

I. OPENING

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

II. PUBLIC COMMENT PROCEDURE

III. PRESENTATIONS/HEARINGS

- A. Public Hearing & Consideration of Adoption – Ordinance No. 2013-03 – Amending and Revising Chapter 170 of the Vehicle & Traffic Code

IV. DEVELOPER ITEMS

- A. Old Saucon Investment – 4373 Route 378 & 2115 Saucon Valley Road – Minor Subdivision

V. TOWNSHIP BUSINESS ITEMS

- A. Zoning Hearing Board Variances
 - 1. Cedric & Kathleen Dettmar – 1853 Clarence Drive – Variance of Impervious Coverage for Storage Shed with 5’ Setback Instead of 10’
 - 2. Mark C. Fox – 3244 Apples Church Road – Variance to Build an Addition to Garage Within 100’ of a Creek
 - 3. Adam Case – 2310 Black River Road – Variance for Front Yard Setback of New Addition Near Road
- B. Polk Valley Road and Route 412 Traffic Signal Permit Application
- C. Discussion of Procedures for September 25th Council Hearing on Applebutter Road Zoning
- D. Discussion on Township Newsletter Redesign
- E. Authorization to Advertise the Sale and Disposal of Surplus Police Vehicles
- F. Resolution #56-2013 – Adoption of the Lehigh Valley 2013 Hazard Mitigation Plan
- G. Resolution #57-2013 – County Gaming Funds Grant Submission
- H. Authorization to Execute Kennel License Application

VI. MISCELLANEOUS BUSINESS ITEMS

- A. Approval of July 24, 2013 Minutes
- B. Approval of July 2013 Financial Reports

VII. PUBLIC COMMENT/CITIZEN NON-AGENDA ITEMS

VIII. COUNCIL & STAFF REPORTS

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

IX. ADJOURNMENT

Next Planning Commission Meeting: August 22, 2013
Next Zoning Hearing Board Meeting: August 26, 2013
Next Saucon Rail Trail Oversight Commission Meeting: August 26, 2013 @ Lower Saucon Township
Next Council Meeting: September 4, 2013
Next Park & Rec Meeting: September 9, 2013
Next EAC Meeting: September 10, 2013
Next Saucon Valley Partnership Meeting: September 11, 2013 @ Hellertown Borough

I. OPENING

CALL TO ORDER: The General Business & Developer meeting of Lower Saucon Township Council was called to order on Wednesday, August 21, 2013 at 7:00 P.M., at Lower Saucon Township, 3700 Old Philadelphia Pike, Bethlehem, PA with Mr. Tom Maxfield presiding.

ROLL CALL: Present: Tom Maxfield, Vice President; Dave Willard, Priscilla deLeon and Ron Horiszny, Council members; Jack Cahalan, Township Manager; Leslie Huhn, Assistant Manager; Linc Treadwell, Township Solicitor; Brien Kocher, Township Engineer; Judy Stern Goldstein, Township Planner; and Jim Milot, Township Traffic Engineer. Absent: Glenn Kern, President.

PLEDGE OF ALLEGIANCE

Mr. Maxfield said he'd like to take a few seconds for a moment of silence for the Ross Township Supervisors and Zoning Officer that were tragically killed.

ANNOUNCEMENT OF ANY EXECUTIVE SESSION (IF APPLICABLE)

Mr. Maxfield said Council met in Executive Session this evening to discuss two issues that dealt with real estate. One was subordination of a mortgage for the Marson property and the other was an offer that we are about to make on properties that go by the numbers of Parcel No. R7-12-11G-0719, R7-K-07-19 and R7-12-J-07-19. He asked if there was a motion.
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MOTION BY: Mr. Horiszny moved for approval to offer the appraised value of the three offers.

SECOND BY: Mrs. deLeon

Mr. Maxfield asked if there was any comment from the public? No one raised their hand.

ROLL CALL: 4-0 (Mr. Kern – Absent)

Mr. Maxfield said the second item is a \$250.00 fee that we would pay to Mr. Marson's bank in order for them to examine the subordination of his mortgage for the property.

MOTION BY: Mr. Horiszny moved to approve.

SECOND BY: Mrs. deLeon

Mr. Maxfield asked if there was any comment from the public? No one raised their hand.

ROLL CALL: 4-0 (Mr. Kern – Absent)

II. PUBLIC COMMENT/CITIZEN AGENDA ITEMS

Mr. Maxfield said if you are on the agenda, you have Council and Staff's undivided attention. If you chose to speak, we ask that you use one of the microphones. Everyone gets to speak. He'd ask that you give your fellow public the courtesy of the floor. We do transcribe the minutes verbatim and want to make sure the transcriptionist gets every word. We ask that you state your name for the record so the transcriptionist knows who is speaking in the minutes.

III. PRESENTATIONS/HEARINGS

A. PUBLIC HEARING & CONSIDERATION OF ADOPTION – ORDINANCE NO. 2013-03 – AMENDING AND REVISING CHAPTER 170 OF THE VEHICLE & TRAFFIC CODE

Mr. Maxfield said Ordinance No. 2013-03, which will approve the removal of the "Except Right Turn" stop sign exception at the intersection of Apples Church and Bingen Roads, has been prepared and advertised for a public hearing.

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

Attorney Treadwell said it's pretty much what Mr. Maxfield just said. Right now the stop sign has an "Except Right Turn" exception to the stop requirement. This ordinance would remove that exception at the intersection of Apples Church and Bingen Road. They would have to stop. They wouldn't be able to make a right turn. Mr. Maxfield said this came at the request of the Police Department. Mr. Maxfield asked if anyone had any comments? No one raised their hand.

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

MOTION BY: Mrs. deLeon moved for approval of Ordinance No. 2013-03, amending and revising Chapter 170 of the vehicle and traffic code.
SECOND BY: Mr. Maxfield
Mr. Maxfield asked if anyone had any questions? No one raised their hand.
ROLL CALL: 4-0 (Mr. Kern - Absent)

IV. DEVELOPER ITEMS

A. OLD SAUCON INVESTMENT – 4373 ROUTE 378 & 2115 SAUCON VALLEY ROAD – MINOR SUBDIVISION

Mr. Maxfield said the applicant is proposing a two lot minor subdivision which follows the county boundary and creates a new lot in Lower Saucon Township. No development is proposed at this time.

**STAFF RECOMMENDATION FOR OLD SAUCON INVESTMENT MINOR
SUBDIVISION PLAN 4373 ROUTE 378 AND 2115 SAUCON VALLEY ROAD
PRELIMINARY/FINAL SUBDIVISION PLAN**

The Lower Saucon Township Staff recommends that the Township Council approve the "Old Saucon Investment for Overall Minor Subdivision Plan," as prepared by Van Cleef Engineering Associates, dated March 8, 2011, last revised June 11, 2013, consisting of Sheets 1 of 4 through 4 of 4.

Subject to the following conditions:

1. The Applicant shall address the review comments contained in the letter dated July 18, 2013 from Hanover Engineering Associates, Inc. to the satisfaction of the Township Council.
2. The Applicant shall address the review comments contained in the letter dated July 8, 2013 from Boucher & James, Inc. to the satisfaction of the Township Council.
3. Upon construction of any subdivision or land development on either parcel that has traffic access onto Colesville Road, traffic improvements will be provided in such a manner to provide a level of service satisfactory to the Township.
4. The Plan shall note that the Lots shall be required to provide any right-of-way necessary to construct improvements associated with intersection of Colesville Road and Route 378.
5. 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

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provided with original signatures, notarizations, and seals. The Applicant shall also provide two (2) CDs of all Plans in an AutoCAD format (jpeg-ROM).

6. The Applicant shall pay any outstanding escrow balance due to the Township in the review of the Plans and the preparation of legal documents.
7. 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.
8. All waivers and deferrals 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), (2) and 34.B – to not require any more existing features be shown on and for the required 500 feet surrounding the site than are already shown on the Plan.

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

1. Sections 145-45 – to not require road improvements along Colesville Road, except as may be necessarily to accommodate intersection improvements.
2. Section 145-48 – to defer stormwater improvements along Colesville Road frontage until any construction takes place within the Township on either lot.
3. Sections 145.51.D and E – to defer payment of a recreation fee (in lieu of dedication) until issuance of a building permit for Lot 2.

Lisa Pereira, Attorney was present on behalf of the applicant. Ms. Anna Martin, Project Engineer with Van Cleef was also present. Ms. Martin said the project involves the property at the southeast corner of Route 378 and Colesville Road. Basically, it is a minor subdivision/lot line adjustment. There are already two lots that comprise that property and the application is to subdivide and adjust the lot line so that it generally follows the county and the township boundary because the lot encompasses property in both Upper Saucon and Lower Saucon Township. It's right on the county line. There's a little piece that ends up in Lower Saucon being in the Upper Saucon Township lot. There is no development proposed. The lot will remain in its state. It's just the minor subdivision that we are requesting the approval, nothing else at this time.

Attorney Treadwell said how many lots will be in Lower Saucon if the minor subdivision is approved? Ms. Martin said it's one. Attorney Treadwell asked if there is one now. Ms. Martin said yes. Attorney Treadwell said is it just the line that changes? Ms. Martin said the line is changing. There are no new lots created. Just the configuration of the lot is altered.

Mr. Maxfield said if we are reconfiguring the lot, is it making it a nonconforming lot? Ms. Martin said no. They went through the site capacity calculations and all the calculations and Mr. Kocher and Ms. Goldstein can tell you that is not the case. Both resulting lots will conform not only to Upper Saucon for theirs, but to Lower Saucon requirements.

Mr. Willard said if there's no development proposed, what's the purpose of bringing this and the timing of bringing it to us now? Ms. Martin said it's kind of two-fold. One is that the lot line right now, the lot that is in Upper Saucon Township contains a larger portion in Lower Saucon, so it would clean up things if the lot line follows the Township boundary. The second is that there is development proposed in the Upper Saucon Township lot. It just keeps things a little bit neater that you have the Upper Saucon Township development in its own lot versus this lot in Lower Saucon that nothing is proposed for at this time anyway.

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Mrs. deLeon said this was on the agenda awhile back and there were some issues regarding it, could she ask that Hanover and Boucher & James go over their review letter and refresh us to what the back issues were.

Mr. Kocher said most of the issues we talked about are dealt with the land development plan. They do touch on some of them in the review letter which he can go over. No. 1 and 2 deals with deeds to make sure the lots get properly recorded after the plan is recorded and any right-of-way gets recorded. No. 3 is to certify the pins and monuments. No. 4 is their first waiver which is existing features within 500'. No. 5 is some distances on the Colesville Road right-of-way. No. 8 is signatures. No. 9 is a waiver which they are asking from providing improvements along Colesville Road. No. 13 is to defer stormwater improvements along Colesville Road until the land development plan is submitted. No. 14 is to defer recreation fees until the issuance of the building permit for Lot 2. No. 17 deals with a few comments at this time to deal with the traffic impact study which they will revisit when the land development plan is submitted.

Mrs. deLeon said right away the flags went up when she read the traffic impact study, No. 17. Could you explain that?

Mr. Kocher said what the issues are is that we think there's going to be some stacking issues away from the intersection the way it is now and it might interfere with the driveway where they have it shown, but they'd like the opportunity to comment on that more when the land development plan is submitted when they can show us some actual numbers. That's what condition No. 3 deals with in saying that when they do submit the land development plan, they'll be able to comment and ask them for a level of service satisfactory at that time. Mrs. deLeon said she feels this is putting the cart before the horse because we know these known issues and we're being asked to approve this lot line minor subdivision. Once you approve something, no one, trust her, is going to go back and look to see what the conditions are. It's approved and that's all they care about.

Mr. Kocher said the reason they phrased it the way they did, what you have before you is consideration of a minor subdivision that doesn't add any traffic. That's why they are saying when they submit the land development plan which is going to add the traffic, at that time, they'd be allowed to review and make sure that they provide the right traffic improvements.

Mr. Maxfield said he thinks what Priscilla was referring to earlier was we had an earlier application and it had some traffic problems because the proposed Colesville area or turn off of Colesville Road into it, was denied by PennDOT. That issue went away basically. There was some concern from the Colesville Road residents. He thinks PennDOT said they don't want to see that anyway.

Mrs. deLeon said she doesn't remember it that way. Mr. Maxfield said that was when all the residents showed up and they were worried about their neighborhood. Attorney Treadwell said there was a waiver of land development a year ago and one of the issues was there was a proposed driveway from what was identified on the plan as a possible restaurant use coming out on to Colesville Road. He doesn't think that driveway has gone away. It's still on the proposed land development plans. He doesn't think PennDOT has made any determinations that he's seen regarding that driveway.

Mr. Maxfield said he's going to say that he was told that PennDOT was examining it and not approving it. Mr. Kocher said although it's not an issue with the minor subdivision, he thinks it's their intent to still put the driveway down on Colesville Road. That's the access to that portion of the land development even though we haven't seen a land development plan.

Mr. Horiszny said somewhere along the way, it said right hand, right out only onto 378. If that was the same spot, you wouldn't need the Colesville Road. Mrs. deLeon said they aren't asking for multiple entrances off of 378, there was only one. Mr. Maxfield said towards the middle of the property.

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Mr. Willard said you mentioned proposed development of the lot in Upper Saucon. Could you comment on that what's intended and the timing of that? Ms. Martin said she guesses the timing is as the need arises. Basically the development in Upper Saucon is a combination of a village commercial type portion that would be immediately adjacent to 378 and that will have a major traffic signal intersection where 378 now T's off into Center Valley Parkway. There will be a full intersection there to provide access to the village commercial portion of the Old Saucon development. Surrounding the Old Saucon village commercial center, it is going to be a residential property or development with a combination of single family and some twins. She just says this as she's been a little bit removed from that part of the project. Someone else in the office is working on that. She knows it's a combination of singles and twins. It's to kind of buffer the area before it gets back to the residential properties that are ready east of the site. Attorney Treadwell said wasn't there a light at Colesville and 378? Ms. Martin said yes, it's going to be a full intersection. Attorney Treadwell said you said the Center Valley Parkway. Ms. Martin said there's no light at Saucon Valley, she's sorry. Attorney Treadwell said there's no light at Colesville? There was a light that was proposed at Colesville. Ms. Martin said yes, she thought you were talking at the other end by the country club. Attorney Treadwell said there's currently a light at Saucon Valley Road by the country club. There's currently a light at Center Valley Parkway and now there's another light at Colesville Road as you move north. Ms. Martin said yes. There's also a driveway connection to Saucon Valley Road across from the country club. Attorney Treadwell said there's a driveway connection across from Center Valley Parkway as well. Ms. Martin said that's the traffic light, the existing traffic light. Mr. Maxfield said that will be the main entrance. Ms. Martin said yes. Ms. Stern Goldstein said there was no interconnection between the driveway on Colesville and the main development which accessed at the traffic light. Mr. Maxfield said the restaurant was planned for the lot. Ms. Martin said there is a four acre lot that is right at the corner of Colesville and 378. That is like a stand-alone. It has no interconnection with the remaining Old Saucon development. That is the restaurant and from the last time she looked at the plans, there is a right in, right off at 378 and then there's an access drive onto Colesville Road.

Mr. Maxfield asked Mr. Kocher if he was talking about the traffic study, not only for the road that may be proposed to go to the Lower Saucon lot, but how that interacts with other traffic coming from the front of the development in Upper Saucon? Mr. Kocher said the plan for the restaurant and the bank has not been submitted as he understands it. They submitted a traffic study, which is an overall PennDOT scoping traffic study. They want to see a traffic study when they submit the land development plan that deals specifically with our concerns at Colesville Road and 378.

Mr. Maxfield said right now they'll be developing traffic patterns for the main part of the development without consideration of what's going on at Colesville Road. Mr. Kocher said right. Mr. Maxfield said that's a little dangerous.

Ms. Stern Goldstein said their review was for the zoning components and the minor subdivision. The only item that remained was they requested that a note be placed on the plans stating that any future improvements proposed in Lower Saucon Township will need to incorporate the requirements of the environmental protection standards in the section of the Township zoning ordinance prior to the issuance of any permit for construction. That's in there because the one parcel could potentially be developed as a single family dwelling which would not come in again for land development or subdivision so it's tied to the building permit. If anything comes in that requires further subdivision or land development, they would have the opportunity also, but this is to catch the one that could occur with subdivision or land development. That was the only issue remaining. The others had been addressed.

Ms. Martin said she just wanted to clarify something and maybe she misunderstood what you said. The traffic study that was prepared by Benchmark, did take into account all the development. Whatever the results were or whether they were approved PennDOT or completely approved by Upper Saucon Township or reviewed by them or not, she's not 100% sure of that part of the

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process; however, the restaurant development all of that was taken into account in the traffic study including Colesville Road and 378 and so on. Whatever recommendations or needs or whatever was the result did in fact take that into account. Mr. Maxfield said that makes him a little bit more comfortable. No one is going to complain about less traffic. Ms. Martin said initially when the development was envisioned, it did not include that corner. The first study was for the main development and then when that development became reality or more of something that was going to perhaps happen. Benchmark took that information and also looked at that. There's going to be another lane added on 378. There's quite a bit of work that will be done out there. She's not sure what will be proposed or not proposed for Colesville Road. Mr. Maxfield said they are very concerned with the neighborhood there. Ms. Martin said she understands. She just wanted to clarify that.

Mr. Bert Daday, 1448 Colesville Road, said it seems as though this request could have major implications on the development along 378 and particular on Colesville Road. He wants to make it clear from the beginning that he is totally opposed to this recent development that has been proposed which includes the fast food restaurant at the corner of 378 and Colesville Road. There are a lot of things and he can go through a host of concerns he has regarding this. Why is the Township so concerned about the development on Upper Saucon Township? We should be concerned about the safety issues for all of the residents which are very serious. Since we all know about the story of 378 at the top of Wyandotte Hill and the Promenade, the traffic concerns there. Has the PD been involved in any of these studies regarding the safety issue? He thinks we have the commendation of being the most active police force in the state of Pennsylvania regarding fines and maybe that's good and our income is enhanced by that, but he doesn't think that's really a reason. We ought to be concerned about this. You look at the initial proposal made by John Blair concerning his development. He supported it, but there have been many, many changes in the comprehensive plan in Upper Saucon Township that have gone on since his initial proposal. He doesn't know if this Township has been involved in the concerns or aware of the changes that have been made in that plan since it's been submitted. Mrs. deLeon said are you saying they did that to accommodate the subdivision? Mr. Daday said he would assume so. He doesn't know what the other reason would be. He doesn't have any problems with the initial plan. What happened to the water retention pond that was supposed to be here on the corner and now it's a restaurant. That has implications. Where are we here with this whole business?

Mr. Maxfield said we are very concerned with both of the issues you talked about. That's why we were asking about the traffic study. What happens on Upper Saucon when it's right on the border like that, it's going to affect us, but we are also very concerned about destruction of neighborhoods, changes in neighborhoods and all those things that may occur on Colesville Road. Those will be under review. As far as a restaurant being there, that has been the proposal, but there's no official plan that has come into Lower Saucon on that. Mr. Daday said we approved the access. He doesn't know why we approved that. When he was here at the last meeting, there was a petition for access from Colesville Road through our Township to the restaurant. Why would we be so accommodating on that issue? He doesn't understand that. Mr. Maxfield said did we grant that? Mr. Kocher said you granted a waiver of submitting the land development since the land development was in Upper Saucon Township. Attorney Treadwell said he thinks there was a condition on it regarding the entrance on Colesville Road. Mr. Daday said that's a joke. Let's be honest. Who would be there to police that exit on Colesville Road? You are only supposed to turn what way. Would there be a cop there 24 hours a day?

Attorney Treadwell said he doesn't know what he is referring to as a joke. What he was referring to was the condition on the waiver of land development that said the driveway access would be re-examined at the time they came back in. There was no condition regarding right turn and left turn and any of that. There was discussion. Mr. Maxfield said there were suggestions, but nothing was settled. Mr. Daday said he's sorry if he made an error. Attorney Treadwell said the condition was put on in order to give this Township the ability to review those issues. He doesn't think that was a

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joke as that's the only way we could do it. Mr. Daday said he's sorry if he said something wrong, he didn't mean it in any way. Attorney Treadwell said he's just clarifying it. Mr. Daday said he's glad that he is clarifying that because he doesn't think we should be taken for a ride on this thing. He's not opposed to John Blair's development, but the conditions now that are proposed are impossible for that intersection. Who is going to pay for the light? The light should be in there now. We should be paying for that light now to accommodate the safety issues of that intersection, but that's another issue. Attorney Treadwell said he believes the light in Upper Saucon Township. Mr. Daday said that's fine, it's in Upper Saucon Township, let them pay for it, they should be doing that now. It shouldn't be based on this Applebee's Restaurant which they claim is not a fast food restaurant which is a fast food restaurant. You can discuss that as much as you want. There's a number of land uses. He doesn't understand it. He's not a professional in this business. You guys are professionals as far as traffic is concerned. Why do we have a comprehensive plan in the first place if we constantly make these changes? Why is that? All you do is make overlays and do changes constantly, what's the sense to it?

Mr. Maxfield said the comprehensive plan as Judy as said is a guide to the Township and how the Township should be developed. When they as the professionals look at it, it's more of an organic thing. As the Township grows, comprehensive plans react to what happens and vice versa. He would say to reassure you that there's been nothing decided there at all. There's every possibility that access may not go there. He'd say stay involved. Mr. Daday said he's going to be involved in it as his property is adjacent to that intersection. The whole situation as far as that area is concerned, when he bought the property 25 years ago, there was no place like it and now it's totally changed. A lot of it is changed not because of our Township, but because of other things happening surrounding us. If Upper Saucon Township is making changes in their plans to do some, we ought to be involved and concerned about it. It does have a lot to do with safety, traffic, environment, the whole business. We have to be very vigilant. He's going to be that way. He's going to be a pain in the neck to you guys, but he doesn't think that this issue, the recent plans submitted by John Blair, is proper. The initial plan was two acres per residence in that whole area. Attorney Treadwell said the minor subdivision/lot line plan that is being considered tonight, you're opposed to that or the development part of the process? Mr. Daday said he's not sure. He doesn't know what implications what this has. He has a suspicion that it will have implications on that subdivision on that whole property as far as Applebee's and the structure of the plan submitted by John Blair. That's his impression.

Mr. Maxfield said it will make it definitely easier for us to deal with that piece of property as a Township as it'll be a separate entity and will not be tied into the things that are going on there as necessity. It does make it easier on us. Mr. Daday said he'd like to study that a little bit more. Attorney Treadwell said he'd like to also ask our Planner and Engineer if they have an opinion as to whether this lot line change affects how the larger project gets developed. He doesn't know the answer to that.

Ms. Stern Goldstein said the proposed lot line change is to essentially create a separate lot for that portion that's already located within Lower Saucon Township. It's to separate that from the larger parcel that's primarily in Upper Saucon Township. The development proposed currently is all in Upper Saucon Township. At such time the development is proposed in Lower Saucon, it would be in the separate lot that would need to come in for a building permit plot plan, grading permit if it's a single family detached dwelling or if it's any other use that could potentially constitute a land development, it would come in for land development approval. The portion that is annexed with the larger portion in Upper Saucon Township at this point the plans which have been submitted which you acted on the waiver of land development was just a driveway crossing onto Colesville Road. That's where it is right now. The subdivision of land to create that separate lot is not impacting or easing the development of the remainder. If anything, it seems to give more control to Lower Saucon Township on the part of land that is in Lower Saucon Township.

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Mr. Maxfield said that access you are talking about, the driveway, is something we have to provide. Ms. Stern Goldstein said they have frontage on Colesville Road. They can potentially have access and the Township can control the land development portion of it or the improvements on that portion to the extent that it does or does not comply with your ordinances.

Mr. Daday said he thanks Attorney Treadwell for his comments, but he doesn't hear anything from our elected officials in this regard. He's not a professional. We voted you guys in and he appreciates Priscilla deLeon's comments that once you make a ruling on something like that, it's very difficult to change. What are your opinions on this thing?

Mr. Horiszny said it's a matter of having one lot instead of a lot and a half, so it sounds like it's straight forward. We have control of that one lot, but we aren't going to be able to say they can't have a driveway. He doesn't believe that's possible. They can have a driveway. Mr. Daday said that's right. There are implications. Thank you very much.

Mr. Willard said they are aware of this issue when it came to us before and we haven't voted yet tonight. If it had implications that they thought were detrimental to our residents, the vote would be against. He doesn't think we've determined that.

Mrs. deLeon asked if anyone had a map it would be a little more clear. Ms. Martin had plans. She went up front to Council and explained the plans, the lots, the roads and the property lines. Mrs. deLeon said the access to Lot 2 is the long lot at the corner of the property. Ms. Martin said Lot 1 is the long lot and the access is off of Center Valley Parkway and that access is to that village commercial center. That is completely secluded and will have a gate for the residents, but the people shopping at the village commercial center will not be able to go through that gate. It's a rectangular piece that is just fronting on a portion of 378, centered around that traffic light. The remainder of the property from Saucon Valley Road to the residential area, there is no interconnection and there can never be an interconnection as there's a large detention basin. There will never be a connection from the Village Commercial or the residential area in the Upper Saucon lot with Colesville Road.

Mr. Maxfield said the purpose of the driveway is what? Ms. Martin said it's just for this little corner property. Mr. Daday said that's to accommodate Applebee's. Mr. Maxfield said that's where the restaurant would be. Ms. Martin said yes, and she has no idea what restaurant it is. She doesn't believe it's an Applebee's. She can tell you it's not a fast food restaurant because the Township will not allow a fast food restaurant in this district. The actual restaurant, she has no idea.

Mrs. deLeon said Lot 2 has no road access through the little corner? Ms. Martin said Lot 2 is the resulting lot in Lower Saucon Township. Mrs. deLeon said that will have another driveway coming in? Ms. Martin said at this time there is no proposal for anything. Mrs. deLeon said let's think forward. If this is developed, then what? Ms. Martin said if this is developed, the residential area, the max you can get is two residential lots. This piece, per your ordinance, can be developed as two residential lots. Mrs. deLeon said there will be a possibility of three driveways then on Colesville Road. Ms. Martin said correct, that's the max you can get. You'll have the driveway from the corner piece of the Upper Saucon lot and then those two, if it ever gets developed to be two. Mr. Maxfield said there would be no other than possibly supply vehicles going to the restaurant, there's no commercial traffic of any kind coming off of Lot 2? Ms. Martin said no. The only traffic for Lot 2 coming onto Colesville Road from the Upper Saucon Township lot would be the traffic relative to that development. Mr. Maxfield said he thinks it was explained to them last time that there was no interconnection to that restaurant from any of the other facilities. Ms. Martin said no, there isn't. Mr. Maxfield said there would not be people driving through the entire thing. Ms. Martin said correct. Mrs. deLeon said then the only access to this restaurant is in the corner there? Ms. Martin said there's two access points. There's a drive in and a drive out.

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PennDOT would not allow full access as it's too close to the traffic light. There's a full access on the Colesville Road. Mrs. deLeon asked where the line currently is? You are trying to follow the county line. If we say no to this, what happens? It's not going to line up with the plans. Ms. Martin said the reason why this piece is needed as they are trying to align it with the bank driveway so we don't have a driveway up here and then another one for the bank 50' or 100' over. Mrs. deLeon said she's trying to think of the pros and cons.

Mr. Daday asked why make a decision on it now? Wait until you get all of the information that is supposed to come with the final plan. Ms. Pereira said just for clarification for Mr. Daday, the plan that is before Council today is the final subdivision plan. If we want to develop Lot 2, we would have to prepare and submit a land development plan which would be reviewed by the Township in full and have its own separate comments on the revised plans. Ms. Stern Goldstein said it would be land development if it was a subdivision or land development proposed. It's just one lot, it would not be land development, it would just come in for building permits. Mrs. deLeon said if it was two houses. Ms. Stern Goldstein said it would be subdivision then. She just wants to clarify it.

Mr. Daday said the only purpose of this is to accommodate Upper Saucon Township and the Appletree Restaurant. What does it do to accommodate residents from Lower Saucon Township. What does it do to take into consideration the safety concerns of that intersection and 378 from the Promenade to the top of Wyandotte Hill?

Attorney Treadwell said he understands his concern about the restaurant, what he doesn't understand is he's concerned that this lot line change somehow does that. How does this lot line change do anything? He understands your concern about the restaurant. He's wondering about the lot line change? Mr. Daday said it seems like it accommodates what their needs are. Attorney Treadwell said how does it do that? Mr. Daday said he can't explain it any better. Mr. Maxfield said it does address our needs too as we need to control our property and it gives us a separate piece of property that we can examine much more closely that's not a portion of the bigger piece. It really does. Mr. Daday said he can't buy that.

Sandra Miller said her family has lived and grown up on Colesville Road. She said will this lot line change, is that moving the lot? You keep calling it Lot 1 and Lot 2. That isn't real clear to them. They go to Upper Saucon meetings as several of the residents have been following this, and they know we care. They had quite a large contingent at one of their meetings. They will continue to follow this. We have already handling the issues of how busy 378 is and to be adding, and she appreciates Ron's comments that we have to allow a driveway because they do have frontage. Does this increase or decrease their frontage on Colesville Road? Does it maintain more of it in Upper Saucon or does it bring it into Lower Saucon? Does this eliminate a process that you or any staff that allows us to have any determination of what occurs on that road? That's the question of the day. You said this line is more closely following the natural Township lines, does that eliminate any review process? Does that eliminate any land development or any review situation that will come that we then as a Township cannot impact? Attorney Treadwell said he doesn't have an answer. We have to ask the engineers. From the way he's looking at that plan, everything that's on that plan is currently owned by the applicant. It's just a question of where the lot line is drawn. The county lot line and the Township lot lines already exist. Ms. Miller said she's not saying that. She's saying that Upper Saucon is extremely supportive of this plan. Upper Saucon has pretty much done a good job of assisting in this process. Truthfully, that is what has occurred. She appreciates that as it has very little impact on Upper Saucon. It impacts the people who live in Lower Saucon Township that are surrounded except for the top corner part. The question is if we allow this lot change to go down, does that give them more control on the upper lot that allows Lower Saucon then to have less say of what will occur in that access? That's the question. Attorney Treadwell said he thinks that's the question he asked our consultants earlier, does it make a difference and he thinks the answer was no. Ms. Miller said it will come back for review and does it change our leverage? Attorney Treadwell said the concern is, if he can just simplify it, so

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we all understand it, is if this proposal is approved by this Council will make it easier for the restaurant? That's the simplified way to state it. Ms. Miller said that's what it appears. Attorney Treadwell said he doesn't understand how that would happen, but he's not an engineer or a planner and that's why he asked Mr. Daday, how is that going to happen? He doesn't understand. Mr. Daday said you don't, and he does. Ms. Stern Goldstein said the driveway access to the potential restaurant site is on the larger and that is the one where the waiver of land development came through late last year. That was approved with conditions. Those conditions did involve seeing the final plans for the driveway improvements. Ms. Miller said it also included that a traffic study had to be reviewed and had to be presented to this group so they reviewed the impact that was going to occur. At that point, they asked to see copies of the traffic study and they still haven't seen that. He doesn't believe the traffic study for the corner at Colesville Road, as far as she had been able to track, hasn't seen it submitted to Upper Saucon Township yet. She's been told that they are waiting for approvals. Ms. Stern Goldstein said those conditions are still part of that waiver of land development which is the avenue that Lower Saucon has to review that plan. That exists with or without that subdivision. The conditions of that waiver of land development are still intact. They still exist. Ms. Miller said they aren't dropping the line so the access and the driveway is suddenly under the purview of Upper Saucon. She's making that real clear. Attorney Treadwell said he doesn't understand what dropping the line means. Where is the line now? Mrs. deLeon said we don't know that. Attorney Treadwell said that's what we need to know where the line is now. Ms. Miller said that's the problem. No one has seen this map. Mr. Daday said why the anxiety to move ahead on this thing right now. Attorney Treadwell said we are under a time deadline. We have a certain amount of time to approve it. We have 90 days from the day they submitted it or else it's a deemed approval which means we have no say over it. Mr. Daday said he'd disapprove it. Ms. Miller said it might be an easy one, but you'd think we'd be able to say is this where the current line is, this is where we now propose. That's all she's asking. Ms. Stern Goldstein said the question for the applicant's engineer is you represented earlier the two lots exist right now. She understands there's a county line, municipal line that goes through. She doesn't have any plans showing there were two lots existing, just that there was a larger parcel within two counties and two municipalities. Could you show Council where that lot line exists if there is one prior? Ms. Martin said she doesn't have that information, and she apologizes. Ms. Stern Goldstein said is it a separate lot line or was it simply a large parcel within two? Mrs. deLeon said that is very significant. Attorney Treadwell said is it all on one deed? Ms. Martin said yes. Attorney Treadwell said is it identified on the deed as separate tax map parcels? Ms. Martin said the same deed is recorded in Northampton and in Lehigh Counties. Ms. Stern Goldstein said that's what she was getting at. The reason we can't find anything, we're going with the applicant's engineer was saying verbally tonight and she might have been mistaken. Ms. Martin said she was mistaken. The line she is talking about there's another lot here that was added on to this piece. Mrs. deLeon said she sees this as purposely drawing the lot, following the boundaries, and it eliminates us from any decision on any part of that parcel. Ms. Martin said as Judy mentioned, there are conditions that you will get to review for that driveway access. Mr. Maxfield said we wouldn't be in much of that discussion anyway. They send us courtesy copies of traffic studies and things like that. Mrs. deLeon said she cares about bordering properties and what's going on. There are things that happen in other parts of the Township and they border Williams Township, the City of Bethlehem. We need to know and be aware of what's going on. We're talking about 378 and how busy that is, and here we have this little corner thing that didn't exist before. It was the whole area, now we're drawing this corner. You draw a line and don't cross it.

Mr. Maxfield said from a planning perspective, things we have to deal with on the P/C, if they have a lot that's entirely in our Township, which is much easier to deal with than a lot that is half in someone else's Township and half in ours. That's why he said it gives us an advantage in what's happening on our own property. They could go for no line at all and their facilities could come over in Lower Saucon. Ms. Miller said the issue is that the two lots that are currently proposed, the lower lot appears that you are currently containing the residential lot. Part of the residential component kind of cut into the top part that was all this corner. If we're moving that line down,

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then Lower Saucon is eliminating it, will any of the commercially owned viable area be in Lower Saucon any longer if we make this lot change in your plans. Attorney Treadwell said the driveway. Mr. Maxfield said what is in Lower Saucon will remain in Lower Saucon. If that corner was cut off, it's still in Lower Saucon, whether it's cut off by a property line or not. Ms. Miller said that's what she wanted to make sure that it doesn't change what a review would occur. Obviously as been noted twice by this woman, if it becomes a residential area, it has a different review process than if it were at the top. She just wants to be clear that it doesn't change anything and that you all still have the chance to review the access road. She understands they have a right to have the access road. When this was first proposed, it was all contained on the top. All the access was on 378. Everyone thought it was going to be up at the top. Then to maximize their dollar value, they changed the plan for their lot size and the only way they can get access to that lot is to use 378 and Colesville and that maximizes that lot versus it being in a retaining pond. They own the land, if they want to maximize their profitability and what they can do, it's their land. She believes it has a much more major impact than when it was just floated by all of us. She also believes it's a two pad approval. She was told it was a bank and a restaurant, not just one location. Because of the fact that none of the final plans have been submitted to Upper Saucon or Lower Saucon so much it is supposition to what we hear on the street. Until we have final plans, as Mr. Treadwell stated, we don't know, you don't know and we don't get to see the traffic study. As long as you are all comfortable that you won't have a whole neighborhood here, stating that change and what we did tonight is appropriate, then you have to trust your people. She's just saying she wanted to express her concern. It just seems a little convenient that we are changing this line for purposes of the development. All it gives you is that you already had control over a residential lot. If we're eliminating any of Lower Saucon's ability to control the top, that's all she has.

Mr. Willard said what's our 90 day deadline? Attorney Treadwell said he doesn't know. Mr. Willard said our next meeting is September 4th and he agrees with Mr. Daday we shouldn't vote on things we don't understand and he's still not sure of the implications of this request. He'd like to table this until the September 4th meeting. Mrs. deLeon said she agrees.

Attorney Pereira said one of the concerns the residents are raising is by subdividing the lots as shown here into Lot 1 and Lot 2, what is the impact on what we're proposing in the overall development? The answer to that is zero. Lower Saucon Township still has the conditions of the waiver of land development. They will still have to review that access. That does not change whether we move forward with this subdivision or not. The control that the Township had before this plan is still there. It's just now that we clean up and we split the lot so that portion in Lower Saucon is entirely contained in Lower Saucon. Mr. Maxfield said that's the term, clean up. It makes it a cleaner process. We don't lose anything by doing that. Attorney Pereira said certainly. Mr. Maxfield said we don't give up any of the conditions that were associated with the driveway. We were exactly where we were. Attorney Pereira said correct. Attorney Treadwell said obviously since we have Council people who are uncomfortable with it tonight, maybe it would be easier if there was an explanation as to what the purpose was to creating that lot is from the applicant. He can look at the plan and guess that the purpose of creating that lot is to be able to sell it to someone to build a single family home or to sell it to someone who will subdivide it into two lots to build two single homes, but we don't know that from the applicant because it appears that the people in the audience and some Council members may believe that the purpose of the plan is to somehow make it easier to get a driveway onto Colesville Road for a restaurant and we need to clarify that.

Mr. Daday said thank you for your time. He urges you to vote on this tonight. The drawings are incomplete and the response has been incomplete. Attorney Pereira said she's not sure coming back what other information Council would like from us to better describe what we want to do. As we have been explaining it, we are just trying to clean it up, have it match the Township municipal lines. Whether or not Mr. Blair or the entity that owns it later sells it to someone else, it doesn't impact the Township's review or permitting process regarding those two lots. She's happy to

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produce whatever documentation you need. Attorney Treadwell said part of the confusion may be that when we say clean it up, it appears the best way to clean it up would be to just draw the lot line where the county and township lot line is. This plan doesn't do that. It leaves a piece of Lower Saucon Township attached to a larger Upper Saucon Township piece and that appears to be what's bothering everybody.

Mr. Maxfield said a section of that lot will still be in Lower Saucon and the conditions still exist. You'd still have to go through the same review process. Ms. Martin said the deed would just be that all encompassing but now you are going to have a deed that has this piece plus a description of the piece in Lower Saucon Township. Mr. Maxfield said he agrees with Linc that there are questions about that corner. It is a strange corner, but if we're doing the same review process and when it comes to development and the traffic study says everything's cool, he doesn't think we'd have a problem providing access through that area if all the other information is presented and it's okay. The way it's drawn right there, it does cause questions. It would be cleaner to just continue that line up along there and let us provide the access.

Mrs. deLeon said it's almost like we're a jury up here and we're not supposed to listen to the other part. We're just supposed to appease this. It's confusing. Ms. Stern Goldstein said based on the information they have, it was submitted to the Township in June, received by the Township June 18th, which means the 90 day clock starts the next P/C meeting which would have been June 27th, 90 days would be September 25th. You have a meeting on September 4th and 18th which would fit into the time. Attorney Pereira said what information do you want? Attorney Treadwell said where the existing lot lines are. Ms. Martin said that was her mistake, there's no lot line there. Mr. Maxfield said the recent purchase on Saucon Valley Road, has that been merged? Is it all one lot? Attorney Pereira said that will be merged as part of the Old Saucon development in Upper Saucon Township. She knows there has not been a plan to merge that currently. Mr. Maxfield said that kind of puts a hole in the argument that you want all of the major development to be on one lot with lot lines drawn around it. Attorney Pereira said it will be. It's just that it will be a lot line consolidation as part of that lot. We're not doing a separate plan for that. As part of the approval of the Old Saucon development, there is a plan that includes the consolidation of that three acre piece that is along Saucon Valley Road. Even if there is no existing lot line if you could write that down and say there is no existing lot line, so it clears up anything we had discussion on tonight.

Mrs. deLeon said you just said the merger or the consolidation into the bigger one is going to wait for the land development. What did she just say? She just said there are two lots. Attorney Treadwell said on the left side of the plan. She said when they do the land development in Upper Saucon that rectangular piece will be merged with the larger piece. Mrs. deLeon said then why couldn't this other thing be created when they did the whole thing? Ms. Stern Goldstein said in this case they are actually separating the lot. We consolidate without a separate subdivision. You can't separate without a subdivision.

Mr. Willard said he'd like to make a motion to table this until the September 4th meeting. He'd like to say to the people who are presenting today, the last time this came before the Council we acted pretty quickly, and with the concerns of our residents and frankly, his lack of understanding, he's not prepared to vote tonight. Attorney Treadwell said can we provide the applicant with some information on what they need to bring back so we are prepared to vote one way or the other. Mr. Maxfield said any information you have on the traffic study. Ms. Martin said that was provided with their submission. Mr. Maxfield said the initial on. Mr. Kocher said they have what was submitted to PennDOT.

Ms. Miller said they'd love to see a copy of their engineering letter. It's like way over, and she's unfamiliar with some of this and she'd like to read it and understand what you are stating. If possible, and she's not really difficult, and show us a map and say this is what it is now and have an overlay or a second one and say this is what we are now proposing so we can look at it and say

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what in the world, if you're not moving any lines, but what it basically appears to be is taking off part of the lower residential lot and making it Upper Saucon, are you reducing the residential lot so it's all contained in Lower Saucon. Ms. Martin said currently it's all in one lot except it's contained in two municipalities. They are trying to draw the line. Ms. Miller said by drawing the line now, the little part that used to be in Upper Saucon, will that just be merged to the other part of the development? She believes the main purpose of what you are doing is to clean up the residential lot in the lower section and its concerning them on the upper section. The upper section is what they are following. Attorney Pereira said where is the upper and lower section? She wants to make sure she understands exactly where you are talking about. Ms. Miller spoke (**could not hear her, wasn't at the microphone**). Attorney Treadwell said that line doesn't exist. They are creating that line. Ms. Martin said she stated she made a mistake. That is all like Lisa just said, it's just one lot but just happens to encompass two municipalities. There's not lot line there right now. We are trying to create the lot. Ms. Miller spoke (could not hear her). Ms. Martin said no, she said it has the potential to be a maximum of two residential lots. At this point, nothing is proposed for that. Ms. Miller spoke about the lots, (wasn't at the microphone). Attorney Treadwell said there's no property there now. Ms. Miller spoke, (**wasn't at microphone**). Ms. Martin said because they actually show the development. Ms. Miller spoke, (**wasn't at the microphone**). Ms. Martin said they are proposing to cut, yes. It's at the top because of aligning the driveway, so that it would be in one lot than to have this lot have a line here. Ms. Miller said it's not as though they don't know us in Upper Saucon.

Mr. Maxfield said the rationale as to leaving that little corner there; put it in writing so we can have something to rely on.

Mr. Kocher said they have the traffic study and it's in the Township office. Mrs. deLeon said when you ask, make sure you ask for the B&J letter they discussed this evening and the HEA review letter, and the staff recommendation.

MOTION BY: Mr. Willard moved to table this agenda item until the September 4th Council meeting.
SECOND BY: Mrs. deLeon
Mr. Maxfield asked if anyone had any questions? No one raised their hand.
ROLL CALL: 4-0 (Mr. Kern – Absent)

V. TOWNSHIP BUSINESS ITEMS

A. ZONING HEARING BOARD VARIANCE

1. CEDRIC & KATHLEEN DETTMAR – 1853 CLARENCE DRIVE – VARIANCE OF IMPERVIOUS COVERAGE FOR STORAGE SHED WITH 5' SETBACK INSTEAD OF 10'

Mr. Maxfield said the applicant is proposing to construct a patio and a shed. This application would exceed the allowable lot coverage by 163 square feet (0.7%) and the shed is proposed to be placed 5' from the property line (10' required).

Mr. Cedric Dettmar was present. He said they are doing the initial landscaping of the property. Right now it exists as the builder left it which is grass. This is their proposal for doing that initial landscaping. They've worked pretty hard trying to do the landscaping friendly underneath their flagstone walks. They are using the larger sized gravel so the water can flow through and there is only one walkway in the front. They used stepping stones where they could. They tried to do their best to keep the impervious coverage down. That's important to all of us. This is what they proposed. They are hoping that you would allow the small overage. On the shed, the map that he submitted was drawn by their landscaper. It's not completely accurate in terms of the orientation of the house. Their house sits on the lot on an angle so on the side of the lot where the shed is, their house is

much closer to the back property line than it is to the other side. They are trying to move the shed as far away as the proposed patio and house as they can. Mr. Maxfield said you are more restricted than the plan says? Mr. Dettmar said yes. It's actually pretty tight on the right side between the shed and the house. Mr. Maxfield said how did the design? Mr. Dettmar said Redstone Landscaping. They've done a lot of work in their neighborhood. Mr. Maxfield said it's a beautiful design and one of the better ones that came through. He really appreciates that you tried to keep it under and it's worth stating that you are only .7% over the allowable impervious coverage. This means you can't do anything else. Mr. Dettmar said this is their one shot. Mr. Maxfield said it's designed beautifully, and it's worth it. Mrs. deLeon said was that a calculation error, .7%? Mr. Dettmar said .7% makes a significant difference to their plan. Mr. Maxfield said he'd like to see what it looks like when they are done. Mr. Dettmar said he's welcome. Council took no action.

2. MARK C. FOX – 3244 APPLES CHURCH ROAD – VARIANCE TO BUILD AN ADDITION TO GARAGE WITHIN 100' OF A CREEK

Mr. Maxfield said the applicant is proposing to construct an addition to an existing, permitted but non-conforming garage.

Mark and Cathy Fox were present. He said they had applied for a permit to add 12' to an existing 30' x 40', one more bay and they got into the 100' riparian buffer deal. He talked to Chris about it and it was suggested Mr. Fox file for a variance. They are adding on to an existing building. Mr. Maxfield said the notes they have way that this was approved per construction back before we had the riparian corridor and it's currently your entire garage is in this corridor. He's trying to find out if you are in the actual floodplain of the creek. Mr. Fox said at the time they weren't, but that may have changed. He's not sure of the change. Mr. Maxfield said the FEMA maps are out, but they have to be interpreted. It has to go on the end that's in the riparian buffer. Mr. Fox said the building runs parallel with the creek, so it wouldn't matter which end. He's too close to the property on the back side so it doesn't really change anything. The creek runs parallel with the length of the building now. Mr. Maxfield said he wants to see what the Zoning Officer said about flood plain soils if there are any there. He is not citing flood plain. He said the riparian corridor and flood plain soil are there, but he's not saying you are in the flood plain. He is saying you are in the riparian corridor, so that makes it better for Mr. Maxfield.

Ms. Stern Goldstein said if you look at the memo from Chris Garges, the second bullet says "the location of the proposed addition was previously disturbed by the garage construction in 1995; therefore, there's a chance that the soil that exists today may not be a flood plain soil". Mr. Maxfield said that's better. Council took no action.

3. ADAM CASE – 2310 BLACK RIVER ROAD – VARIANCE FOR FRONT YARD SETBACK OF NEW ADDITION NEAR ROAD

Mr. Maxfield said the applicant is proposing to construct an addition to a farmhouse which does not meet the front yard setback.

Mr. Case said in the plan that he's submitted is somewhat evolving, but the space he'd like to encompass is not. It's basically to add additional living space to the property to bring it up to modern standards. Mr. Horiszny said you are enclosing in the porch? Mr. Case said no, actually it would be an addition of 10' beyond that point. In closing the porch, he wouldn't have to apply for a variance as it's already under roof and has a slab there. He's submitted a permit for that. What he submitted was a single story proposal and in thinking about it more, it may evolve into a second story, and he doesn't know if that has to be changed in what he presents to you tonight or if that makes a difference. If it doesn't change the footprint of the building, but just goes up to a second story, does that effect the variance? Mr. Maxfield said he would guess no, but he should check with the Zoning

Officer. The other problem is you have an application of a kind going to the ZHB, so you may have to make another submission if you change it. Ms. Stern Goldstein said if the only variance they are requesting is for the front yard, that would remain the same whether it's a one story or two story. That wouldn't change the nature of the variance request, but would change their building permit.

B. POLK VALLEY ROAD AND ROUTE 412 TRAFFIC SIGNAL PERMIT APPLICATION

Mr. Maxfield said Jim Milot from Hanover Engineering will provide a report on the permit application for the proposed Polk Valley Road and Route 412 traffic signal in light of the notification received from Hellertown Borough that they no longer support the installation of the light.

Mr. Milot said he wanted to update Council and give you the implications of no longer going forward with this as a joint venture between the two municipalities. One of the things they were looking at while developing this, they've been proceeding with the type of proposal that would allow them to have the least impact to Route 412 traffic. They were going to ask Hellertown to participate in acquiring right-of-way from the shopping center side of the intersection on the north side of Polk Valley Road, and they were going to add an additional lane there so they'd have two egress lanes from Polk Valley Road onto Route 412. With them no longer supporting that position with the project, we are now pressed for available right-of-way along this roadway. In the past in these type of situations, PennDOT does allow a municipality to continue and place a traffic signal within a boundary intersection. We don't need Hellertown's approval to do that; however, with our inability now to have them acquire right-of-way, he has to reduce the lane width thereby deleting one of the egress lanes down to a single lane. He can keep all of the roadway improvements within PennDOT's legal right-of-way. That's an important aspect of PennDOT's policy and procedures; however, he cannot keep all the pedestrian facilities and the signal appurtenances within the right-of-way, so we would still be looking to obtain easements in those areas for those facilities. Some of those facilities, the pedestrian sidewalks and things like that, are already in place. We would be modifying those to upgrade the facilities to meet the current accessibility standards. Given the change in scope and the nature of the project, we wanted to make sure Council was fully aware of how we would need to proceed. Again, proceeding with a single egress lane rather than two; making sure that Council still feels that they want to pursue this project, but still to caution you that there are hurdles we still need to overcome by virtue of the easements and facilities being placed outside of right-of-way. We don't have full control over the area that we'd like to improve. It's something that will require time and changes. This does not affect the LST resident that is on the southerly side. We will still be looking to approach Mr. Iaratola and basically get a radius, a very small section of right-of-way off the corner so we can round off that radius to an appropriate design radius for busses and delivery vehicles.

Mrs. deLeon said your design is still going to be the same for the McDonald's then? Mr. Milot said it will be the same from a layout of pedestrian facilities. The location by virtue of eliminating the one egress lane along Polk Valley, it will actually move the crosswalk for the pedestrians about 4' to 5'. That will actually allow vehicles along McDonald's to extend an additional 4' to 5' because by virtue of where the stop placement is in relation to the pedestrian crosswalk, so it actually increases some of their storage along there which is one of the things Mr. McIntyre from McDonald's has always been concerned with.

Mr. Maxfield said does that include pedestrian crossings on both sides of Polk Valley or just on one? Mr. Milot said the crosswalks are currently designed to cross basically to box the intersection.

Mrs. deLeon had asked before what this has cost us and how long have we been doing this, from 2005? Mr. Milot said the actual project for this is 2005 roughly by virtue of the project number; however, if you recall, what brought this project to the Township's radar was the development of the Saucon Valley High School complex and their initial traffic studies during the course of that.

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That would have occurred late 90's, maybe around 2000. If you recall, part of what happened here is this intersection was put on our radar because of that study and that expansion and the Township in trying to be a good partner with the school district, said we're not going to burden you with additional investigative work and dealing with PennDOT. We don't want to hold up your timeframes and your financing for the school project, so the Township at that time extended themselves to take this project on and see it through. At that time we were working as a joint municipal effort with the Borough of Hellertown.

Mr. Willard said in the letter from Dr. Fellin at the school district, she references the fact that the busses even though there's two lanes on Walnut Street without a left turn at that light, there's a back-up. What do you think would be the impact with the school busses if you can't create even a second turning lane? Mr. Milot said the second turning lane was primarily to facilitate the primary corridor of Route 412. Our traffic will be serviced by virtue of having a green light and since we are not opposed by a fourth leg of the intersection, once they get the green light, they can have a free flow condition. What he was trying to do with the dual lane approach was to minimize the impact to the 412 traffic flow. We get more vehicles out of our leg of the roadway in a shorter green time and his thoughts were ultimately if we do see growth along the Township down at the park that would increase traffic along this, now is the time to build this facility. It's easier to take care of everything now. We had a willing partner at the time as well as a positive indication from the shopping center people that it seemed that it was the time to do it, and obviously, as we know, nothing gets cheaper to build in the future, so now was the time to do it.

Mr. Maxfield said he's going to guess that if you are proposing some conditions on that intersection, if you were coming down from Polk Valley in the direction of the park making a right into Hellertown, that would be a "no right on red". Mr. Milot said absolutely not. In fact, one of the things he was hoping to utilize as part of our original two lane egress was by having a separate right turn lane we would be able to take advantage of any right turning vehicles being able to proceed along the roadway in that direction. We had originally prepared the traffic signal plan to incorporate the delay for the call to the green signal that if someone came up to the light and in that initial ten seconds were able to make that right turn on red, we would never stop the flow of traffic along 412. So again, trying to maintain as much free flow condition along the primary corridor and best serviceability for all directions. Mr. Maxfield said he was thinking about the possibility of McDonald's traffic turning left towards Hellertown. That would put another impediment. Mr. Milot said the left turning traffic from McDonald's is a situation that is not going to be, should not be a problem from the standpoint from what we are creating. The only time they would be impacted if there was queuing along that section of 412. What's hard for him and why he kind of shrugged his shoulders in frustration was it's a situation that when they received their original approval from Hellertown many years ago, there were limitations placed against their access ease and they are not being enforced and we are being burdened with that at this point. Mr. Maxfield said safety is the ultimate issue.

Mr. Horiszny asked if it would still be a T intersection. Mr. Milot said yes. Because of the radius improvements, it would be less of a challenge for larger vehicles to maneuver in and out of the roadway.

Mr. Maxfield said Priscilla has concerns what money has been spent, but what would be our next step? Mr. Milot said if Council is in support or proceeding forward, we would need to revise the plan set and the design calculations for the traffic signal only. Obviously, the highway occupancy permit plans would need to be formulated as well after that. He would rather have PennDOT take a look at the revised design, give us any indication of a problem from their standpoint before they'd spend the time and money to revise the HOP plans. At that point, he and Linc will still have to work together to obtain the easement areas and things like that nature with the adjacent property owners. There are steps they can do that if any point that Council would decide not to proceed

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with it, they wouldn't be throwing everything headlong into the wind and just going full steam. They have specific areas where they can revisit this as they move forward.

Mrs. deLeon said it was in the letters about the threatened litigation about Hellertown. She's sure that will apply to LST. There are a lot of things we have to think about here that has changed over the years. Mr. Maxfield said when he heard that, perceived litigation based on a perceived problem doesn't stack up to safety. He knows people that have been rammed at that intersection. We have school busses going down there. He wants to pursue it for the safety. Mr. Horiszny said Jim just said McDonald's is already not complying, so how are they going to be the suers? Maybe they should be the ones that get sued. Mr. Maxfield said it was a different owner when the approval was obtained. Mr. Milot said he doesn't know for certain if the owner was the current owner's father or not. He knows it's been a family business, but the type of restriction on the driveway was not a PennDOT imposed one. That's why it's not specific to our application. He believes it was imposed by Hellertown's ZHB.

Mr. Willard said part of the danger is getting out of the shopping center, McDonald's notwithstanding. This proposal certainly helps that situation and also with the support of the school district, he thinks it's important to keep going. Mrs. deLeon said what is this going to cost us and what has it cost us so far? She thinks we are all going to be surprised in the money we have invested in this project and the money we are going to have to keep spending to get there. Mr. Horiszny said we should get a review of what it has cost and what the next step will be with the light with the single egress before we decide to even do that. Mr. Milot said this has been an exercise where additional funds were spent over a longer duration than would be anticipated because they were trying to accommodate all of the neighbors. We have submitted and some of you were on Council during the course of this. PennDOT has probably seen as many as four or five of schematics, up to and including putting in the fourth leg of the intersection for the use by McDonald's who politely refused us basically saying that nothing that was going to be done was going to make them happy and they didn't want to contribute to any aspect of extending the fourth leg in as a driveway for them. We have spent a good deal of time and effort trying to make everybody happy and this is where we are today.

Mrs. deLeon said reducing the one lane, it's not really helping anything. Mr. Milot said it's a perception again. The perception of a driver that approaches an intersection that is signalized is different than a driver that approaches a stop sign. When you approach a signal, even if it's backed up, you know you are going to get your turn eventually. If you sit at a traffic stop sign, you could sit there and think, am I ever going to get my chance? There is a difference in perception and there is certainly a performance improvement as far as operational level of service for Polk Valley Road. Mr. Maxfield said anyone who has got stuck there knows they have to make a run for it sometimes. It's the only way to get out of there. That to him says safety. Mr. Milot said PennDOT has already given consideration to the single lane approach. They had discussed that before and he had reviewed the reasons why they weren't pursuing it as a single lane approach because they knew it would simplify their application and take away some of their dealings with the adjacent property owners at that time. They were pursuing it and looking to the future and looking to now's the time to do it, not later.

Mr. Maxfield said if we were to proceed, he knows in the past, PennDOT has taken quite some time to review our applications and for other things too. If this were to proceed, would this happen in our lifetime? Mr. Milot said one of the nice things about what they've done, is they didn't necessarily make the reviews any more palatable. You still get design criteria that are brought up. Pretty much now PennDOT has streamlined their process enough that they can get turnaround typically within a month to at most five to six weeks and given where we're at now, they would have the ability to turn that around in a relatively quick fashion because he's not answering to four different property owners anymore. He's not answering to two different municipalities. They have

spent a considerable amount of time trying to make everyone happy and quite honestly, at this point, he would say that was to our detriment at the end as they are running on their own now.

Mr. Willard said why don't we get a recap of what's been invested so far and the next step from Mr. Milot. Mr. Maxfield said even if you could make a projection as to what you think the entire process will cost. Nothing we'd hold you to, just a rough estimate. Mr. Milot said as part of that he was planning on giving them a revised budget on the construction anyway knowing that we would not be building the extra lane. Mrs. deLeon said that will be different than what's in the budget currently. Mr. Maxfield said if you can get the information between this meeting and the next, maybe a vote can be taken if you can proceed or not. Mr. Milot said okay. Mr. Horiszny said he's sure it will be a lot cheaper with one less lane. Mr. Horiszny asked Mr. Cahalan if there would be any possibly for gaming grants? We got the emergency backup systems for the traffic lights. Mr. Cahalan said they did try that and they got shot down. They felt the light was too far away from the casino. It needs to be further up towards Bethlehem. Mr. Milot said he's been given clear direction.

C. DISCUSSION OF PROCEDURES FOR SEPTEMBER 25TH COUNCIL HEARING ON APPLEBUTTER ROAD ZONING

Mr. Maxfield said Council asked staff to draft a list of procedures that Council can consider adopting for use at the September 25th hearing on the Applebutter Road zoning issues which will be held at the SVSD in the Audion room.

Mr. Cahalan said they are actually discussion items on various topic items. There are eleven and they were just put there so that Council can go down the list and discuss them and come up with whatever recommendations or decisions you want to make.

Mr. Maxfield read the topic items:

1. Time limit on length of public comment or presentation?
2. Limit on number of times one person may speak?
3. Question and answer procedures vs. public comments? Submission of written questions on substance of proposed amendments or procedures prior to public hearing?
4. Comments to be directed to Council only?
5. Use of sign in sheet for order of public comment?
6. Submission of written statements from individuals with large documents – verbal summary with document attached to minutes?
7. Procedures to maintain proper decorum for the hearing – allow public participation but ensure respect for all citizens and maintain order? Personal attacks and outbursts will be ruled out of order?
8. Recommendations for any security/safety provisions?
 - a. The PA Crimes Code prohibits the possession of weapons on school property, including the buildings and grounds at any time – so it would apply to the 9/25 meeting
 - b. Two (2) police officers will be assigned to attend this meeting and will be stationed at the main entrance with a wand for detecting metals
 - c. Signs will be posted at the school warning and advising people attending the meeting of the weapons ban
9. Closing time for hearing – room is only available until 10:00 p.m. – continuation options?
10. Public Hearing procedures to be posted on website?
11. People who want to speak must be sworn in under oath by Court Stenographer.

Mr. Maxfield said those are the points that have been suggested.

No. 1 – Normal time for people to speak. Mr. Maxfield said pretty much standard are between 5 and 10 minutes, but the majority is 5 minutes. Mr. Horiszny said that should be the maximum. Mr. Willard said he thinks 3 minutes. In a 3-hour time frame, that's 60 public comments, not counting

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the preamble discussion we have. Five minutes is going to be too much, which would be a total of 36 speakers for the evening. Mrs. deLeon said that doesn't mean that people have to use the 5 minutes. Mr. Horiszny said he likes the 3 minutes better than the 5 minutes. Mr. Maxfield said that way we can get as many people as possible to speak. He'll put that down as suggested. Mr. Willard said whatever number we agree on, it must be enforced. We have to keep track and people have to stop and sit down when their time is up. Mrs. deLeon said we should have an appointed person keeping track of the time. If someone wants to yield their time to a speaker, they can do that. Most people are intimidated to come up and speak. You shouldn't feel intimidated. Mr. Horiszny said if you are going in an order, then you are way out of line to keep track of. Mrs. deLeon said the person that is speaking will say they are so and so and so and so yielded their time to them. Then the person who is taking the time will know it's 3, then 3, then 3. Mr. Horiszny said you are going to yield even before they get up there. Mrs. deLeon said whenever she's spoken to a group, she's timed herself. She knows how long it is going to take so she thinks people would know that. There will be people who are coming that will yield their time. Mr. Willard said the only risk of that, and he does understand about the intimidation factors, somebody has four people signed in for them so they can make a 15 minute presentation. Mr. Horiszny said he doesn't like that at all. Mr. Willard said his thought was if he's speaker No. 3 and he's not quite done and 3 minutes is up and speaker No. 29 says take me off the list, give him my 3 minutes, then okay; but to beyond that he doesn't know. Mr. Maxfield said why don't we make it a 6 minute maximum – and do 3 minutes and one yield.

No. 2 – Mr. Maxfield said he's going to suggest one time. We can get as many people as possible. Mr. Willard said we should be able to call on someone for rebuttal or clarification. If they've already spoken, but if it's relevant for information, we can bring them back. Mrs. deLeon said she's assuming the format is going to be that someone from the staff would go over the draft text amendments and explain the maps so the people sitting in the audience understand the process. She's hoping that happens tomorrow night at the P/C and also at the EAC and at the Council meeting. Mr. Maxfield said if nothing else, the Township Council meeting should be visual. We should have lots of visual examples for people. Mrs. deLeon said will the school district be able to accommodate that. Mr. Cahalan said that the Audion room has better AV than the cafeteria did.

No. 3 – Mr. Maxfield said we're talking about the nature of the public comment period. Are we going to accept people as just coming up front and making a comment or are we going to open it to question and answer period. From his investigation, most people limit it to a comment period. They say if there is a question and answer period, submit them prior. Mr. Horiszny said if you put the submission or the written questions ahead of time, the questions are in there instead of a person giving up their 3 minutes to ask the question. It's already on the floor. We ought to go with the submission of written questions. Mrs. deLeon said who is going to answer the questions? Mr. Maxfield said there's no vote scheduled for that night so it can go to the applicable party and staff can answer it, we can answer it. We have to advertise for a vote, so there's no danger of that. Mr. Willard said he doesn't know what the mechanism would be, but if we submit their questions in advance and we find out they are common questions, if we can have research and bring answers to the hearing, that would also be an ideal situation. Mr. Maxfield said maybe we should do it both ways. You can submit there at the meeting and/or prior to.

No. 4 – Mr. Maxfield said comments to be directed to Council only. That seems to be standard that there's a funnel. The Chairman funnels it to wherever it has to go. Mrs. deLeon said that would apply to the P/C tomorrow night. We got a letter from Maryann Garber representing IESI, asking they be allowed to answer technical questions if there are any misunderstandings. Attorney Treadwell said the P/C has their own by-laws and rules and they make up their own laws and procedures. What we are talking about tonight is the procedures for the public hearing on the 25th. Mrs. deLeon said what if this becomes hours and hours because of all the speakers? Who is going to determine that? Attorney Treadwell said Mr. Landis as Chairman of the P/C sets forth the rules with their by-laws. Mrs. deLeon said she's telling you as a Council person, that shouldn't happen.

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We do appoint these people and they have their own rules, but they should follow the procedures that Council sets too. Attorney Treadwell said how will you communicate that to Mr. Landis? Mrs. deLeon said she doesn't know. She's just making a comment. Tom sits on the P/C. Mr. Maxfield said it's basically common sense. That will occur on P/C. Mrs. deLeon said what will occur? Attorney Treadwell said the comments will only be directed to the P/C. Mr. Maxfield said to the Chairman of the P/C. Mrs. deLeon said this letter that they gave us. Mr. Maxfield said yes, you are talking about they requested to basically be able to answer technical questions if there are any misunderstandings. That takes him back to where Dave said unless requested. You have one time up unless it's requested by Council. If the P/C or Council has a problem in which we don't understand the technical end of whatever is going on, then we ask the people. If the landfill is there, we ask them. Attorney Treadwell said his only point was that the September 25th meeting is a public hearing. Tomorrow night is a regular P/C meeting. He believes what you are discussing are the procedures for the public hearing. The P/C already has procedures for their regular meeting. That was his point. Mrs. deLeon said she's just making her point and comments on her opinions on this letter. Mr. Maxfield said John Landis normally handles the questions and asks the board if they want them to comment.

Mr. Horiszny said yes on No. 5. They are going to have to sign in.

Mr. Maxfield asked if anyone had any questions or comments so far?

Mr. Sutton asked is the sign in sheet going to be limited on how you come in to the thing? Is it going to be the first 30 people who walk in? What happens to the other 30 people? How does that work? Mr. Cahalan said there will be a sign in sheet for everyone. There will be a separate sheet for speakers. Mr. Sutton said as you come in to it, how do you know? Mr. Cahalan said they will keep an open sheet. If someone comes in and wants to add their name, they will add it in the back, and bring it up to the table. Mr. Sutton said if you are going to limit it to five minutes and you have more than 30 people. Mrs. deLeon said three minutes. Mr. Maxfield said he teaches high school, and they get three minutes. If you organize your thoughts, you can get pretty much in with three minutes. Attorney Treadwell said that question comes up under No. 9 which indicates there's only three hours. If you get to the end of the meeting and not everybody has had a chance to speak, Council needs to discuss what the options are then. Mr. Maxfield said at some point, that list is going to have to come forward to Council and there may not be an opportunity to sign up anymore. It is kind of first come, first serve. He doesn't know if we can avoid that. Mrs. deLeon said if people come at 7:15 pm or something. Attorney Treadwell said the easiest way to accomplish the whole stenographer swearing in thing would be to take the sheet of people who signed up to speak and have everyone who signed up to speak sign up and be sworn in at one time as opposed to trying to do it individually which will be a nightmare. Can we open the doors at 6:30 pm and say the sign in sheet is done at 7:00 pm? Mr. Cahalan said we normally have the room open and people can come in and sign in early. They will be there at 6:30 pm. Mrs. deLeon said she's totally against having the sheet done at 7:00 pm. Ms. Huhn said we can have someone sitting out there. Mr. Cahalan said we've done it before. We kept the sheet and they signed in and it was brought up to the Chairman.

Mr. Sutton said he just wants to make sure people get an opportunity to speak. Mr. Horiszny said do we want advanced reservations on the internet? Mr. Cahalan said we can't do that on the internet. Mrs. deLeon said this isn't our first rodeo at a public hearing. Mr. Maxfield said to date, we haven't run out of time and we've there before until 10:00 pm and he thinks we'll be okay.

Mr. Boyer said we're going over the first of the five questions. Mr. Maxfield said yes. Mr. Boyer said he took notes, No. 4, Council will be directed all the questions. Comments directed to Council for questions only. Attorney Treadwell said comments to be directed to Council only. That means if you have something to say, say it to the Chairman or the President of Council. Don't look at your neighbor and say I don't like what you just said. Mr. Boyer said then forgive him for his

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notes, he has it down here that you have the ability to ask a question. Attorney Treadwell said that's No. 3. Mr. Boyer said does the public have a right to ask a question to Council? Attorney Treadwell said that was the question. If the time limit is three minutes, does Council want to ask questions or would Council answer questions, or would Council rather have people submit written questions. This is Council's choices. You get a lot more people available to make public comment than if you entertain a question and answer proceeding. Mr. Boyer said if someone does ask a question, maybe they are not here tonight and they just come and show up that night, they know they can ask a question. Attorney Treadwell said these will be posted on the website. Mr. Boyer said they have three minutes to ask the question, will Council answer that question or will it be depending on what the question is. Attorney Treadwell said he believes what Council had discussed under item No. 3 is that the public hearing would have comments only and that questions would come in a written form. If you have a question about something, submit it in writing ahead of time or submit it that night in writing. Mr. Maxfield said that way you get a thorough thoughtful answer that way. Mr. Boyer said you should get an answer that night? Mr. Maxfield said no, maybe the next day. Definitely before any vote is taken at a public meeting, you will have an answer to your questions. Mr. Boyer said he wanted to find out that if someone did ask a question and there was an answer coming or someone was able to answer that question, will they be limited also in the time that was spent. There are no answers. Attorney Treadwell said that's part of the reason why because that turns the three minutes into ten. Once there's an answer, then there's another question.

Mrs. deLeon said we just talked about putting this on the website. Not everyone in the Township has access to a website. She can't tell you how many residents have said to her, I don't see the landfill expansion on the website because it's called Applebutter Road rezoning and it is very, very confusing and we're missing a lot of people out there. Yes, put it on the website. That's great, but there are people going to be walking in the door at that meeting that don't know about this process. Attorney Treadwell said we can get a poster board and put the procedures on that. Mr. Maxfield said technically, aren't we discussing the rezoning and not the discussing the expansion of the landfill. Attorney Treadwell said it's not a landfill expansion because you don't have any landfill expansion plans in front of you. Mr. Maxfield said right. Attorney Treadwell said unfortunately, if other people are referring to it as a landfill expansion, and they are looking for landfill expansion on the website, it's not there because at the moment it doesn't exist. Mrs. deLeon said she'll reserve her comments.

Ms. Donna Louder said what is Plan D then if there are no plans for an expansion? Attorney Treadwell said you mean Option D? Ms. Louder said that's the one. Attorney Treadwell said Option D is the fourth option of the zoning map amendment. It's not a landfill expansion. It's a zoning map amendment. Mr. Maxfield said it was produced by the Township, not by the landfill. Ms. Louder said what was the purpose of it? Attorney Treadwell said to create more LI zoning district. Ms. Louder said what was the purpose of that? Attorney Treadwell said Council asked that a map be drawn up to create more LI zoning district. Ms. Louder said the landfill came to the Township. Attorney Treadwell said, yes and said it wanted to expand. Ms. Louder said exactly. Attorney Treadwell said there are no plans in front of the Township for an expansion. Ms. Louder said which created all of this. Attorney Treadwell said, but it's not a landfill expansion yet. Maybe it will be at some point in the future, maybe it won't be, but right now it's not a landfill expansion, so why would you call it that on the website if that's not what it is. Ms. Louder said the thing is when Mr. Donato was on TV yesterday; he was out there with all the media, on the property, and he was saying how that the life of the landfill would go on, would be expanded for up to 15 years or so with the expansion of the landfill, with the rezoning of the Township. So his intentions are to expand the landfill and that's what we're going through here. Attorney Treadwell said Mr. Donato is not a Township representative. He does not speak for the Township. He does not represent any of the Township's interests. What the Township is considering now is a zoning map change. The Township is not considering a landfill expansion. Ms. Louder said at the request of Mr. Donato to expand his landfill. Attorney Treadwell said Mr. Donato made a request to the Township that he

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thought the landfill would want to expand. Council made a request to the P/C to examine the options for changing the zoning map. Ms. Louder said for the purpose of an expansion for the landfill. Everything we have talked about this entire 18 months worth of looking at the rezoning for LST, Applebutter Road corridor has been based on IESI. You even have told us before that everything has to be taken into consideration. Not just the money. These are all things that have been said for the past 18 months. Attorney Treadwell said he's going to reiterate what he's said before for 18 months, that a zoning change is a zoning change. A landfill expansion is a completely different animal, completely. Will the zoning change give the opportunity to the landfill to expand, give them that potential? Yes. Could the landfill sell their land to somebody else and they could come in and use the LI zoning for a different use? Yes. Ms. Louder said seriously? Attorney Treadwell said yes. Absolutely there's that possible, so you can't call it a landfill expansion until there are plans in front of the Township proposing that the landfill be expanded. Ms. Louder said she can pretty much guarantee you that the landfill if it's given that rezoning is not going to be selling it off because there is more money to be made potentially by putting garbage into the mountain. Attorney Treadwell said okay, if you want to make that guarantee, go right ahead. What he's sitting here saying is right now there's no landfill expansion, so to call it the landfill expansion on a website would be incorrect.

Mr. Willard said he thinks your guidance from the beginning and when we discussed this last year was to approach it was for rezoning which we will do as a Council. His private opinion is that the level of publicity now from IESI, between news reports and websites and the number of emails that we are all receiving as Council members, it's pretty well known or will be by September 25th what the intent is if we are to grant this rezoning. We're trying to follow the solicitor's opinion. We have to as a Council vote on it as a zoning question. There's no merit in having this discussion any further. That's the instruction we've been given as Council to make sure we do this properly and that's what we're doing. Ms. Louder said very well, she hopes nobody voted yes on the IESI website. That would be atrocious.

Mr. Maxfield said we may have already covered No. 6 – submission of written statements from individuals with large documents, verbal summary with document attached to minutes. What we are trying to talk about here is the occasions where we had people come and read multiple page documents which would be much better considered by the Council if it was submitted on paper to us that we could read and consider it on a non-meeting night. He doesn't know how Council feels about that? Mr. Horiszny said the same as you. He's not sure if it has to be attached to the minutes. Attorney Treadwell said it could be attached to the transcript of the hearing. If it's a three minute time limit then somebody has a lot of things written down, that gives them the opportunity to submit that. Mrs. deLeon said what about power points? Are we going to allow them? Mr. Maxfield said that would be tough with a three minute deadline. Mrs. deLeon said what about Council comment?. She'd like to speak and say something as a Council person. Every time something comes before us, what about us, how long do we get to talk? Mr. Horiszny said three minutes, sign up. Mr. Maxfield said our ability to answer or ask questions to request information from certain members, this is how we're dealing with comments coming in, not really what we say. That's his reading of it. Mrs. deLeon said no, because when we opened up the hearing previously, what did we do tonight? We had an opportunity to speak. To her, this is even more important. Attorney Treadwell said he certainly wouldn't suggest that any Council member be limited in their time to speak. You can speak for as long as you want. Mr. Maxfield said he doesn't think they were suggesting that. Mrs. deLeon said do we do it before the residents speak or when do we do it. She doesn't want to take time away from the residents, but on the other hand, she'd like the residents to hear what she has to say. Attorney Treadwell said it's up to you as a Council to decide what the order it will be. Mr. Maxfield said if we are going to have visual support material, slides and power point from a staff or Council, then we need to do that kind of stuff in the beginning to present that so everybody is on the same page. We're going to have to figure out an agenda for the whole thing. Mrs. deLeon said she hopes the staff puts it together like she said. The people should walk in and they should see the draft text, the maps. It should be prominently displayed. Maybe

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there should be a big map. Attorney Treadwell said he thinks it would be helpful and he doesn't want to speak for the entire staff, if Council could let the staff know what they want to see on a power point presentation or on a poster board. Tell the staff what you want so you don't get there on the 25th and say you wanted this, where is it and unfortunately we're at the school district and whatever you wanted is back here. Mrs. deLeon said the text amendments. How many pages is that, three or four? There's an error in there also that she should tell you about. Would it hurt to have a map that big out in the hallway where the people can look at it? Maybe we can blow up the text amendments and put them on two or three posters in addition to a handout. She went to the LVPC and they were very accommodating with their handouts. Mr. Maxfield said the more visual information we can present, the better.

Mr. Willard said he also had some notes on what the introduction should be on behalf of the Council. We should have the rules posted up front, that's fine, to let people know there's a three minute time limit and it will be enforced. We only have the room until 10:00 pm at night. Those things should be stated up front as well as the map and text amendments for sure. He thinks there will be by the time of that meeting, recommendations from the three other entities that's part of the MPC and have a summary of what those are. He appreciates the Solicitor's comments that Council can speak as long as we want, but it's also a hearing and we want to hear as many as voices as we can. Mr. Maxfield said the sobering thing for everybody is this is not minutes. This is a transcript that's verbatim, every uh, duh, or anything you make will be on the transcript. Mr. Horiszny said somebody said can they do power points. He asked the question can we put power points up conveniently at the high school or shall we say don't bring your power points and just say ours are the only ones allowed. Ms. Huhn said she believes we will have visual, but plugging in a chip each time is going to take time and load it, run it. Mr. Horiszny said should we encourage outside power points, not just our own, and then we can preload. Mr. Maxfield said he wouldn't discourage a power point submitted to the Township in the same manner as the questions are. Mr. Horiszny said somewhere in the list of regulations, we ought to include that. Mr. Willard said power point could be any type of visual. Mr. Maxfield said yes. Ms. Huhn said are you going to allow submissions before the meeting, are you allowing them up to 5:00 pm the night of the meeting? Just so we have time to prepare. Do you want to give a time cutoff? Mr. Maxfield said in the same manner as the questions. We can examine it on our free time and if we have questions we can go back and answer and if we're interested in information, we can ask the person. Ms. Huhn said then you aren't putting it up that night? Mr. Maxfield said right. Mrs. deLeon said how can that be part of the hearing if it's presented to us outside the hearing? Mr. Maxfield said any of the questions may be attached to the minutes or the transcripts and we could attach the power points too. Attorney Treadwell said from the public hearing standpoint, the purpose of the public hearing is to hear from the public. It's not to answer questions. If somebody wants, as part of their public participation in the hearing to have a power point, he doesn't think we can necessarily add the power point later. They need to be allowed to show the power point that night. In order to make it work so that it happens, they would have to get it to the Township at least 24 hours ahead of time. Forty-eight hours ahead of time. Pick a time. Ms. Huhn said the only problem with that is we could prepare everything and get it ready, but then she would need to number those power points for that person who is speaking, and then she needs to know what power point he/she would like her to bring up. Logistically, she's a little bit concerned about timing. Mrs. deLeon said if a person submits an email to a power point, if that too large of a document. Could you put it on a disk and bring everybody's and label them by the person's last name. Ms. Huhn said we could, but that would take into the set up time to bring it up to their three minutes, speak and discuss it.

Ms. Stern Goldstein said when you say power point, it could be a .pdf, it could be anything. Essentially, it would be a tool for a member of the public to convey their comments in a different format to Council just as they were doing verbal or doing handouts. Essentially, any power point or visual presentation could also be printed on an 8-1/2"x11", submit it to Council as part of their comments, and incorporate it into the minutes just like any other document would be. Just because it's digital doesn't mean we have to present it digitally as it could present other issues. They could

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get viruses from someone else's disk. It might not be in the right format. We wouldn't want to disappoint anyone in the public who wants to make a presentation from having the format to do it so if they were going to do that and came with a printed out version for Council and for the minutes, she thinks that would solve the problem. She's just offering this. Mr. Maxfield said that's standard procedure for people doing power point. Go to any workshop and there's a handout. Ms. Stern Goldstein said and you save a lot of paper. Attorney Treadwell said you are right. If someone has something on a zip drive or a disk and the Township plugs it in and it infects everything, that's not going to be good. Ms. Stern Goldstein said or vice versa, we sent them back their disk and it's infected. Attorney Treadwell said we wouldn't want to shut down the school districts computer system. Mr. Horiszny said we should comment on the advanced time for questions to be submitted also. We just said 48 hours on that stuff, are the questions the same way? Attorney Treadwell said he thinks we were going to try to answer the questions in a timely manner, but not that night. Mr. Maxfield said it's only fair that somebody asks questions and writes them up, that we should take the time to give them complete answers, implications, whatever. As much as we can give them, and we should probably do it as we are the elected officials. We shouldn't impose that work on staff. Mr. Horiszny said you are going to need them a couple days ahead. Mr. Maxfield said we don't have to have the answers that night. Mrs. deLeon said then we're going to have five individual answers for these things. It should be done by the staff. The staff did this presentation. How can we answer questions when the staff recommended this? Attorney Treadwell said first of all the staff didn't recommend anything. The staff was asked to prepare a zoning map amendment and a text amendment, and that's what they prepared. They are not recommending it one way or the other. That's up to Council. There's a perception that the staff is recommending that these things be adopted and that's not correct. The staff prepared what Council asked them to prepare. It's up to Council what you want to do with it. Mrs. deLeon said what if there's a question we can't answer? Attorney Treadwell said he's not talking about the questions. He's talking about what was prepared. Mrs. deLeon said she's talking about the questions. Attorney Treadwell said you said staff recommended this. That's not a correct statement. As far as the questions are concerned, if somebody has a substantive question about what this section of the text amendment means or what this line means on the map, then myself or Judy or someone else with that technical expertise can answer it. If somebody has a question as to what the opinion of Council is on something, we're not going to be able to answer it. Mrs. deLeon said she understands that, but those other questions should come from the staff. Attorney Treadwell said he wouldn't expect a Council member to give a legal answer as to what this section of the text means. Mrs. deLeon said right, because she didn't write the text. She doesn't even want to respond to that. Mr. Maxfield said the way it was working in his head, he'd imagine that if 20 questions came in, and right now there are five Council people and we divide it up and if there's a question, like if he got that question, he would call Linc and find out the answer. Attorney Treadwell said he thinks we can figure that out. The important thing for Council tonight is to figure out what procedures you are going to have at the hearing. Mr. Maxfield said he didn't want to assign staff more work, that's why he said that. Mrs. deLeon said this is all part of the process. Mr. Maxfield said it is, but they have plenty to do.

Ms. Stern Goldstein said in a formal hearing and in meetings, general, staff takes direction from Council. If all the questions are essentially addressed to Council, if Council through the President or Council itself decides to send certain questions to staff, it would just be the procedure that we've always followed anyway. We don't randomly answer questions. We look at Council. If Council directs us to answer, we do. It would be the same with written questions. We would be given questions to answer at Council's control. It would always be in Council's control. You can determine which are which. Mr. Maxfield said we can funnel them to the appropriate place. Ms. Stern Goldstein said usually through Jack or whatever.

Mr. Willard said what he had envisioned was if we get common questions, where we can prepare answers, regardless of who does it by the 25th, and then we could answer the questions at the hearing. If not, there is a Council meeting the following Wednesday and make it a point to address

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it in that timeframe. Mr. Maxfield said that would make sense. He likes that idea. That way you ask a public question, or you present a public question, you get a public answer.

No. 7 – Mr. Maxfield said we all know what that's about. We all sort of slipped up here one time or another. He thinks we should all strive to make this as formal and respectful as possible. We have had this problem in the past, and he doesn't want to have it again. He wants the information to be factual. He wants everybody to be heard. He wants the order of business to proceed the way it should. Mr. Willard said he completely agrees and it's up to the President of Council to set the tone and he hopes the residents will also show respect for us. Mr. Maxfield said it's a lesson learned for him.

No. 8 – Mr. Maxfield said 8a, 8b, and 8c would apply to the 9/25/13 meeting. Everybody is a little touchy since Ross Township. It woke him up. It was quite a shocker. Does anyone have any problems with these proposals? Mr. Horiszny said if there's a law, there's a law. Mr. Willard said will there be security screening. The officer will have a wand, but is everybody going to be wanded coming in? Mr. Maxfield said that was the plan, are we in favor of that? Mrs. deLeon said has anybody ever done that before at a Council meeting? Mr. Maxfield said better safe than sorry. After Ross Township, who needs that. We will leave that one as it is if nobody has any comments.

No. 9 – Mr. Maxfield said the room is only available until 10:00 pm. There is nothing to be discussed. There are continuation options. If we get to the point where people want to speak, do we want to continue the hearing or how do we want to do that? Mrs. deLeon said do they turn the lights off at 10:00 pm? Mr. Cahalan said the custodians start preparing to close the school. 10:00 pm is fine. Mr. Horiszny said his thought is we're going to close at 10:00 pm and if we find we are not completed with everybody that is going to talk, then we'll figure out how to handle it. If we are completed, then we don't have to worry about it. Mr. Maxfield said the option is there, we'll keep it open. Mr. Horiszny said everyone should be allowed to speak. We'll have to figure out if it's going to be another new meeting. Do we have to give 30 days' notice? Attorney Treadwell said to continue the hearing, you can announce that night that the hearing is being continued to a date certain. What you would want to think about before you get to September 25th is, if you want to continue it, what date would that be? The law allows you to state that date that night at the hearing with the assumption that everybody who is interested is in the audience so they will know. That means you don't have to advertise it again. You have to do it that night or else you have to go through the whole process.

No. 10 – Mr. Maxfield said yes for the public hearing procedures to be posted on the website. Mr. Horiszny said someone also mentioned poster board. It should be put up here as well as at the school that night so people have a chance to look at it.

No. 11 – Mr. Maxfield said this one is kind of spoken yes. People who want to speak must be sworn under oath by the Court Stenographer. Mr. Horiszny said Linc suggested to do it all at once. Mr. Maxfield said the stenographer will not let anyone speak without being sworn in.

Mr. Maxfield asked if anyone had any comments on No. 6 through 8? Mr. Beardsley said No. 11, if you swear everybody in at once, then that means everybody has to be there at the same time that wants to speak. If someone is working late and comes in at 7:30 pm, they can't speak because they weren't sworn in. Attorney Treadwell said like any set of rules or procedures, there's going to have to be a little give and take. You can't write them in stone. If somebody shows up at 7:30 pm and signs in and missed it, they are going to have to be sworn in separately later. Mr. Maxfield said if she's doing the stenographic work, she's not going to write individually who was sworn in. She's going to want to know your name. Everybody is going to have to check in before they say something. Mrs. deLeon said she may not even agree to everybody checking in at once. Attorney Treadwell said that's a possibility.

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Ms. MaryAnn Garber said she's here on behalf of IESI. She wanted to clarify the submissions. This ties into the questions. Will the procedure be that if there is any kind of written materials, whether that be a power point that you would have otherwise put up on a screen or some sort of written statement or supporting documentation, whatever that mean, is the procedure that either gets submitted in advance of the meeting or can it get submitted at the meeting so if someone gets up to make their three minute statement and they say, and I have a packet of materials here that I would like Council to review, so you have the option of doing that in advance or at the meeting. Mr. Maxfield said yes, open it up to all of them. Ms. Garber said similarly with questions, you have the option of submitting your questions in advance of the meeting. If there's some opportunity before then for Council to come up with some answers, that might happen or you might not have time to answer certain questions, but in any event, you will accept written questions at the hearing and then questions will be answered at some point afterwards. Mr. Maxfield said yes. He's stressing that he wants questions to be answered thoughtfully with the implications factually and not emotionally. He would really like it to be fact based. Whatever consultant we have to go to, to get the answer, we'll certainly do that.

Ms. Louder said we heard about everyone on behavior for the 25th, and she appreciates and respects that. Can someone please tell her when we will get the answer to this meeting? When the decision will be made from this meeting? Attorney Treadwell said that's a Council decision. The next step, and if you go back to the procedures from the very beginning, was after the public hearing, the next step prior to adoption is to advertise the adoption, so there would have to be a motion by Council to advertise the adoption.

Mr. Willard said there was a certain lead time to announce the public hearing. What's the lead time on the next step between announcement and potential action? Attorney Treadwell said he thinks it's 30 days. He thinks the advertisement is twice a week for two successive weeks, not more than 30 and not less than 7, but he's going off the top of his head.

Mr. Maxfield asked if there were any more comments? No one raised their hand.

Mr. Maxfield said we have three minutes with a maximum of six minutes with one yield time. You are at the microphone one time unless you are asked for additional information by Council. Public comment plus written questions can be submitted. All communication will be directed towards Council, not other audience members and consultants. There will be a sign in sheet and we'll make some allowances on that as much as we can. Yes, we will accept written submissions for anyone with larger documents. Proper decorum, we all like it. Safety and security, those were all okay for the three conditions. Closing time is 10:00 pm. Procedures will be posted on the website. Everything we talked about will be on the website. People who want to speak will be sworn in under oath. Those are the things we will be voting on.

MOTION BY: Mrs. deLeon moved for approval of the discussion items for the September 25th public hearing. Mr. Willard said the introductory information to be provided, the items he mentioned were a brief restatement of the rules, the clear presentation of the map and text amendments, the recommendations from the three bodies that are part of the MPC, and a clear statement of the end time at 10:00 pm. Mrs. deLeon said the whole letter should be attached to the thing so people can see who responded. How many bodies have responded so far? Someone said the LVPC. Mrs. deLeon said and the City of Bethlehem today.

**SECOND BY:
ROLL CALL:**

MOTION BY: Mr. Willard moved to adopt the procedures which were discussed and agreed upon here including the introduction by the Township for the residents.

SECOND BY: Mrs. deLeon

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Mr. Maxfield asked if anyone else had any public comment? Mr. Gene Boyer said the hearing is going to happen and you are going to take questions that are possibly going to be written. You are possibly going to answer them at some given time frame and then is there another place of time when the people will hear the answers or they won't hear the answers to those questions? Mr. Maxfield said Dave suggested we publicly read the answers to the questions at the next Council meeting. Mr. Willard said the next meeting is October 4th (*Note: the next Council meeting is October 2nd.*) Mr. Boyer said you would read the answers then. When does the Council make a decision on the results of all of this? Mr. Maxfield said that's what Linc was just alluding to. There really isn't a time line set for any of that. There are limits. Mr. Boyer said he heard about publication. He doesn't know if that was the answer or not. Attorney Treadwell said when he was attempting to answer Ms. Louder's question, he said the next step is in the procedures that were discussed at the very beginning of the process that after the public hearing the next step, if it's going to proceed to the next step, would be for Council to make a motion to advertise the amendments for adoption. That's a Council decision. Mr. Boyer said the questions will be answered after the hearing from the public and then after that happens at a Council meeting, there will be the publication of the adoption or not the adoption. Attorney Treadwell said that's not what he said. He's trying to answer the question as clearly and as concisely as he can. After the public hearing if the amendments are to proceed to the next step, Council would need to make a motion to advertise that they intend to adopt the amendments on a specific night at a Council meeting. The next step would be a motion by Council to advertise the adoption of the amendments. When they do that, it is completely up to Council. Mr. Boyer said at that meeting when they make that presentation that it's going to happen, that's when they would adopt it. Attorney Treadwell said no. They are making a motion to advertise that they intend to adopt it at a future meeting, a specific date. Mr. Boyer said what happens at that meeting? Attorney Treadwell said the one that is specifically advertised? Mr. Boyer said yes. Attorney Treadwell said then someone would have to make a motion to adopt it or not adopt it. Mr. Maxfield said it will be an advertised thing just like the public hearing is an advertised thing. There will be plenty of notice. Mr. Beardsley said he's just curious about why you are swearing people in. People are going to be giving you their opinions. They don't really know whether, are we going to say the truth, the whole truth, nothing but the truth. Nobody knows what the truth is. You could save a lot of time at the meeting if you don't swear them in. Attorney Treadwell said when we have conditional use hearings and zoning hearings, the people who testify have to be sworn in. No one is going to say your opinion is true or not true. Mr. Sutton said at that meeting will there be the LVPC document so the public can review it? Attorney Treadwell said that's what Priscilla was mentioning that she wanted all the letters there.

ROLL CALL: 4-0 (Mr. Kern – Absent)

D. DISCUSSION ON TOWNSHIP NEWSLETTER REDESIGN

Mr. Maxfield said Council Member Dave Willard presented five (5) sample layouts for the redesign of the Township newsletter at the July 24, 2013 Council meeting for Council's review. Council Vice President Tom Maxfield asked that Council be given until the next meeting to review the sample layouts before any decision is made to select one.

Mr. Willard said there were five different designs presented. If anyone in the audience wants to take a look, he will pass them around. Hopefully we'll come to a consensus for the new design for the new one to come out in September. We need a decision tonight. He asked the designer if she had a preference and she said no, she thought all of them were potential candidates and it was up to us as a Council.

Mr. Willard said his preference was No. 2 and he agrees that they are all good. No. 2 had something that the others didn't; it had the word newsletter written up at the top very clearly. It had all the other design elements with the logo and the table of contents and the photography and important articles up front. From looking at it, you would know it's a newsletter. The other ones don't have that. There was an interesting graphic treatment she used for that. Mr. Maxfield said he liked that one also. He did like sample No. 1 with the Table of Contents, but the one that said it

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was the newsletter was stronger. Mr. Horiszny said when we make this choice, do we get software when its ready to go. Mr. Willard said she will build a template for us and help us with the first one. Then it should become easy to maintain. Mr. Maxfield said Carol will still work on it. He thinks Carol for doing it all these years. She's done a great job. Her effort should be recognized. The rest of Council agreed with No. 2.

MOTION BY: Mr. Willard moved for approval to adopt No. 2 for our formal newsletter.
SECOND BY: Mrs. deLeon
Mr. Maxfield asked if anyone had any questions? No one raised their hand.
ROLL CALL: 4-0 (Mr. Kern - Absent)

Mr. Willard said our consultant is also bidding the printing cost with various printers and we want to add more color. One of the concerns that Leslie brought up was that our current printer is a fully integrated shop so they printed it, labeled it and sent it out. We'll be looking for that and balancing all the factors but we think we can bring it in the budget with this design. Mr. Maxfield said they actually deliver it here unlike most other printers where you have to pick it up. Mr. Willard said Leslie is guiding him through the process.

E. AUTHORIZATION TO ADVERTISE THE SALE AND DISPOSAL OF SURPLUS POLICE VEHICLES

Mr. Maxfield said the Director of Finance is requesting Council approval to advertise for sale three (3) surplus police vehicles and to dispose of two (2) surplus police vehicles.

Mr. Cahalan said Cathy has put a memo in your packet indicating we do have five former police vehicles that are out of service that we'd like to dispose of. Three of them we can get something from them if we put an advertisement out for a bid. Two of them only have scrap value. We would need a motion from Council to approve an advertisement of sale for the usable ones and approval to dispose of the ones who only have scrap value. We are using one of the surplus vehicles for the Township Dog Control Officer and we did also offer the usable vehicles to the Township fire departments but no one was interested. Mr. Horiszny asked what was the scrap value? Mr. Cahalan said he's not sure until they take it to a junk dealer.

MOTION BY: Mr. Horiszny moved for authorization to advertise the sale and disposal of the five surplus police vehicles.
SECOND BY: Mr. Willard
Mr. Maxfield asked if anyone had any questions? No one raised their hand.
ROLL CALL: 4-0 (Mr. Kern - Absent)

F. RESOLUTION #56-2013 – ADOPTION OF THE LEHIGH VALLEY 2013 HAZARD MITIGATION PLAN

Mr. Maxfield said Resolution #56-2013 has been prepared to adopt the Lehigh Valley 2013 Hazard Mitigation Plan which has been approved by the Pennsylvania Emergency Management Agency (PEMA) and FEMA pending its adoption by the participating jurisdictions in the Lehigh Valley.

Lehigh Valley 2013 Hazard Mitigation Plan

WHEREAS, Lower Saucon Township, Northampton County, Pennsylvania is most vulnerable to natural and man-made hazards which may result in loss of life and property, economic hardship, and threats to public health and safety, and

WHEREAS, Section 322 of the Disaster Mitigation Act of 2000 (DMA 2000) requires state and local governments to develop and submit for approval a mitigation plan that outlines processes for identifying their respective natural hazards, risks, and vulnerabilities, and

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WHEREAS, Lower Saucon Township acknowledges the requirements of Section 322 of DMA 2000 to have an approved Hazard Mitigation Plan as a prerequisite to receiving post-disaster Hazard Mitigation Grant Program funds, and

WHEREAS, the Lehigh Valley 2013 Hazard Mitigation Plan has been developed by the Northampton County Emergency Management Services and the Lehigh County Emergency Services in cooperation with other county departments, and officials and citizens of the Lehigh Valley, and

WHEREAS, a public involvement process consistent with the requirements of DMA 2000 was conducted to develop the Lehigh Valley 2013 Hazard Mitigation Plan, and

WHEREAS, the Lehigh Valley 2013 Hazard Mitigation Plan recommends mitigation activities that will reduce losses to life and property affected by both natural and man-made hazards that face the County and its municipal governments.

NOW THEREFORE BE IT RESOLVED by the Council of Lower Saucon Township:

- The Lehigh Valley 2013 Hazard Mitigation Plan is hereby adopted as the official Hazard Mitigation Plan of Lower Saucon Township, and
- The respective officials and agencies identified in the implementation strategy of the Lehigh Valley 2013 Hazard Mitigation Plan are hereby directed to implement the recommended activities assigned to them.

Mr. Cahalan said we have completed an update of the Hazard Mitigation Plan. They went through the process with Northampton County with input from our engineer and Public Works Director. We worked on that over the last year or so. The plan has been finalized and we must formally adopt it to be the operative plan for LST.

MOTION BY: Mr. Horiszny moved for approval of Resolution #56-2013.

SECOND BY: Mrs. deLeon

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

ROLL CALL: 4-0 (Mr. Kern – Absent)

G. RESOLUTION #57-2013 – COUNTY GAMING FUNDS GRANT SUBMISSION

Mr. Maxfield said Resolution #57-2013 has been prepared authorizing the submission of a local share municipal grant application to the Northampton County Gaming Revenue & Economic Redevelopment Authority.

Resolution Authorizing the Submission of a Local Share Municipal Grant Application to the Northampton County Gaming Revenue & Economic Redevelopment Authority

WHEREAS, pursuant to the Pennsylvania Race Horse and Development and Gaming Act (Act 2004-71), as amended, local governments receive a “Local Share” of gross terminal slot revenues of certain licensed gaming facilities to support and enhance community and economic well-being and mitigate the impact of gaming and related activities; and

WHEREAS, Northampton County, as the host county to a licensed gaming facility receives gross terminal slot revenues which must be distributed as follows: 20% to the host city; 30% to the host county and 50% to the host county for the purpose of making municipal grants within the county, with priority given to municipalities contiguous to the host city; and

WHEREAS, Northampton County established the Northampton County Gaming Revenue & Economic Redevelopment Authority to administer these competitive municipal grants based upon impacts associated with licensed gaming facility operations; and

WHEREAS, Lower Saucon Township is a contiguous municipality to the City of Bethlehem which is the host city of a licensed gaming facility; and

WHEREAS, Lower Saucon Township has prepared Local Share Municipal Grant Applications for submission to the Northampton County Gaming Revenue & Economic Redevelopment Authority for projects that fall under the eligible uses of these funds.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. That the Council of Lower Saucon Township hereby approves the submission of Local Share Municipal Grant Applications for:
 - Driver’s License Identification software/equipment
 - ECitation System
2. That the President or his designee of the Lower Saucon Township Council is hereby authorized to execute the grant applications and transmit the applications to the Northampton County Gaming Revenue & Economic Redevelopment Authority.
3. That grant funds, if awarded, will be utilized in accordance with the provisions established by the Northampton County Gaming Revenue & Economic Redevelopment Authority.

Mr. Cahalan said as we have done in the past, we always bring a resolution to Council prior to submitting applications to the County Gaming Authority. This will be our latest one and it will be for two pieces of technology for the PD. One is the driver’s license identification software and equipment. We discussed that during our budget hearing last year. The other technology is an E-Citation system which allows the Police Officers to print out a citation in their vehicle using a mobile application on their laptop. They will be submitting those in the next round at the Gaming Authority.

Mr. Willard said at the spring meeting, we submitted this, and he made the motion, but it failed for lack of a second, so we need to develop a second to these motions so it can be enacted upon this time. Mr. Cahalan said prior to that occurring, the County Director of Emergency Management made a recommendation to the Gaming Authority that this technology should be awarded to each of the contiguous municipalities. That’s why they are resubmitting it because they kind of got his blessing.

MOTION BY: Mr. Horiszny moved for approval of Resolution #57-2013.

SECOND BY: Mrs. deLeon

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

ROLL CALL: 4-0 (Mr. Kern – Absent)

H. AUTHORIZATION TO EXECUTIVE KENNEL LICENSE APPLICATION

Mr. Maxfield said the Manager will update Council on the implementation of the Township Dog Control program and the hiring of the Dog Control Officer. A kennel has been located on the Town Hall complex to shelter the stray dogs picked up by the Dog Control Officer, which must be licensed by the state.

Mr. Cahalan said we’re almost there but not yet fully implemented. We are still in the process of completing an agreement with a candidate we feel can fill the position of the Dog Control Officer. He hopes to have information on that in a week or two. In the meantime, we have located a kennel back in the PW area. That will be used to shelter any stray dogs picked up. We are getting the various equipment that is needed. They have a car that will be assigned to the Officer. The last thing they wanted to do was make sure their kennel was licensed by the state. They have the application. That requires us to feed and water the dog and also exercise the dog and if there are

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any medical problems, they are working with the vet at the North Saucon Animal Hospital who will provide that care. We're asking for approval for the Council VP to sign the application for the dog kennel application. Mr. Maxfield asked if this was an annual application? Mr. Cahalan said he's not sure when the renewal is up. He'll have to get back to you on that. It has a check off box for prior license renewal, so he's assuming it's a yearly renewal.

MOTION BY: Mr. Horiszny moved for authorization for the VP of Council's signature to execute kennel license application.
SECOND BY: Mr. Willard
Mr. Maxfield asked if anyone had any questions? No one raised their hand.
ROLL CALL: 4-0 (Mr. Kern – Absent)

VI. MISCELLANEOUS BUSINESS ITEMS

A. APPROVAL OF JULY 24, 2013 MINUTES

Mr. Maxfield said the draft minutes of the July 24, 2013 Council meeting have been prepared and are ready for Council's review and approval.

MOTION BY: Mrs. deLeon moved for approval the July 24, 2013 minutes, with corrections.
SECOND BY: Mr. Willard
Mr. Maxfield asked if anyone had any questions? No one raised their hand.
ROLL CALL: 3-1 (Mr. Horiszny – No and Mr. Kern – Absent)

B. APPROVAL OF JULY 2013 FINANCIAL REPORTS

Mr. Maxfield said the July 2013 financial reports have been prepared and are ready for Council's review and approval.

Mr. Willard said he saw three payments to Suburban Propane totaling \$15,028.00 and it seemed like that is probably a year's supply but he's wondering why we were billed so much in a single month. Mr. Cahalan said Suburban Propane bought out the distributor of our fuel oil. That's our delivery of gasoline by Suburban Propane who sends bills out for gasoline. Mrs. deLeon said that's not fuel for the Homestead. Mr. Cahalan said no, we get our gas from UGI.

MOTION BY: Mr. Willard moved for approval of the July 2013 financial reports.
SECOND BY: Mr. Horiszny
Mr. Maxfield asked if anyone had any questions? No one raised their hand.
ROLL CALL: 4-0 (Mr. Kern – Absent)

VII. PUBLIC COMMENT/CITIZEN NON-AGENDA ITEMS

- Mr. Gordon Gress, 2371 Black River Road said some months ago approved a study of storm water on Black River Road and the engineers were going to see all kinds of lines appearing. We have some blue lines appearing but they are quickly fading and he just wondering where the rest of them were at so it hasn't fallen at the wayside. Mr. Cahalan said the engineer is working on it and he gave an update on that at the last meeting and he can give one tonight. Mr. Kocher said they did get out and locate the lines that were painted before they disappeared. Not everyone located all the lines they needed to, but based on what they have, they do have a concept layout. They have an idea where they want to put the inlets. He's meeting with the Public Works Director to go over that where the outlet will go with the stream and then once they have that they will put some numbers together and go back to Council and they may even meet again with the residents, whatever their direction is. Mr. Gress said the Township is a great place to live, but 1304 Evergreen Drive has a house sitting there that looks like it's been sitting there for a long time. It's abandoned and there's a tree on its roof. Whether it's a short sale with the bank, it's really

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beginning to look bad. The windows are half down. It's beginning to look decrepit and he's wondering if Council can do anything. Next to John's Auto, there was Diane's Luncheonette and it burned and then Council got involved and it was torn down. He doesn't want to see anything go to pot or move in there or somebody else move in there. Mr. Cahalan said he'll have the Zoning Officer look into it and get back to him.

- Ms. Donna Louder said the Morning Call dated August 7th, there's a whole bunch of tax liens against the Township, and ironically the Township owns one. How does that happen when we have all kind of reserve money? \$9 million in reserve in our budget and this is happening? The second thing is she's been going over the monthly financial stuff and how do we bounce checks when we have \$9 million in reserve? This is January 1, 2013 through January 31, 2013, check fee for \$46.00. How does this happen? Mr. Cahalan said you will have to bring that into the Finance Director, she will have to answer that. Ms. Louder said what about the tax lien? Attorney Treadwell said the tax lien was on the property before the Township acquired it. The Township acquired it to tear down a dangerous structure that was on the building. The Township didn't pay anything for the property and every year its listed on the tax sale, then it's taken off when he calls the County Tax Solicitor, and tells him what the situation is, and then its waived and we have to wait for the County to forgive the past due taxes on the property. The school district has already forgave the past due taxes.

VIII. COUNCIL & STAFF REPORTS

A. TOWNSHIP MANAGER – None

B. COUNCIL

Mr. Willard

- He said the August 26th meeting of the Gaming Commission is cancelled. There will be a view of the proposals of the grant requests that are coming in now.
- He said he attended the Community Day and this is the second year he's been involved in the presentation of the people who we cited and the third year he has seen it. The dedication and service these people give to the Township and community is just amazing. It's a privilege to be involved and he's glad we selected who we did.

Mr. Horiszny

- He said he attended the LSA meeting last night and they are working on a connection between Quarter Mile Road and Quail Lane and everything is under control.

Mrs. deLeon

- She said on behalf of the Saucon Valley Conservancy, she would like to thank the Township, Jack and Roger and the guys on the road crew for all their help and the spoils. Mr. Cahalan said that's stone that's left over from road projects. Mrs. deLeon said today they had a work party at the Homestead. Students from DeSales worked on several projects. They used the spoils. Volunteers cleaned out the basements trying to make room for the lathe. They noticed that the picket fence around the herb garden was starting to rot, so because it was on the soil, they were going to dig around the perimeter and put stone there so it would preserve it. That happened today. The members really appreciated it.
- She said on September 14th, the Saucon Valley Conservancy is going to have a barn tour. Every year she says there are amazing barns on the tour, but this year there are amazing barns on the tour. She would appreciate your support.
- She said the Township Council received the audit report. We were asked to give comments. Her comment would be that the first couple pages of the audit refer to two years in a row now they recommended about the developer's escrow account. It would be on page 2. That was in last year's recommendation. How come that is still in there? Mr. Cahalan said it was going to require that we look at the way we have our budget

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constructed because the way the account is done and the system we have with Freedom Systems. He'd like to come back to Council with recommendations that we look at our budgeting systems and see whether we can address something like that. That's why it's been there. It hasn't been because of neglect. It basically would mean changing our system that we are using. Mrs. deLeon said the Freedom software doesn't have the capability of doing this? Mr. Cahalan said if we were able to change the system drastically, we could do that. Ms. Huhn said she thinks what we need to do is take the escrow accounts and bring them into the Finance Department. She thinks there's an overlap between the Finance Department and the Zoning Department and they are held there. That kind of creates what their finding is. If we can separate it and bring it into the Finance Department that it's handled through them, which might help. Mrs. deLeon said she knows every year they come up with something, but two years in a row. Mr. Cahalan said this has been here longer than two years. Mr. Maxfield said he really likes the idea that you are looking at the structure of the budget. He has seen a few lately which are much more simpler than what we have. He thinks for the public to understand the budget as well as us, that simplification. We have so many months, it's crazy. Some of the budgets are very, very simple. If we can lean towards that, towards a reorganization, it will be beneficial to us. Mr. Cahalan said he can bring back a recommendation to Council to have someone look into how the budget is put together if that's what you would like done. Mrs. deLeon said our budget has words in there with explanations. When she first started on Council, the wording wasn't there and you'd forget. There's a lot to remember on all those pages and she wouldn't want to eliminate the words. Mr. Maxfield said the budgets he saw had word explanations. It just seemed that consolidation made a lot more sense than bottling things up. We can look at it. Mr. Cahalan said an accountant would look at it and make recommendations.

- She said she attended Community Day and it was very well done by the organizers, so thank you. She knows Jack was on that committee. She said the weather cooperated.
- She asked Attorney Treadwell what was going on with the Alex Patullo thing. She keeps reading all these legal documents and she's not sure what is happening. Attorney Treadwell said the ZHB granted Mr. Patullo permission to use the former Woodland Hills Clubhouse facility as a reception/banquet type facility only. Some of the neighbors appealed that decision because they didn't like it. It went to Northampton County. Northampton County agreed with the ZHB. The neighbors appealed it to the Commonwealth Court. The Commonwealth Court said there were some irregularities and it needs to go back to the Northampton County Court. The Northampton County Court sent it back to the ZHB. The ZHB approved it again with more specific reasons and case law, and that was appealed again to Northampton County Court, and he doesn't remember if it's in Northampton County Court or it got appealed one more time to the Commonwealth. It's all about the use of the former Woodland Hills Clubhouse as a banquet hall. Mrs. deLeon said he got the okay to proceed and the neighbors are appealing it. Attorney Treadwell said it's gone through two different progressions, and this is the end of the second progression and he doesn't remember where it is now on the appeal from the second decision from the ZHB. Mrs. deLeon said she thinks there was something recently, could he please check and let them know. Attorney Treadwell said it could go to the Supreme Court and if they say they won't hear it, and then it's over. Mrs. deLeon said that's what happened with the quarry.
- She said you sent an email about the P/C attending the Open House at the landfill on Monday or Tuesday night. Do we know if anybody attended from the P/C? She was just concerned if there were any deliberations going on. She wanted to know if anybody attended, but Mr. Maxfield is saying no.

Mr. Maxfield

- He said the EAC requested that he seek approval from Council. They would like to implement a procedure for property identification for open space. Because they were

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discussing properties and locations of properties at public meetings that then came back to Council to be discussed at Executive Session. That seemed like it was a little disjointed. They came up with a procedure where the properties would be identified by numbers or letters or combinations and that's how they would refer to them until Council approved some type of action on it that became a public action and then that information could be released or the property could be called by its name or the owner. One of their concerns was that if it was perceived at a public meeting that the property was a public property already and we'd be trespassing, we wanted to avoid that. We've been running into people who want to preserve their property and are very concerned about trespassing and don't want the public on their property at all. He just thinks this will make it simpler for everybody. They will be able to refer to it and understand which property it is. When it comes to Council, it will still be Executive Session information. It won't be out there. If that's okay with Council, they would like to adopt that procedure. They would update Council with lists of the properties with the information they would need for Executive Session but for release we would like to have this number and letter system if we could. He would make that a motion.

MOTION BY: Mr. Maxfield moved for approval as stated above.
SECOND BY: Mr. Horiszny
Mr. Maxfield asked if anyone had any questions or comments?
ROLL CALL: 4-0 (Mr. Kern – Absent)

- He said awhile back they discussed the kind of cumbersome nature of our minutes and how it's really hard for anybody to read thorough all the minutes. We talked about the possibility of an audio visual system to replace our minutes and taping system. He would like to start that if we could. He'd like staff to look into it and come back with some information about what's out there, what's possible, prices and whatever we can get. We'll make that direction now and examine the information when it comes back.

Mr. Kern – Absent

- B.** **SOLICITOR** – No report
- C.** **ENGINEER** – No report
- D.** **PLANNER** – No report

V. ADJOURNMENT

MOTION BY: Mrs. deLeon moved for adjournment. The time was 10:20 pm.
SECOND BY: Mr. Horiszny
Mr. Maxfield asked if anyone had any questions? No one raised their hand.
ROLL CALL: 4-0 (Mr. Kern - Absent)

Submitted by:

Jack Cahalan
Township Manager

Glenn C. Kern
President of Council