

**I. OPENING**

**CALL TO ORDER:** The General Business & Developer meeting of Lower Saucon Township Council was called to order on Wednesday, September 2, 2009 at 7:07 P.M., at 3700 Old Philadelphia Pike, Bethlehem, PA, with Mr. Glenn Kern, Council President, presiding.

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

**PLEDGE OF ALLEGIANCE**

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

**Mr. Kern said Council met in Executive Session prior to this meeting to discuss personnel issues and potential land acquisition.**

Mr. Kern said regarding the personnel issues, we have a motion regarding part time officers hourly wages that effective September 1, 2009, the hourly wage for part time officers in Lower Saucon Township shall be tied to the wages of full time police officers rather than to the non-uniformed contract. The part time hourly wage shall be set at 80% of the beginning hourly rate for full time officers.

**MOTION BY:** Mrs. Yerger moved for approval as stated above.  
**SECOND BY:** Mr. Maxfield  
Mr. Kern asked if anyone had any questions? No one raised their hand.  
**ROLL CALL:** 3-0 (Mrs. deLeon and Mr. Horiszny – Absent)

Mr. Kern said as a result of our Executive Session, there is a motion for approval to acquire an appraisal for the Bilous property on Easton Road.

**MOTION BY:** Mr. Maxfield moved for approval as stated above.  
**SECOND BY:** Mrs. Yerger  
Mr. Kern asked if anyone had any questions? No one raised their hand.  
**ROLL CALL:** 3-0 (Mrs. deLeon and Mr. Horiszny – Absent)

Attorney Treadwell said he just wants to clarify it's an appraisal of the conservation easement, not a full appraisal. Mr. Kern said as a result of our Executive Session, there was discussion, not a motion, but direction for our Solicitor to contact Mr. Vanscavish tomorrow.

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

Mr. Kern said for citizen agenda items – Council operates under Robert's Rules. What that means is during agenda items, Council will talk amongst themselves and amongst staff and the interested parties. At the conclusion of that, we open it up to the public for public comment. There is an opportunity for non-agenda items at the end of the meeting to discuss whatever your business might be. We do have a microphone and there are microphones up at the table. There is a sign-in sheet in the back of the room. Please print your name and address and email address. It is very helpful in transcribing the minutes. For those who want to receive emailed agendas, please give your email address to Leslie or Jack or call the Township office.

**General Business Meeting  
September 2, 2009**

Please state your name and address. If you can't hear, please let us know. You can check the minutes on the website, which is [www.lowersaucontownship.org](http://www.lowersaucontownship.org).

**III. PRESENTATIONS/HEARINGS**

**A. INTRODUCTION OF CANDIDATES FOR JR. COUNCIL PERSON PROGRAM**

Mr. Kern said Five (5) candidates who are interested in being appointed by Council to Junior Council Person positions are being presented tonight to Council for appointments to Council, Boards and Commissions.

Mr. Cahalan said the Jr. Council program has been going on for several years in the Township and also in Hellertown Borough. We encourage students at the Saucon Valley High School to participate in the Jr. Council program by being appointed to the various boards and commissions at the Township and Borough. In past years, we've had a lack of candidates and generally when the school year starts, we have to beat the bushes at the high school to come up with candidates. This year is an exception. A group of people approached the Township last year. Some of them were Sophomores and Freshman. Our program requirement requires they be Juniors and Seniors. The Council asked that we revise those requirements to allow Sophomores, Juniors and Seniors to participate in the program. Hopefully that had something to do with the turnout. We have five candidates. Missing is Stephen Prager, who has been the Jr. Council member. We have some other candidates. Eubin Hahn is a Junior at Moravian Academy. Kimberly Kelly is a Junior at Saucon Valley High School. Sara Cote is a Junior at Saucon Valley High School. James Packer is a Sophomore at Saucon Valley High School. They will each say a few words.

Eubin said she's 15 years old and a Junior at Moravian Academy. She's been living in the Township since 8<sup>th</sup> grade. During that time, she has gained some interest in the governing process of the Township and how things work. She also wanted to give back to the community in any way possible. She felt that was her obligation for living here. She'll try her best.

Kimberly said she's a Junior at Saucon Valley High School. She's also been living in the Township for awhile. She was born here. She was always interested in how government works and she thinks this is kind of a preview of how it works. She also wants to give back and get more involved in the community.

Sara said she's 16 years old and a Junior at Saucon Valley High School. She's been living here for nine years and she wants to get involved in the community and understand how things work and how rules get passed.

James said he's 15 years old and a Sophomore at Saucon Valley High School. He's been living in the Township for the majority of his life. He's interested in the Jr. Council program, first and foremost for the learning experience because he is interested in the governing process and politics on a municipal or federal level. It all fascinates him and it just provides an experience he feels is just very important that he needs to take the opportunity.

Mr. Kern said he's really impressed with the poise that all four of the candidates have shown. He never, at their age could have spoken in front of a group and the entire audience. He noticed Jameson coming to a couple of meetings, which is really impressive. He never would have done that at his age. He remembers seeing him at the SV Partnership meeting and he can tell Jameson is really serious about this and that is wonderful.

Mr. Cahalan said Council would like to rotate somebody who has been on Council to another position, so Stephen Prager has indicated that he would be interested in serving on the Park and Recreation Board. Jameson has indicated he is interested in the Planning Commission (PC). Eubin

**General Business Meeting  
September 2, 2009**

is interested in the PC or the Environmental Advisory Council (EAC). Sara and Kimberly said there were interested in the EAC. Mr. Cahalan said the only restriction is, Jameson, under the current rules would not be eligible to be the Council representative. Mr. Maxfield said we can double up on people.

Mrs. Yerger said you would be welcome at the other meetings as well and get involved in some of the projects we are doing. Last year we had Jessica Null and she got very involved. The EAC reviews plans that have any kind of environmental impact. We do some of the same things as the PC. You are welcome to come.

- MOTION BY:** Mr. Maxfield moved to appoint Stephen to Parks and Recreation; Jameson Packer to the Planning Commission; Eubin Hahn to the Planning Commission; Kimberly Kelly to Council; and Sara Cote to the EAC.
- SECOND BY:** Mrs. Yerger
- Mr. Kern asked if anyone had any questions? No one raised their hand.
- ROLL CALL:** 3-0 (Mrs. deLeon and Mr. Horiszny – Absent)

Mr. Cahalan said we will be in touch with you about schedules and other information about the meetings. Council congratulated all of the Jr. Council persons.

**IV. DEVELOPER ITEMS**

**A. ZONING HEARING BOARD VARIANCES**

**1. JOSEPH & LISA HOLUB – 2017 ALICE DRIVE – REQUEST VARIANCE OF IMPERVIOUS COVERAGE AND REAR YARD SETBACK FOR DECK THAT HAS BEEN CONSTRUCTED ON THEIR HOUSE**

Mr. Kern said the applicant is requesting a variance of the maximum allowable impervious coverage and rear yard setback for an existing deck.

Mrs. Holub said after their last meeting, they would just like to propose, replacing a portion of their driveway with pervious asphalt to make up the overage of the 25% limit. They met with Chris Garges this past week and he came up with some recommendations. They would also like to request, since they are going to be replacing part of the driveway, to add on an extra 12” to the driveway with the pervious asphalt as well.

Mr. Maxfield thanked them for working with the Township and he was happy to see them making this effort. Mrs. Yerger said it shows you are really thinking about the community at large.

- MOTION BY:** Mr. Maxfield move to support the above zoning a variance as the Holub’s worked with us.
- SECOND BY:** Mr. Kern
- Mr. Kern asked if anyone had any questions? Mr. Kocher said if you want to pass that on, you probably want to put two conditions onto the first, which is the Township should approve the cross section of the pervious paving and stone, and that the Solicitor approve an operation and maintenance plan because you have to maintain that or pretty soon it won’t be pervious anymore. If the ZHB approves this, those two conditions should be on there.

**ROLL CALL:**

- MOTION BY:** Mr. Maxfield move to amend his motion as stated above with the two conditions
- SECOND BY:** Mr. Kern amended his second
- Mr. Kern asked if anyone had any questions? No one raised their hand.
- ROLL CALL:** 3-0 (Mrs. deLeon and Mr. Horiszny – Absent)

2. **EDWIN FERRER – 3862 ROUTE 378 – REQUEST VARIANCE OF SIDE YARD SETBACK TO CONSTRUCT A CARPORT THAT IS ALREADY CONSTRUCTED**

Mr. Kern said the applicant is requesting a variance of the side yard setback to construct a carport.

Mr. Ferrer said he didn't know he had to get permits for a carport. This is his first house. He built the carport only to protect his car. He has a car parked there for three years and the tree sap has eaten the finish on the car. He figured he could just build something to protect it so it won't get any worse than it is. He wanted to put a second carport up to protect from the sap that is coming down that is causing problems.

No Council members had any questions or comments. Council took no action.

3. **GLENN & KATHY HOFFERT – 2164 GREEN PINE LANE – REQUEST VARIANCE OF SIDE AND FRONT YARD SETBACKS TO CONSTRUCT A GARAGE AND PORCH ROOF**

Mr. Kern said the applicant is requesting a variance for a side yard setback to construct a garage and a front yard setback to construct a porch roof.

Glenn Hoffert was present. He said basically it's not to construct a garage, it's a pre-fab garage. The reason he needs the variance is because the size he would like to put there exceeds the 250 feet. He wants to go to 14'x24' and he doesn't have the space for the 30 foot side yard offset. It still would be 40 feet off the front road, but it would be about 11 to 12 feet off the side. As far as the porch roof, it is not going to be constructed until Spring, but in talking to Chris, Chris suggested we do both of them at once. The building that exists there now was a three bay garage and he converted it into a single family home. That's why they need the other storage area. Because it was a big garage, there is no real overhang on the building, so he'd just like to put a porch roof out the front.

Council had no questions or comments regarding this variance. Council took no action.

B. **COBBLE CREEK – SKIBO ROAD – REQUEST FOR EXTENSION TO COMPLETE IMPROVEMENTS**

Mr. Kern said the developer is requesting a one year extension to complete the improvements associated with this subdivision.

**COBBLE CREEK EXTENSION**

The Lower Saucon Township staff recommends that Township Council approve an extension until September 4, 2010 for completion of improvements at this development. This approval is subject to the following conditions:

1. The owner/developer shall enter into an Extension Agreement with the Township satisfactory to the Township Solicitor and Township Council.
2. The Improvements Security shall be extended to at least October 4, 2010, to the satisfaction of the Township Solicitor.
3. The owner shall pay any outstanding plans and appeals account invoices owed to the Township.

**General Business Meeting  
September 2, 2009**

4. The Township Engineer is hereby directed to inspect the erosion and sedimentation controls for the project and notify the developer of any deficiencies. The developer must correct any deficiencies noted by the Township Engineer within 60 days of receipt of his report.

**MOTION BY:** Mr. Maxfield moved for approval for the request for extension to complete improvements – Cobble Creek – Skibo Road.

**SECOND BY:** Mr. Kern

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

**ROLL CALL:** 3-0 (Mrs. deLeon and Mr. Horiszny – Absent)

**C. LEHIGH GAS CORPORATE OFFICE – ROUTE 378 – REQUEST FOR EXTENSION TO COMPLETE IMPROVEMENTS**

Mr. Kern said the developer is requesting a six month extension to complete the improvements.

**MMSCC-2, LLC – LEHIGH GAS CORPORATE OFFICE EXTENSION**

The Lower Saucon Township staff recommends that Township Council approve an extension until March 4, 2010 for completion of improvements at the Lehigh Gas Corporate Office. This approval is subject to the following conditions:

1. The owner/developer shall enter into an Extension Agreement with the Township satisfactory to the Township Solicitor and Township Council.
2. The Improvements Security shall remain in full force and effect until project completion or April 4, 2010, to the satisfaction of the Township Solicitor.
3. The owner shall pay any outstanding plans and appeals account invoices owed to the Township.
4. The Township Engineer is hereby directed to inspect the erosion and sedimentation controls for the project and notify the developer of any deficiencies. The developer must correct any deficiencies noted by the Township Engineer within 60 days of receipt of his report.

**MOTION BY:** Mrs. Yerger moved for approval of request for extension to complete improvements – Lehigh Gas corporate Office – Route 378.

**SECOND BY:** Mr. Maxfield

Mr. Kern asked if anyone had any questions? Mr. Maxfield said we had some parking issues and some grass areas that had not been stabilized in the road area. Have those been addressed? Mr. Kocher said the parking issue is a zoning issue and Chris is pursuing that. The grass issues, he doesn't know if that was resolved. If not, it's still on an active punch list, and he will check that. If it is, they will mention it in No. 4 above that they are going to do an inspection.

**ROLL CALL:** 3-0 (Mrs. deLeon and Mr. Horiszny – Absent)

**V. TOWNSHIP BUSINESS ITEMS**

**A. KINGSTON PARK & LUTZ-FRANKLIN SCHOOLHOUSE – DISCUSSION ON PARKING LOT AND PATHWAY DESIGN**

Mr. Kern said the Township Planner would like to discuss and get direction from Council on an issue with the location of the parking area on the Kingston Park design plan and the pathway leading to the Lutz-Franklin Schoolhouse.

**General Business Meeting  
September 2, 2009**

Ms. Stern Goldstein said the plans she just distributed are two separate sketches of the Kingston Park showing a proposed relocation of a parking area so there is no encroachment in the required front yard. The two options are fairly simple.

Ms. Stern Goldstein said the first one moves the entire parking that is currently proposed further into the park and eliminates the pathway connection from the parking to the schoolhouse closest to the road. That's not actually the preferred sketch. The second one is the preferred one where they flip the parking from the street side to the internal side, rather than moving the entire parking lot and construct eleven spaces which includes two handicapped van spaces in the initial phase and keeps five spaces in reserve. That's the preferred sketch for two reasons. One is it's less encroachment into the park itself which, at first glance, people think the park is large. It's not really large and it keeps getting smaller every time they encroach into that main central area. The second reason is that there would be less paving. Even though they are proposing pervious paving in the park, every bit of paving and every bit of disturbance adds up. Since we are promoting sustainability as much as possible, she thinks it would be good to have the least amount of parking needed to start and knowing we can always add the five later if need be. That's the reason why sketch 2 was the preferred sketch. The remainder of it stays the way it is. The grading of the internal area would stay substantially the same. The rain garden area doesn't move. The other pathways are as proposed and are as shown on the plan. The last meeting there was discussion regarding one path or two connecting the schoolhouse parcel. They went through everything. This clears it up and she's bringing it to Council, as a group for discussion so that together, you are making the decision to have one or two connections, which is your choice. On the plan right now, it's showing one based on discussions. Even though we are proposing pervious paving, she's a proponent of less disturbance, which equates to less cost also.

Mr. Maxfield said on Plan B, the configuration of that little island area, in the upper left hand corner, he likes it much better on B than on A. Ms. Stern Goldstein said it functions much better on Plan B. Plan A was the first one that was done. She likes the second one better. Kevin Kochanski did a good job with pulling everything together with the second one. As soon as the circulation works better, that's telling her that's the better plan. Mr. Maxfield said the shape looks much more organic than the second one. Ms. Stern Goldstein said it's a more comfortable plan. It seems to respect the site more. Mrs. Yerger said it flows better.

Mr. Maxfield said the path that's going to be removed closest to the road, there is the possibility that could be put in sometime in the future with chip or something like that? It doesn't necessarily have to be paved. Ms. Stern Goldstein said there's always the possibility for informal path whether it be path that is worn in over time which is actually exists out there a little bit now. The only thing she hesitates recommending is something in chip as there is an intermittent water course down there so any chip might add to some erosion and sedimentation problem downstream. They can certainly propose something if need be later. Mr. Maxfield said he'd prefer it not be there at all. He likes the vista of looking at the schoolhouse. Mrs. Yerger said she doesn't know that it's really necessary for functionality to access the school. They can certainly go down and over. Ms. Stern Goldstein said the site is not that large. There are some parks where you are walking five or ten minutes to a function and you park and walk a good ½ mile to a mile to get to your site. Here we are talking twenty-five yards. Mrs. Yerger said she agrees with Mr. Maxfield, it's much better out.

- MOTION BY:** Mrs. Yerger moved that we approve Option 2 for the revised parking sketch for Kingston Park dated August 31, 2009.
- SECOND BY:** Mr. Kern  
Mr. Kern asked if anyone had any questions? No one raised their hand.
- ROLL CALL:** 3-0 (Mrs. deLeon and Mr. Horiszny – Absent)

Mr. Maxfield asked that a copy of this plan is sent to the Historical Society so they know what is going on. Mr. Cahalan asked Ms. Stern Goldstein if she had contact with Dr. Kingston? Ms. Stern

**General Business Meeting  
September 2, 2009**

Goldstein said she had contact with Dr. Kingston on Tuesday, September 1, 2009, and informed him of what was on the agenda. He's out of town right now, and he had no comment on this issue. She explained until such time that Council approved the direction to take, she would not be doing the detailed design of the garden, but she would be starting after this meeting if direction was received. Ms. Stern Goldstein told Dr. Kingston she would contact him when she had a conceptual design for the rain garden. He understands it's a rain garden and not the vision of Ella's Garden that he initially envisioned. She will be contacting him later on in the month and reporting back to Council and bringing a design to Council.

**B. ORDINANCE NO. 2009-09 – PROVIDING FOR NO PARKING SIGNS AT EMERGENCY ACCESS GATES LOCATED ON W. RADER'S LANE – COUNTRYSIDE LANE AND STOVER ROAD – AUTHORIZE ADVERTISEMENT**

Mr. Kern said approval is requested to advertise a proposed ordinance which would prohibit parking at emergency access gates located at West Rader's Lane, Countryside Lane and Stover Road to allow access by emergency responders.

Mr. Cahalan said those are the three emergency access gates. Rader's Lane and Countryside Lane are access for Route 78 for emergency responders. The Stover Road is an emergency gate also that is off of the Meadows development. The emergency responders have asked that the Township erect "No Parking" signs at these areas since at certain times of the year, people park in those areas and it impedes the access the responders need to get through those gates. This ordinance would prohibit that parking and we are requesting authorization to advertise it.

**MOTION BY:** Mr. Maxfield moved for authorization to advertise Ordinance No. 2009-09.

**SECOND BY:** Mrs. Yerger

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

**ROLL CALL:** 3-0 (Mrs. deLeon and Mr. Horiszny – Absent)

**C. BRE AIR QUALITY REPORT – AUTHORIZATION FOR CONSULTANT REVIEW**

Mr. Kern said the Township is in receipt of an additional air quality testing report from BRE and will need Council authorization to have the Township Air Quality Consultant review the report and provide a report of his findings.

Mr. Cahalan said we received another report from BRE from their Consultant Air Recon. We had a previous discussion about the report we received from our consultant and he indicated some issues with these air quality report. Those issues were put into a letter to PADEP and that has been sent off. We have not received a response from BRE on that. Secondly, the Zoning Officer has issued a response on the frequency and the missed deadlines for the BRE reports.

Attorney Treadwell said there was an email that Council was copied on that basically said there was technically a violation of the special exception decision because the special exception decision required the report be submitted within thirty days of the date of testing and their reports were sixty days after the date of testing. However, they did the testing earlier than they were required to do so. If you look at the date they were supposed to submit a report by, they met that date. He and Chris talked about it and in his opinion, it's a de minimis issue. They've done the testing, they submit the report. Now it's just a question do you want another review by your Air Quality Consultant for the second report that they submitted. Mr. Cahalan said that's the issue.

Mr. Maxfield said will these be reports that come through every so often? Attorney Treadwell said he thinks they are every six months for the first two years. There would be four reports total. Mr. Kern said the analysis of the first report showed what? Attorney Treadwell said we have to ask Brien Kocher as there was some type of particulate matter that was being emitted. Mr. Kocher said

**General Business Meeting  
September 2, 2009**

there were actually two issues. One was they were over in some parameter of their initial permit which was corrected by the issuance of a general permit, so technically they were still in violation of what we thought initially. The second one was they exceeded some value that was in the general permit. Mr. Kern said we should have another look at that by our expert just to make sure they are in compliance. Mr. Maxfield said if that's the case, maybe we should for the first two years, have the option of our Air Quality person for the two years.

**MOTION BY:** Mr. Maxfield moved to have Lou Militana, our Air Quality Consultant, review the reports.  
**SECOND BY:** Mr. Kern  
Mr. Kern asked if anyone had any questions? No one raised their hand.  
**ROLL CALL:** 3-0 (Mrs. deLeon and Mr. Horiszny- Absent)

**D. KIPP – BLACK RIVER ROAD – ZONING ISSUES**

Mr. Kern said the Township Solicitor will provide a report to Council on the disposition of the zoning issues related to the 2097 Black River Road property.

Attorney Treadwell said he can give a brief report of what has happened since your last meeting. The zoning office has issued a letter to the property owner advising him that he is in violation of the zoning ordinance due to the parking lot that's within the 100 foot riparian buffer area and also has advised the property owner to take immediate steps to remediate that issue. That's the action that has been taken by the Township, thus far. If the property owner does not respond to that letter, the next step would be to issue a Notice of Violation (NOV), which then kicks you into the Zoning Hearing Board (ZHB). The property owner then has the right to appeal that to the ZHB. We would then go before the ZHB for a hearing and so on and so on. As of this afternoon, he had received a letter from an Attorney which states he now represents Mr. Kipp. We can report back to you at the next meeting. If no action has been undertaken by Mr. Kipp to remediate that issue, at the next meeting, Attorney Treadwell will be reporting to you that a NOV was issued which he then has another time period to appeal to the ZHB or to bring his property into compliance.

Mr. Kern said what remediation measures are necessary? Attorney Treadwell said he has to remove the parking lot from that 100 foot buffer area and return it to a natural state approved by the Township. Mr. Kern said does that mean there is still a parking lot area that could be placed outside of the riparian area? Attorney Treadwell said he's not 100% sure. He's trying to picture what it looked like. He doesn't think there is enough area or room for it, but he's not 100% sure. Mr. Maxfield said probably not within Lower Saucon Township (LST). To put that lot outside the riparian corridor, it would probably be Salisbury. Mr. Kern said is it spelled out what the return to natural state is? Attorney Treadwell said it is spelled out in our ordinance that return to its natural state needs approval by the Township of how you are going to return it to your natural state. Mr. Kern said when does that get reviewed? Attorney Treadwell said the first step is to remove the offending material that is there and then come into the Township with some type of plan so the Township Consultants or staff can look at and either say yes, it meets the ordinance requirements or no, it does not.

There was no comment from Council.

Mr. Alan Gross who lives at 2050 Black River Road, said we have a lot of neighbors here again tonight. We all stick together. He'd like to thank the Council for following up on this as it's an extremely important issue for all the neighbors here. He would like to, for the record, just briefly list all the violations that we believe are taking place here. It's not only the riparian buffer, but there are a lot of other violations. Obviously, the riparian buffer is one of the most serious. We also have the LST earth disturbance permit which was not gotten by Mr. Kipp, Ordinance No. 2007-01. He did not get a driveway permit. There's only about a 70 foot sight line east on Black River Road, so it's very doubtful that he would have been able to get a driveway permit. Because

**General Business Meeting  
September 2, 2009**

of that site line, there's traffic hazards on Black River Road caused by the constant coming and going of his construction equipment and the lack of that sight line is causing hazardous conditions for the drivers, especially heading west on Black River Road. Mr. Gross is sure that Mr. Kipp did not get a tree cutting permit. There's really only one driveway permitted per resident in both LST and in Salisbury where he pays his taxes. The parking lot would constitute the second driveway. Parking of commercial vehicles in an R40 residential zoning is prohibited except for normal commercial deliveries to the residents. Operating a business in the R40 residential R40 zoning is prohibited and he is operating a business. Creating a commercial parking lot in an R40 residential zoning is not permitted, accessory or conditional use, and of course, the commercial type gate he had on the right-of-way which previous letters went out and he did remove that as of Sunday. That's just a summary of what we believe are the violations. The neighbors would like to speak also.

Jim Hobbs who lives on Black River Road said the Black River runs through their property and he takes interest in the Black River, both above it and coming into their property and what happens below it. It's an environmental issue and as far as a recommendation goes as to what Mr. Kipp might do to solve the problem, he needs to remove the gravel and cover it up where he has put in that parking lot and put it into grass. It is doubtful that he will be able to put it back to the original condition because you can't put leaves back on the trees once they fall in the Fall. He could remove the cover that he's got in there which is almost impervious and get it back to earth and put in grass cover and bring it back to a decent state where it would be good for the riparian right-of-way.

Mr. Steve Asbeth from Black River Road said he was very pleased to see the young folks here tonight taking interest in the Township, especially seeing that a few of them wanted to get on the Environmental Advisory Council. When they moved into the Township eighteen years ago, it was very peaceful, very green and all the neighbors seemed to be concerned about each other. We would like to have that back the way it was.

Mr. Kevin Backauskas from Black River Road said he wanted to thank the Council as well and go on the record about Mr. Gross's comments regarding the violations they believe Mr. Kipp is in violation of, and he agrees with everything Mr. Gross said.

Mr. Charles Mest, Jr. from 1930 Black River Road said he wasn't at the first meeting, he's one of the neighbors. He thanked Council for getting these corrections done as well as to agreeing to all of the violations that Mr. Gross has presented.

Mr. Amos Kunkle from 1284 Evergreen Drive said he was wondering if the administration has pursued the situation with regards to Mr. Williamson's property, which is adjacent to the Kipp property. He thinks that has an additional driveway that he's put in with the chips and has restricted the flow of the stream from across the road to the Black River. He's concerned about the destruction of the Black River and thinks this is a very fragile piece of property. The stream is under a lot of stress and he would think that situation should also be reviewed. He thanks you for Council's attention to these matters.

Mr. Kern asked if there was an update on the Williamson property? Attorney Treadwell said the Township is aware of that, and they are investigating it. There has been no action since the last meeting.

Mr. Chris Grys from 2291 Black River Road said he just wants to thank the Council for taking such prompt action on this and hearing that you are determined to continue to help with this and make sure when someone comes into our Township and disregards our ordinances that something is done about it and it's not just swept under the rug. He appreciates that.

**General Business Meeting  
September 2, 2009**

Ms. Sandy Mort-Backauskas from 2040 Black River Road said she's an environmentalist and lives directly across from Mr. Kipp beside the Gross's. She has watched the Kipp's and the Williamson's destroy those properties that lead right into the Black River Creek and she is very heartened to see that someone is going to take action about it.

Ms. Carol Mest from 1930 Black River Road said she's a 22-year resident of the Township. She would again like to thank the Council not only for their attention to the environmental issues presented by these zoning issues, but also the health and safety issues that are presented as well.

Mr. Joseph Gabrick from 1943 Black River Road said he's been a resident of the Township since 1960. He's seen a lot of changes, and hopefully, the violations that were presented here today will be taken care of at the next meeting.

Mr. Maxfield said that was a pretty clear message. Mr. Kern said he's been on Council for awhile and it's great to see a neighborhood come together like this in an orderly and meaningful way. That's why he got on Council to represent issues like this. He knows the rest of Council, as well, is a green Council and that's why we got involved. If there is a violation, it will be handled. Thanks for bringing it to your fellow residents attention so it can be handled. Mr. Maxfield said he'd like to thank all of you for your persistence, especially the Gross's, for bringing it to our attention. It's tough to come to these meetings and say things sometimes, so thank you for doing that.

Mrs. Yerger said as Mr. Kern had indicated, we are a green council. It's one thing to put the ordinances on the books, it's another thing to put them into action. You have helped us put it into action and she thanks them for that.

Mr. Maxfield said when we go to strengthen that riparian corridor ordinance, they'll count on their support. Mr. Kern said it does help when you all come.

**IV. MISCELLANEOUS BUSINESS ITEMS**

**A. APPROVAL OF AUGUST 19, 2009 MINUTES**

Mr. Kern said the minutes of the August 19, 2009 Council meeting have been prepared and are ready for Council's review and approval.

**MOTION BY:** Mrs. Yerger moved for approval of the August 19, 2009 minutes.

**SECOND BY:** Mr. Maxfield

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

**ROLL CALL:** 3-0 (Mrs. deLeon and Mr. Horiszny – Absent)

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

- Mr. William Haller from 1760 Wyndham Terrace said he'd like to present Council with some photographs. What an opportune time to talk about violations of ordinances in LST. You'll see he gave you three packets. This is referenced to the property at 1756 Wyndham Terrace where there's been a lot of work being done by this person regarding his property. Packet No. 1 shows you the land which has been regraded since his original permit. Packet No. 2 shows further regrading on the property; and Packet No. 3 shows that the resident at 1756 Wyndham Terrace has basically created a dam which is not only flooding Mr. Haller's property, but additionally his property. Mr. Haller called the Zoning Officer and he was made aware of that. He would like to inform Council of the fact that he will be physically watching the actions of the Zoning Officer. It's his impression that there has been no permit filed to do any of this work. There's evidently a sedimentation problem because of the building and construction of the lots. There was a nice grade to allow a

**General Business Meeting  
September 2, 2009**

nice flow of water from Lot 6 to Lot 5, his lot, and Lot 4, down to the creek and this has now been obstructed. Mr. Kern said is there a house being built there? Mr. Haller said there was a house that was built two years ago and there was an original permit. There is a resident in the residence, Mr. Zavatti. Mr. Maxfield said when you spoke to Chris Garges, you're not aware of any existing permits for this type of work? Mr. Haller said no, when the work started, he had called the zoning office and was informed at that time that there was a permit, but there was confusion as there was the original permit, which allowed the grading of the property for construction. He was then under the impression that there was a new permit filed. As work progressed, and there was continuous flooding, he again called and found out that the permit he was told was filed, was for the original grading and not for all this additional grading. Mr. Kern said why do you think they are grading it? Mr. Haller said there have been dump trucks full of material being dumped on there. Mr. Kern said why? You are saying before there was no flooding problem? Mr. Haller said that's right, he wants to make his land perfectly flat. There's a nice slope to it which had grass and the water runoff would naturally flow on the grass and go right down to the creek, and now it's been prevented from doing that. If your go out to his land now, the lower part of his land has been built up and you can actually see that it slopes back to Mr. Haller's property. Mr. Kern said they will definitely have this looked in to. Mr. Cahalan said it is being looked into. After Mr. Haller spoke to Chris, Chris did meet with an engineer who's been hired by Mr. Zavatti from Keystone Engineering. Chris also sent a letter to Mr. and Mrs. Zavatti on August 21, 2009 indicating that the earth disturbance and grading that took place on the property is not permitted under the Township Grading and Earth Disturbance Ordinance. Chris has agreed, per Mr. Zavatti engaging the engineer, to give them a period of time to come in and submit a plan which would have to be reviewed by the Township Engineer. There is a berm that's been constructed to stop the overland flow of stormwater and redirect it. Mr. Kern said a berm that was not part of the original? Mr. Cahalan said right. There will have to be some changes made to address that. Chris Garges is on top of it and we can probably report back to you at the September 16 meeting. We'll keep Mr. Haller informed of any progress on that. Mr. Maxfield said one thing for sure, that somebody can't do is change the water flow onto your property. We do not permit that, so that will be addressed. Was there piping that went into the ground? Mr. Haller said yes, and there are pictures to that effect. That pipe, he doesn't know where it flows, he would think there is a partial stream in the back of the property that flows during a storm. Mr. Maxfield said it looks like there is with the tree line back there. Mr. Haller said it's not an active stream. Mr. Maxfield said probably it was a low, wet spot originally. Mr. Haller said yes. Mr. Maxfield said this is exactly the kind of things we try to address by ordinance and by things like the grading permit because every little thing you do when it comes to water compounds and goes downstream. Mr. Kern said an affects someone else. Mr. Haller said there's a lot of sediment going into our streams. Mr. Maxfield said people doing their own fixes is extremely dangerous. Mr. Haller said he wants to thank Council for listening. Mr. Kern said we'll be updated at our next meeting.

**VI. COUNCIL AND STAFF REPORTS**

**A. TOWNSHIP MANAGER**

- Mr. Cahalan said there is a letter in your red folder received from Stephanie Brown, 1830 Meadows Road. She is requesting that the Township erect "Deer Crossing" signs in the vicinity of 1830, 1831 and 1832 Meadows Road to alert motorists of deer crossing the road in that area. Under the Road Maintenance Policy that Council adopted this year, there is a section for special purpose signs such as the one that was requested for the "Duck Crossing". If those were approved, the person requesting them would have to pay for the expense of the signs. He spoke to Mr. Kocher and the feeling is that the deer are a traffic hazard that is not related to the property owners, so if Council determines the sign should be erected, it would be a cost that the Township would bear. Mr. Cahalan asked the Director of Public Works for input and he said he had no objection to the request. He spoke to Chief Lesser and asked him to check the police report records for any car or deer conflicts in that area and he indicated in the past three years, there have been six crashes in

**General Business Meeting  
September 2, 2009**

that area and five incidents where officers responded to dead deer calls. Therefore, there is sufficient justification for erecting the signs in that area of Meadows Road. He'd recommend approval to erect the "Deer Crossing" signs in the area she specified and the Township will pay for the cost of the signs. Mr. Kern asked if it was near Ms. Brown's address? Mr. Cahalan said she's 1830 and she said it was 1830, 1831 and 1832.

**MOTION BY:** Mr. Maxfield moved for approval of the signs as stated above by Mr. Cahalan.

**SECOND BY:** Mrs. Yerger

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

**ROLL CALL:** 3-0 (Mrs. deLeon and Mr. Horiszny – Absent)

- Mr. Cahalan said they did present you with the PA Conservation Works! Grant application that they submitted to DEP on August 14. One of the things they were required under that application was to have a certified environmental engineer review the estimates they got for the energy retrofits and also they had to certify that we were able to meet the 25% energy reduction with those retrofits. We were fortunate to find an environmental engineer through EMS Environmental Inc. which is located in Bethlehem. He would like approval to pay the cost of their services, which was \$900.00 for submittal of that grant.

**MOTION BY:** Mrs. Yerger moved for approval to pay the cost of services as stated above.

**SECOND BY:** Mr. Maxfield

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

**ROLL CALL:** 3-0 (Mrs. deLeon and Mr. Horiszny- Absent)

- Mr. Cahalan said there is a copy of a Resolution in your folder requesting approval to transfer funds from the Contingency account to two accounts in the budget. One is Account 35.430.740 which is major equipment purchase. We need to transfer the amount of \$121,877.00 and that will cover a portion of the cost of the truck that was approved for Public Works at the last meeting. Secondly, in that resolution we would need to transfer from the Contingency account the amount of \$15,000.00 to Account 01.410.131 and that would cover the cost of payroll for the part time officer's increase that was approved previously at this meeting. Resolution 66-2009 is before you. It's the authorization of transfers of those monies from one Township fund to another.

**RESOLUTION #66-2009**

**A RESOLUTION AUTHORIZING THE TRANSFER OF MONIES FROM ONE TOWNSHIP FUND TO ANOTHER**

**SECTION 1.**

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

|               |                    | <u>FROM</u>         |                    |                       | <u>TO</u> |
|---------------|--------------------|---------------------|--------------------|-----------------------|-----------|
| <u>Amount</u> | <u>Account No.</u> | <u>Account Name</u> | <u>Account No.</u> | <u>Account Name</u>   |           |
| \$ 121,877.00 | 35.493.00          | Contingencies       | 35.430.740         | Major Equip. Purchase |           |
| \$ 15,000.00  | 01.493.000         | Contingencies       | 01.410.131         | Part Time Officers    |           |

**SECTION 2.**

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

**General Business Meeting  
September 2, 2009**

**MOTION BY:** Mr. Maxfield moved for approval of Resolution No. 66-2009.  
**SECOND BY:** Mr. Maxfield  
Mr. Kern asked if anyone had any questions? No one raised their hand.  
**ROLL CALL:** 3-0 (Mrs. deLeon and Mr. Horiszny – Absent)

**B. COUNCIL**

**Mr. Maxfield**

None

**Mrs. Yerger**

- She said she wanted to remind everyone that Saturday, October 10, 2009 from 9 AM to noon is going to be the townships recycling event. It will take computers, VCR's, DVD's, cell phones. It will not take televisions, washers, dryers – no major appliances. It's been very successful in the past. They have recycled hundreds of tons and it's all done environmentally. The products are stripped and the components are reused. It's not shipped over to another country. It's free to residents. If you go elsewhere, there is a charge. Upper Saucon people can take advantage of it also. Mr. Kern said what about computer screens? Mrs. Yerger said they will take the monitors. Mr. Maxfield said on the same day, Northampton Community College, there is a household hazardous waste collection. That will be going on all day. Things like paint and oil they will take.

**Mr. Horiszny**

Absent

**Mr. Kern**

None

**Mrs. deLeon**

Absent

**E. ENGINEER**

- Attorney Treadwell said the Bethlehem Area Public Library (BAPL) has notified the Township that your pro rata funding for 2010 will be the same as it was for 2009. That issue is resolved for now. He still thinks you need to consider renegotiating that existing agreement. It's not as imminent right now as they told you the funding is going to be the same as last year, but that agreement has to go. Mr. Kern said we'll be in the same boat next year if we don't do something.
- Attorney Treadwell said the Saddle Ridge street sign issue still has not gotten resolved. Saddle Ridge has actual new sign parts and lettering that they've purchased that is not from a PennDOT approved supplier. They have also proposed purchasing posts that are approved by the Federal Highway Safety Administration, but not PennDOT. Every time we tell them to show us that the signs are manufactured by a PennDOT manufacturer, the next thing we get is they are approved by the Federal Highway Safety Administration. That's not what we asked for. We asked for PennDOT. Does he now give them a drop dead date to either meet the PennDOT requirements we have asked them to meet or else we'll just go out there and put up signs and posts we agreed to? Mr. Maxfield said it seems it's been going on for a year now. Mr. Cahalan said it's been two years. Mr. Kern said has there been any response to your email? Attorney Treadwell said the email he sent saying thank you for the Federal Highway Safety Administration signs, we asked for PennDOT – there was no response. He would propose he write a letter to Attorney Rice tomorrow saying that Council has asked him to advise them that we need to reach a satisfactory conclusion of this issue by the end of the year. All we asked of them is to find someone who manufacturers break-a-way posts in Pittsburgh that is approved by the Federal Safety

**General Business Meeting  
September 2, 2009**

Highway Administration, then they can find the manufacturer that's on the PennDOT list. It's not that difficult. Mr. Kern said do a stronger letter saying it needs to be a PennDOT approved sign. Mr. Maxfield said we should include a date or we'll be here a year from now talking about PennDOT. Attorney Treadwell said he will send that out.

**F. SOLICITOR**  
None

**G. PLANNER**  
None

**VII. ADJOURNMENT**

**MOTION BY:** Mrs. Yerger moved for adjournment. The time was 8:25 PM.

**SECOND BY:** Mr. Maxfield

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

**ROLL CALL:** 3-0 (Mrs. deLeon and Mr. Horiszny – Absent)

Submitted by:

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Jack Cahalan  
Township Manager

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Glenn Kern  
President of Council