do you want to approve the purchase of the plants? Mrs. Yerger said we can approve the purchase of the plants and that will continue the process for the scouts. It will keep the project moving so that the girl can continue to move forward with her award. Mrs. deLeon said what line item will this come out of? Mr. Cahalan said it would be considered Town Hall, Town Hall Park, we don't have a specific line item.

MOTION BY: Mrs. Yerger moved for approval of the \$906.00 to complete the native plant garden next to Town Hall.

SECOND BY: Mr. Maxfield

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

Mr. Riemann said thank you for the opportunity. He was also asked to create a plan for a water feature which will lead to the final completion of the whole thing and the last part for next spring would be for the labeling of the plants in the garden, a mapping scheme to key out everything so a plaque can be mounted so when you do go down there, you will be introduced to all of the plants in the garden and where they will be. Thank you very much.

B. COUNCIL

Mr. Maxfield

- He said right now in Lehigh County, Lehigh County conservation is having their budget slashed pretty severely and they are asking people, and it depends on a County vote coming up pretty soon, to submit letters in support of it. We're Northampton County and had Rebecca Kennedy helping us out a lot. We've gotten a lot of help from her office and they helped us run things for community things around here. He was wondering if we

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could get a Township letter of support sent to the County in specifically saying in the area of resources they are involved in, there really aren't boundaries and we really appreciate the help and we don't want to say she got paid to help us over here, because 90% or more that she did, was pure volunteer work helping us out. It would go to County Council. Mrs. Yerger said do we know what's going on with the Watershed Specialist for Northampton County? Mr. Maxfield said we don't. Mrs. Yerger said you may want to send one to them too. She doesn't imagine their budget is going up.

MOTION BY: Mrs. Yerger moved to direct Mr. Cahalan to draft a letter to Lehigh Valley Conservation District highlighting the positive impacts that Rebecca Kennedy and the Watershed Specialist have had here in our jurisdiction.

SECOND BY: Mrs. deLeon

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

Mrs. Yerger

- She said this is just a FYI for everyone. Springfield Township EAC is sponsoring an annual tire recycling which is a good thing. As she was coming to work today, there were tires laying on the side of the road. It's going to be on September 18th from 9:00 AM to 2:00 PM. It's \$2.00 to get rid of a car tire, tractor trailer tires are \$7.00.

Mr. Horiszny – Absent

Mr. Kern – No report

Mrs. deLeon

- She said Mr. Cahalan talked a little bit about the grants for the Gaming and Monday night they meet and they will be going over 17 grant applications for the restricted money from the contiguous municipalities. Mr. Cahalan said Monday, August 23rd, they are making presentations. That's for Hellertown single projects and our joint projects. September 27th they will come back and do Lower Saucon Township.
- She said we all know about Community Day coming up on Saturday, August 21st.
- Monday night at the Conservancy, they hosted a wonderful National Register celebration and artist reception for Fran Rosen. There was well over 100 people there. Mr. Kern said it was very well done. Mrs. deLeon said it was a great night, and thank you again to the Township.
- She said coming up we have the Barn Tour on September 11th.
- She asked if Mr. Cahalan was going to do anything about Rich Sichler's thing? Mr. Cahalan said he wasn't at the previous meeting, but he brought some information to Council about his change in employment and he didn't hear any comments from anyone. He is appointed and he attended the last staff meeting of the consultants and apparently, he's good to go as far as his consulting services. He doesn't think the staff has any problems, so if there's no objections, he's appointed as the Landfill Consultant for water quality issues until January 2011.

D. SOLICITOR – No report

E. ENGINEER

- Mr. Kocher said he's going to pass out pictures of the trail crossing at Meadows Road. In June you asked us if we could put stop signs on Meadows Road at the trail. They did look at that. They looked in the PennDOT manual, and sure enough, this does not qualify not even as an intersection in that book; however, because of the very restricted sight distance which you can see in those photos, there is a section that allows in extreme cases like that to apply subjective engineering judgment – the danger to that is we can't back that up with numbers. We asked PennDOT for their opinion as to whether or not this could qualify,

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although it's not a PennDOT road, and they actually responded and said that the installation of stop signs might be too severe, however it might be considered due to the crossing sight distance. Therefore, they agreed with us that the sight distance is so restrictive that we should be able to justify stop signs there. They agreed with us and recommended signed pavement marking and stop signs. He's not so sure that we want to go to a speed hump. He's concentrating on the drainage back over on the trail. They can look at that if it doesn't work in the future. If Council concurs, he will finalize the report and allow to say that stop signs can be placed there and you can change the ordinance. Mr. Cahalan said they would not have to go with the Cross-Alert system they have been researching. Mr. Maxfield said it's a lot cheaper.

MOTION BY: Mrs. Yerger moved for approval of Mr. Kocher's suggestion on Meadows Road.
SECOND BY: Mr. Maxfield
ROLL CALL: 4-0 (Mr. Horiszny – Absent)

F. PLANNER – No report

Council recessed for a brief Executive Session. The time was 10:04 PM.
Council reconvened. The time was 10:18 PM.

Mr. Kern said in Executive Session, they discussed potential real estate acquisition regarding the Herman property.

MOTION BY: Mr. Maxfield moved to direct our Solicitor to contact Mr. Herman and discuss details.
SECOND BY: Mrs. Yerger
ROLL CALL: 4-0 (Mr. Horiszny – Absent)

IX. ADJOURNMENT

MOTION BY: Mr. Maxfield moved for adjournment. The time was 10:19 PM.
SECOND BY: Mrs. Yerger
Mr. Kern asked if anyone had any questions? No one raised their hand.
ROLL CALL: 4-0 (Mr. Horiszny – Absent)

Submitted by:

Jack Cahalan
Township Manager

Glenn Kern
President of Council