

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

IV. DEVELOPER ITEMS

- A. Old Saucon Investment Overall Minor Subdivision - 4374 Route 378 & 2115 Saucon Valley Road

V. TOWNSHIP BUSINESS ITEMS

- A. Zoning Hearing Board Variance
 - 1. Nick Burdomi – 1962 Barclay Court – Variance for Front Yard Setback
- B. Resolution #58-2013 – Authorization to Acquire a Conservation Easement – Charles Martin – 2256 Silver Creek Road and to Authorize a Survey and Baseline Be Prepared
- C. Strauss Conservation Easement - 2671 Applebutter Road – Costs for Recording
- D. Lutz-Franklin Schoolhouse Exterior Painting Scope of Work and Cupola Repair Estimate
- E. Ordinance No. 2013-05 – Authorize Advertisement for Peddling & Soliciting Ordinance Revision
- F. Resolution #59-2013 – Transfer of Money
- G. Quarry Road Property – Township Tax Exoneration Request
- H. Proposed Scope for Audio/Visual Upgrades to Council Meeting Room
- I. Resolution #60-2013 – Appointing Dog Control Officer

VI. MISCELLANEOUS BUSINESS ITEMS

- A. Approval of August 21, 2013 Minutes

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 Park & Rec Meeting: September 9, 2013
Next EAC Meeting: September 10, 2013
Next Saucon Valley Partnership Meeting: September 11, 2013 @ Hellertown Borough
Next Zoning Hearing Board Meeting: September 16, 2013
Next Council Meeting: September 18, 2013
Next Planning Commission Meeting: September 26, 2013
Next Saucon Rail Trail Oversight Commission Meeting: September 23, 2013 @ Hellertown Borough

I. OPENING

CALL TO ORDER: The General Business & Developer meeting of Lower Saucon Township Council was called to order on Wednesday, September 4, 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; Cathy Gorman, Director of Finance; Linc Treadwell, Township Solicitor; Dan Miller, Township Engineer; Karen Mallo, Township Planner. Absent: Glenn Kern, President.

PLEDGE OF ALLEGIANCE

ANNOUNCEMENT OF ANY EXECUTIVE SESSION (IF APPLICABLE)

Mr. Maxfield said Council did not meet in Executive Session since the last meeting.

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 – None

IV. DEVELOPER ITEMS

A. OLD SAUCON INVESTMENT OVERALL MINOR SUBDIVISION – 4374 ROUTE 378 & 2115 SAUCON VALLEY ROAD

Mr. Maxfield said the applicant is proposing to create a lot that lies completely within Lower Saucon Township and a second lot which is in Upper Saucon Township.

Lisa Pereira from Broughal & DeVito, Attorney; Anna Martin from Van Cleef Engineering; and John Blair from Old Saucon were present. Ms. Pereira said there are two boards showing the plans which are in your packet, they are the first two attachments. At the last meeting, Council had asked them to provide plans depicting the current conditions of the property as well as what their proposed subdivision will look like if it was approved by Council. The first plan shows you Lot 1 which is the existing lot and Lot 2 is the piece down at the lower left hand corner, which is located in Upper Saucon Township (UST). The piece in Lower Saucon Township (LST) is up at the top right hand corner. The next plan shows you a different perspective. Lot 1 is the lot that will be completely 100% in UST minus that little triangular piece at the top which will remain in LST where the driveway entrance is envisioned. The green is now the new Lot 2 which is the proposed lot that they would keep in LST and maintain separate and apart from the development that will be contained in UST. One of the questions the Council had expressed before was what they were proposing to do and in the correspondence you have before you, they identified what the proposed scope is in UST as well as in LST. At this point in time, there is no development being proposed in Lot 2 in LST. They understand that at such time they would want to develop it, they would have to

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file the applicable paperwork with the Township to obtain any permits or approvals for land development.

Mr. Horiszny asked if the vertical line that goes beyond the green spot, is that the County line and the Township line changed there? Ms. Pereira said that is the municipal line, yes. This part is still considered part of LST where the driveway entrance is. Ms. Martin said there is no change proposed to the Township and County line. That is what it is.

Mr. Maxfield asked if they had any more details on what exactly was going to happen with the driveway in the corner that would be remaining attached to Lot 1. Attorney Pereira said at this point in time, they don't know what that will be. They have not finalized or come up with any specific land development for the lot that will be in that corner. So until they obtain or have a speculative user, they don't know the scope of the driveway improvements, but certainly, once again, they understand under their waiver of land development plan review as outlined in the attachment, they agree to come before the Council again to show them the schematics for the traffic as well as for the stormwater drainage which was a concern for Council.

Mr. Maxfield said one of the things he's concerned about is that even though there's no development planned for Lot 2, it has potential for more than one residential lot and it's zoned for residential. They also have no plan for the corner which is also in LST and that corner may affect what occurs on the lot or lots that are created on Lot 2. You are asking for a waiver or deferral for road improvements for Colesville Road, but they don't know exactly what those will be. One of Council's biggest concerns with this is maintaining the Colesville neighborhood area. He doesn't know what the Planners or Engineers may come up with, but there may be some improvements on a different nature in order to more or less separate that neighborhood from the more commercial kind of use that's occurring beyond it. He feels a little odd that you might be asking for a deferral for that when they really don't know what it is happening there at all. We know with the driveway going in for the restaurant. There were some discussions about in and out and all that sort of thing. We don't know distance from lines or anything like that which may affect what happens on the other lot. Attorney Pereira said any deferral that the board would grant, they would understand at some point in time they are going to have to come before Council again and install whatever improvements Council or Township staff would require at that time. For the minor subdivision, it's speculative for them and they don't know what's going in, so it's hard to propose any sort of improvements with that being unknown, but they recognize at such time as they present new plans to the Township staff, they would be obligated to comply with the ordinances.

Mr. Maxfield said he'd like to ask our consultants if they have any comments on what's being proposed. Mr. Miller said there are two different concerns which are the intersection and the stormwater. The stormwater was addressed in the site meeting between Chris Garges, Roger Rasich and the applicant and it was decided that there was no need to do it now, but upon the development of that lot, it should be cleaned up. That's why the deferral is being tied to the development of either of those lots. While they already have the equipment mobilized, that would be the time to do it. As far as the intersection, they already have an approved plan by UST and PennDOT. They did not receive a copy of that report until after it had been approved. There were concerns that there would be traffic concerns on Colesville Road and they seem amiable to revising their plans. There are details currently for that intersection; however, they have not been revised to accommodate HEA's concerns.

Mr. Horiszny said can someone point out exactly where the bank driveway is on the map? Ms. Martin said the bank's driveway is almost immediately adjacent to the property.

Ms. Mallo said in speaking with Judy about some of the concerns that Priscilla had brought up last time about the subdivision and that if a single family home goes in and it's just one home, that doesn't require Council approval because it's not a land development. It would just be an

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improvement of a single house on a single lot. In that case, Council would never see those plans again unless there's some condition placed upon the approval. Mr. Maxfield said you are talking specifically about the road improvements, that sort of thing. Ms. Mallo said correct. You wouldn't see it. That's a staff approval. Mrs. deLeon said would any improvements be done to the streets for one home? Mr. Miller said there would be because of the subdivision. There's a concern now that it be done eventually. Rather than have them go out and do it now since it's not urgent, have them address it when they have their equipment out on the site already. Mrs. deLeon said does the homeowner pay for that or does the developer pay for that? Mr. Miller said it's currently an obligation of the property owner. What they do with their potential buyer is ...Ms. Martin interrupted and said right, any development whether it's on a proposed Lot 1 or a proposed Lot 2 would trigger the improvements on Colesville Road. Mrs. deLeon said whether it's one house or no house on the lot? Ms. Martin said correct. Mr. Miller said or the driveway. Ms. Martin said any improvement or development along that frontage, whether it's putting in a single family home on Lot 2 or a driveway eventually opposite the bank or whatever, will trigger. She, Roger and Chris met out there and they decided, because they wanted to make sure those improvements would go in. That is a note on the plan. Mr. Maxfield said what he was trying to get at was exactly that point. If it turns into a residential lot or lots, any road improvements will fall on to the homeowners and to the people developing those lots. If the lot is sold, then the improvements will be at the cost of someone who is building the house and that may be determined by what happens on the drive that comes in. Ms. Martin said correct, but it would also be however that sale is set up between. Is it going to be a sharing between the person who owns Lot 1 and Lot 2. You're right. Somewhere the money has to come to pay for those improvements. Mr. Maxfield said if they are determined what happens to the drive in to the commercial development, then you've set up what happens on residential lots, but at that point you are walking away from actual financial responsibility for those improvements. Mrs. deLeon said because they are deferring it to the future. Mr. Maxfield said if the lot is sold, if you'd maintain ownership of the lot, that's something different.

Attorney Pereira said that's certainly an item that Mr. Blair would have to address at the time he is selling. If there's a financial cost that certainly is a matter between the buyer and the seller. They would make reference to any deferral on the recorded plans. Anybody would have note as. Mrs. deLeon said she looks at it as a homeowner buys one or two houses in their lifetime, so sometimes you don't think about what's happening. She's just thinking of the property owner.

Attorney Treadwell said what does the actual deferral note on the plan say? He doesn't recall the exact language. Does it talk about the improvements on Colesville Road being deferred until Lot 2 is developed or does it talk about when Lot 1 or 2 is developed? Attorney Pereira said she doesn't have a copy of the plan in front of her describing that. Someone (they did not state their name) asked a question (could not hear). Attorney Treadwell said 1 or 2? Someone answered him and said yes. Attorney Treadwell said a hypothetical – if Lot 2 gets created now, and say it gets sold, and the new owner comes in and builds one house, and Lot 1 doesn't get developed for another two or three years, how is that going to work going back to the owner of Lot 2 who know has a house on it and saying to that owner, now you have to improve Colesville Road to deal with what's happening on Lot 1. Attorney Pereira said originally they had said that any development of Lot 1 would trigger it. The Township Engineer asked them to revise the note to say Lot 1 or Lot 2, so the note 17 under the general notes now reads “any land development of proposed Lot 1 located in UST specially development of the property at the southeast corner of Colesville Road and Route 378 adjacent to the proposed Lot 2 or any land development of proposed Lot 2 must include stormwater runoff conveyance of improvements along the property frontage on Colesville Road pursuant to subdivision and land development ordinance Section 145-48”. The note goes on. It has to do specifically with stormwater. Attorney Treadwell said he thinks the question Mr. Maxfield was asking was what if there are Colesville Road widening or curb type improvements that are necessitated because of the development that's proposed on Lot 1. How does that work? Attorney Pereira said that would be part of the review when Lot 1 gets developed. Attorney

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Treadwell said if Lot 2 is not owned by the same person that owns Lot 1, at that time, then if he owned Lot 2 he would be saying it is not my problem. I built a house; you are not widening Colesville Road on my frontage. Attorney Pereira said maybe she's misunderstanding, but the development of Lot 2 with one single family home would typically not generate road widening improvements required on Colesville Road. Mrs. deLeon said you are limiting the property owners ability to develop that lot. Attorney Pereira said it's only residential. Attorney Treadwell said what he's saying is right now and he's trying to paraphrase what Mr. Maxfield was trying to say is right now it's one lot, so whoever develops the corner of 378 and Colesville Road still owns a lot of frontage on Colesville Road and would have the ability and the legal right to widen Colesville Road to handle whatever may go on the corner. If Lot 2 gets subdivided and sold, that ability for the owner of Lot 1 goes away. Attorney Pereira said currently they would control both lots, so certainly an arrangement could be made that they recognize that at some point in time they are going to sell Lot 2. Let's say it's before they develop Lot 1. They have the ability to control having some agreement in place with the property owner or some restriction put of record that they will basically install the improvements or have some sort of easement. Attorney Treadwell said it would almost be retaining an easement or a right-of-way. Attorney Pereira said exactly, to have them do the improvements and they would agree to do that. Attorney Treadwell said if they are necessary. Attorney Pereira said exactly and they would have no problem. Attorney Treadwell said you don't know what's going on the corner, so you don't know if it's necessary or not. He doesn't know if that addresses it. It may address some of the concerns that we've heard so far.

Mr. John Blair said the way you are explaining and the way we think it's going to probably happen are reversed, yes. They would think that Lot 1 would be developed first and they would do Lot 2 later so it never really occurred to them to do it the other way around. You brought up a good question. If it did happen that way, then he would have no problem putting in something to protect whoever bought Lot 2 that they are not saddled with some crazy road improvements or at least they know what they are buying. They are thinking the whole thing would be the retail on the UST piece and would be identified. When that's identified, they could come back and say here's our road count; here's our stormwater and then you'd give us your comments on Colesville Road and they would address those then. The only reason they don't have that end user right now. They sort of took it the other way, but yes it could happen, theoretically if you subdivide it they could sell it off and he has no problem putting anything to protect the homeowner, the Township. They are not saddling them with anything other than something normal. Right now they plan on putting one single family home on the lot. If they do come back to you to divide it up, obviously, they'd be doing a subdivision, but that's where it is currently.

Mr. Horiszny said that's one house on proposed Lot 2, 6.48 acres? We are zoned residential there. Mr. Blair said zoned residential, one lot. Ms. Martin said the max you can get on that piece is two lots. That would meet all the requirements of the ordinance. Mrs. deLeon said so the potential is for two lots. Ms. Martin said there's a potential for two lots. Mr. Blair said they would have to come back and go through the whole development process again. They have to make a decision on it. That could happen, but they have to come back in front of you and get approval for everything. Mr. Maxfield said it looks like there's enough frontage and everything. Ms. Martin said it's 6.413 acres. By the time you apply the setbacks and the on lot septic systems, the max you would be able to ever get on there with the current zoning is two lots.

Mr. Maxfield said, Linc what you were addressing before, can that be handled by a plan note or would that be a legal agreement? Attorney Treadwell said he thinks they'd want to make that a condition of the approval to protect the Township and probably have it as a note on the plan. Mr. Maxfield said some added insurance on there definitely helps. Ms. Martin said they would supply the Township with a note and ask you to comment how you feel it best protects the Township and that property owner. Mrs. deLeon said if we don't put it on the plan as a note, it will never get into their property record, and recorded at the courthouse? Attorney Treadwell said no, it should be on as a note on the plan. There would be nothing at the courthouse to show that would exist if they

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didn't put a note on the plan. Mrs. deLeon said who would know to come to the courthouse and look for this approval of the subdivision and see what the conditions were unless it's in their deed.

Mrs. deLeon asked Dan that UST or the approvals were made by PennDOT. What should have been the procedure for UST and us in that process? Why weren't we party to that? Mr. Miller said the intersection isn't in our Township or at least the majority of it isn't in our Township. The signal is not going to be our responsibility. PennDOT is the entity that authorizes the signal. Most of the development that's triggering the need for the signal is in UST. They were expressing their concern. It does seem that maybe they should be the third leg in their view process with UST and PennDOT being the primary review, but they still had concerns. He can't explain the reasoning, but it does make sense for them to try and address UST and PennDOT because they necessarily fit in our concerns as well. Mrs. deLeon said are you saying we're still part of that? We can still try to get our concerns addressed? Mr. Miller said they agreed to address our concerns and the motion put before you has that condition. Attorney Treadwell said he thinks Mr. Miller is talking about the current motion. Mr. Miller said the motion is the same as the one that is prepared for the last meeting. The requirement that they have to address our traffic concerns is still in there. Ms. Martin said that same condition was part of the waiver. Mrs. deLeon said she's disappointed and hoping that we as a Township don't do that to UST or our other border municipalities if this was in a reverse situation.

Mr. Willard said what is the purpose of making this change in the lot lines right now, at this particular time? Attorney Pereira said we're trying to clean everything up. Currently, this particular lot as structured as Lot 1 on the bottom plan, is all on one deed. Because of the residential zoning of the piece in LST versus the commercial in UST, they think it cleans things up for not only them but for LST. The Township has complete control over this new lot to as it is wholly located within the municipal boundaries. They figure before they start any of the other development, let's clean this up and put this out there and keep them completely separate. This way it gets its own tax parcel. It's assessed separately and it will help them certainly to market it because now it is a separate piece that can be developed as a residential use. Mr. Horiszny said it makes sense for the small part, but the big part, when we discussed it a month ago, wasn't that big because it was only going to be able to hold a restaurant and a bank, and now it looks like it's got the main entrance; and therefore, you could get out with the other. Attorney Pereira said no, the development of what would be the remaining Lot 1 on the top plan, that plan actually has no access from the remaining development in UST. It's a separate lot and John can answer. Mr. Blair said they are not even considered retail. They are considered a village center. UST was as consistent about Colesville Road intersection as they were their own intersection. There's one set of UST, 141-B, it's called, an ordinance they created and it's at the 14 acres at the intersection of Center Valley Parkway. From that, it leads into UST's residential area. There is no way you can get from the intersection of Center Valley Parkway or anywhere in that Lot 1 to get into that green area other than the road they are proposing, but that only leads from the intersection of Colesville Road. There's only three acres to Colesville Road that comes out adjacent to the bank. The three acres is probably a maximum of two uses consistent with what you already have in your Township such as a bank, car wash, that type of product. We're not allowed to have a 24-hour service. Architecturally, it has to be approved. It's the same thing they are allowed to do at the intersection of Center Valley Parkway. UST did not treat you differently on the three acres and pull up the rope and say you can do whatever you want. They don't have retail and they don't have commercial. They have village center at the three acres and village center at the fifteen acres. They did not treat you any differently at all. It's all consistent and they can only get from the three acres the two uses out and the two uses are very consistent with what LST has done in the past with that intersection. They started to develop it. They brought in a traffic light. Some people are for it and some people are against it. He doesn't know what the tally is, but they have a traffic light only because PennDOT made them put a traffic light in. That being said, he just wants to make it clear that they are not bringing traffic from Center Valley Parkway in their development out through Colesville Road. Mr. Horiszny said the three acres you are mentioning, where's that on the map? Mr. Blair

said the three acres are right at the intersection. Mr. Horiszny said it includes the LST part? Attorney Treadwell said not the green part, the other little triangle. Mr. Blair said they are not putting in any pavements, parking lot, buildings, anything in LST. He showed where the three acres that are zoned village center. Then PennDOT only allowed them a right-in and a right-out. They can't come in this way. Mr. Horiszny said but on the three acres? Mr. Blair said only on the three acres. You drive in here and you can go right out and there's a traffic light. You can come out left or right. They put the traffic light in and it should clear up any problems. Any traffic concerns they will address with LST. They just don't know the uses yet. It cannot be anything 24-7. When they came in here, the process was to start with UST and PennDOT. They weren't trying to keep you out of the loop but they weren't doing anything no different. They had to listen to these other people first. They are not coming back to do any deep development. This is all by right. Mr. Horiszny said his concern is it shows 57 acres, so your three acres that are isolated there, and not indicated on the map. If we're voting on that map, he's not going to vote for it. Attorney Treadwell asked Attorney Pereira if the three acres we're talking about a separate tax map parcel? Mr. Blair said it will be. Attorney Treadwell said it's part of the UST plan to subdivide that off of the larger piece? Attorney Pereira said the larger piece, the blue piece that you see, is going to be a total of 84 lots. That will be a subdivision with UST. One of the lots is the large village commercial by Center Valley. The other lot is the corner that Mr. Blair was talking about. Those are two village center lots. The remainder is single family and twin homes. What you are seeing is the overall Lot 1 that will be broken between that and Lot 2. Lot 1 is what is the subject of a land development and subdivision in UST. The last time they were here, they only talked about that corner piece. That's why you are saying it's a larger lot. It's always been a larger lot. Mr. Horiszny said when you look at the map, you can't see that you can't get there by the road. Attorney Pereira said like Mr. Blair was explaining, there's going to be a traffic signal on the connection at Center Valley Parkway that allows access. It's a boulevard style type access into that village commercial. The residential portion will be a gated community, so there will be gates at either end. You can get to it from Saucon Valley Road or from the village commercial that comes in off of Center Valley Parkway. That's it, then there's a cul-de-sac, a detention pond, and there's physically no way the connection would ever be made. Mr. Maxfield said the plan he saw did have stormwater facilities between. Attorney Pereira said it wasn't the intent and it's not what's been designed. Mr. Maxfield said since we're dealing with this and the three acres isn't delineated on this map, is there anything in the language of the staff recommendation that hints that road can only be used for that three acres? He knows what PennDOT said. Do we have Township language? Mr. Miller said no. He was trying to find whether or not that would trigger a land development because at a certain point, that access would be considered a road and that road would not meet the Township ordinances. You can put a access driveway there, but once it becomes the threshold of a road, which would be multiple uses, accessing to the one point, it would not meet the required setback. It has to be 800' from the intersection and they only have the 300' to work with.

Mr. Willard said on the three acre commercial development village center, we've heard statements that a bank is going to be there or a bank and a restaurant, and he's sure they are permitted uses. You are indicating you don't have a tenant for it yet? Mr. Blair said no. They have no tenant at this point. Those are types of uses. They do have a bank that's looked at the 15 and three acres, but they haven't gone that far with it. There was one person proposed putting a restaurant and possibly a bank there, but nothing has been formalized enough. When they have that end user, they would come back to the Township and show how they are doing their water runoff and their parking and then they could try and address any concerns that you have on Colesville Road.

Mrs. deLeon said the packet you gave them, is there anything new in there? Attorney Pereira said the only thing that is new is the summarization of the existing areas as well as the proposed and it also includes the road right-of-way. Also attached is the Township Engineer's and Planners review letters as well as their responses. Mrs. deLeon said your responses are dated today. Ms. Martin said they actually had them dated August 21. They've reviewed all the comments provided by both HEA and Boucher & James and they don't have any issues with complying. Mrs. deLeon said they

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are technically the same comments you had before. Attorney Pereira said yes, they just dated them today. Mrs. deLeon said why did you date them today, it makes it confusing.

Ms. Mallo said the response letters said you have addressed the issues. Are they going to get revised plans to show those changes were made? Ms. Martin said correct, any changes. Ms. Mallo said they haven't seen them yet. Ms. Martin said she prepared the letter today to come to the meeting. They will submit them. Mr. Miller said the letter serves as a formalized will comply and we will presume that our letters are still applicable and they can just treat those letters as will complies. Ms. Martin said if it's easier for you to ignore the September 4th letters, that's fine. That's how they plan on complying. Mr. Maxfield said while we are talking about your letters; just assure him that the road improvements are listed as a deferral and not a waiver. Is that right? Mr. Miller said there are two different road improvements and they are both deferrals with different triggers. The other thing is to get to your original concern, while it's highly unlikely that they try and connect a road to Colesville, it does not seem that doing so would trigger a land development for the Township, and thus our protection of not allowing that by our SALDO would not necessarily be a protection. If that's a concern, perhaps that could be an additional condition that they will not connect more than whatever acreage they are proposing and say that in the motion.

Attorney Treadwell said that would be a plan note and a condition. Mr. Maxfield said he was wondering if there were any notes on the discussion we had before about allowing the drive onto that, the initial request. There's probably nothing on that, right? Mr. Miller said do you mean the waiver at the beginning of last year? There was a condition regarding concern with traffic which they've carried their concern throughout and they still have and now that they see their analysis, they definitely do have a concern. Attorney Treadwell said he thinks the question was, do they have a note on the plan and he doesn't have an answer to that. Mr. Maxfield said there's nothing about a non-connection on the plans so far? Mr. Miller said we have to add it.

Mrs. deLeon said she's going back to your September 4th letters. She hopes your dates stamped by the Township as we had talked about them at a public meeting. Ten years from now somebody goes back through the minutes and looks for the September 4th letter, she hopes it exists somewhere. Attorney Pereira said she has provided copies to both Ms. Huhn and Mr. Cahalan and she can send another formal letter if you would like that. Mrs. deLeon said she just wants to make sure what walks in the front door stays here. Attorney Pereira said certainly.

Mr. Horiszny said it asks us to approve a two lot minor subdivision, but only one of those lots is in LST. Can we even do that? Attorney Treadwell said based on the conversations that we've had tonight, we need to put some new plan notes on and he and Attorney Pereira need to agree on some language as to how to deal with any frontage improvements which may or may not happen on Lot 2. We have some time. He thinks the extension goes through the end of November. Attorney Pereira said it's September 25th which was what Judy had listed. It's not an extension, it's 90 days. For September 25th you still have a meeting on September 18th. Attorney Treadwell said they will have to look at that as somewhere in the Township, it had November. He thinks we can work that out before the next meeting. Mr. Maxfield said he wants to go over some of the things we talked about so they will be included. They were talking about plan notes and condition of approval for both the non-connectivity on the three acres to the rest of what will remain on Lot 1 and also we were talking about the type of insurance we were going to talk about for road improvements. The statement of your commitment to the future of that road and it would be a plan note and condition of approval. Mr. Horiszny said do we need a motion to table this? Attorney Treadwell said he would prefer to table it, but as Mr. Maxfield said, we need to open it up for comment.

Attorney Pereira said since we'll be looking at all the plan notes and making sure that everybody is comfortable, there is a plan note on Sheet 1, LST, that talks about the waiver request that was granted at the February 1, 2012 meeting and it references specifically back to the two review letters and those comments and it also states that as it relates to driveway entrance onto Colesville Road

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and associated stormwater improvements. There is already some language regarding the concerns and making sure that it's not forgotten. Again, it can be expanded or whatever needs to be done to it to make everybody comfortable. Mr. Maxfield said we should work it out so everyone is comfortable.

Mr. Maxfield opened it up to the floor.

Mr. Bert Daday said he lives at 1448 Colesville Road. He appreciates the opportunity to speak with the elected officials here tonight. He wants to make it clear that he totally supported the original plan presented by John Blair as far as the development of Old Philadelphia project; however, he is not supporting the additions that have been made in that three acre corner. The only purpose for that is to accommodate a fast food restaurant. He did a little talking to some of the others involved in this like the P/C people and PennDOT. You all agree that there are no land development plans for that particular area. He doesn't understand this and he's a neophyte. He doesn't have the expertise as you people do. He doesn't understand how decisions are made as far as this whole project is concerned with no land development plan. He also doesn't understand how you are doing a traffic study on the area where you have no land development plan. It really concerns him. He also learned in this process of conversation that we're talking about two driveways on Colesville Road, one of which has been already approved by this board and now a new one at that corner which is really to accommodate this fast food restaurant he thinks. That is totally out of order. Another concern he has is what expenses have been incurred so far by the Township as far as this is concerned, about these changes on Colesville Road and the corner and so forth. What are the total costs anticipated to accommodate this development? To accommodate really UST? He thinks that, and he doesn't mean this as criticism, but he guesses that he does. His concern is that this board has done everything to accommodate UST in this issue and little consideration given to the property owners along Colesville Road and in our Township in that general area. He suggests that this total project be tabled until a lot of other questions are asked. He got these letters from Jack Cahalan and a response from HEA where they refer to high turnover restaurant in that three acre area. People are saying they don't know what's going in there, but who knows about this stuff? He can't understand this. If there are no plans, what is the response to the letter from HEA? There are also some parts of this, item No. 17, that's very confusing to him as a non-engineer and that whole section as far as additional improvements to be made along Colesville Road to accommodate this development. Who is going to be responsible for paying for those improvements? Is UST going to participate in it? Is the developer going to be participating in it? Is Lehigh going to participate? Who is going to participate in it? The Township he assumes. Those are some of the questions he has. He is really upset about this whole process. He thinks there's been a lot of confusion. He thinks the presentation tonight that was made by the professionals was somewhat confusing. There are a lot of questions to be answered.

Mrs. deLeon said what is the definition of a high turnover restaurant? Mr. Miller said it's fine. There are a lot of different types of restaurants in a book called ITE Manual and high turnover to the best of recollection is not a fast food restaurant. It's a step down from that. There are other types of restaurants with more turnover. Mrs. deLeon said when she thinks fast food, she thinks McDonald's, Burger King. Mr. Daday said Applebee's is an example. Mrs. deLeon said would Applebee's be in there? Mr. Miller said Applebee's could be in a high turnover. Unfortunately, traffic engineering is outside his domain. That does seem like it would fit that description. The best answer would be consulting the ITE and see how they define it. Mrs. deLeon said what she's having trouble with is they did a traffic impact study. Who did that? Attorney Pereira said it came from the applicant. Mrs. deLeon said if you don't know the use, did you use the high end use for the traffic study, the worst possible scenario for the traffic study? How do you do a traffic study if you don't know what's going to go in there? Attorney Pereira said her understanding is that the Traffic Engineer started with the traffic from the known, the main component, everything except for that corner lot and generated the numbers, crunched the numbers, met with PennDOT. This has been going back and forth with PennDOT for probably three years. In doing so, because of the

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traffic light, PennDOT said because there's that corner piece and there's potential for it to be developed, come up with a best guess at what that could be developed with to truly see what kind of traffic numbers you can get at that intersection. Mr. Maxfield said in that case, did you use restaurant numbers or something that was mentioned earlier? Attorney Pereira said she did not do the traffic study, so she does not know. She does believe there a restaurant and bank use, something that could possibly be at that lot to generate those numbers. Mr. Maxfield said you would consider a restaurant use the highest amount of traffic that would be? Attorney Pereira said typically that is a very high number. Mr. Maxfield said then you have your uses that are allowed with the village center. Attorney Pereira said correct. What the traffic engineer did was, and she's speculating, is look at what is allowed to be put there. Maybe what John would have had as some interest from someone about what could possibly go there and then look at what are some high users to try to see what would be the worst case scenarios? Fast food is not allowed there at all. Mr. Maxfield said that is per their zoning. Mr. Blair said yes. On the fifteen acres, you can't have a building bigger than about the size of Fresh Market, so they built this village center overlay zone which they applied to the three acres. Mr. Horiszny said he suspects that there is a traffic light justified there now as it is without any development if you look at that corner. To answer Mr. Daday's questions, Mr. Blair did have a development plan. It's with UST. The restaurant and bank would be in UST, so we have no input on that and can't stop them. We have to allow them to have a driveway because you have a driveway and every lot is entitled to a driveway, so that's where we're at. Mr. Daday said that's fine to accommodate that fast food restaurant if that's what you want to do. That's what you are doing. Mr. Horiszny said he just said we have to have a driveway. We cannot say you can't have a driveway here. Every lot is entitled to a driveway. Mr. Daday said thank you very much. Do you think this traffic study is reliable? Mr. Horiszny said yes, he does. Mr. Daday said with no development plans included, come on. Mr. Horiszny said it has development plan. It's with UST. You will have to go and complain to UST. Mr. Daday said he's not there. It's strange you mention that. UST isn't represented here at all, yet you are accommodating everything they want. Mr. Horiszny said we are not accommodating them. We are accommodating the law. We have to allow a driveway for every lot. Mr. Daday said you are not considering the concerns of the safety of the people on Colesville Road. Mr. Horiszny said you have a driveway, right? Mr. Daday said sure he has a driveway. Mr. Horiszny said okay, everyone that has a lot is entitled to a driveway. Mr. Daday said for a fast food restaurant? Mr. Horiszny said a driveway. Mr. Daday said come on. Mr. Horiszny said I'd like to table this issue to 9/18/13. Mrs. deLeon said make sure there's nobody else that wants to speak. Mr. Horiszny said he can speak after the motion is made.

MOTION BY: Mr. Horiszny moved to table this agenda item until the September 18, 2013 Council meeting.

Mr. Maxfield asked if anyone else wanted to speak? No one raised their hand. He said he wants to assure Mr. Daday and anyone else that is concerned is one of their main concerns is the neighborhood of Colesville Road. This is why we are spending time on road improvement discussions. This is why our engineers will stay on top of any of the planning that goes into the traffic. This is why we are deferring specifics until we find out specifically what's going to happen. We're trying to cover it as much as we can. Mr. Horiszny is exactly right. There is the law and we have to provide so we're going to do the best we can. We're within a set of boundaries and are going to do the best we can for that. If you have concerns, please come and express them.

SECOND BY: Mr. Willard

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. **NICK BURDOMI – 1962 BARCLAY COURT – VARIANCE FOR FRONT YARD SETBACK**

Mr. Maxfield said the applicant is seeking relief for a front porch which was constructed by his contractor and does not meet the required front yard setback.

Mr. Nick Burdomi and Kevin Dyer were present. Mr. Dyer said he owns Pinnacle Roofing and Siding. He said back in August 2012, he and Mr. Burdomi drew up plans to construct a front porch for his residence. The paperwork was going around in August and into September. They had supplied original plans and went through Code Master. They got the drawings approved by them and made changes to the plans. The paperwork was submitted. He dropped it off on a Saturday as he was leaving to go on vacation and he dropped off the plans at the Township. In his rush of business the way the weather turned out, he thought he had everything set and lined up and thought everything was approved, and failed to do his follow-up on it prior to starting the job. There's no other good explanation for it. He jumped the gun and failed to make sure his paperwork was in order. Mr. Maxfield said you are asking relief for 3' into a 30' setback? Mr. Dyer said he believes it is a 3' relief. Council took no action.

B. **RESOLUTION #58-2013 – AUTHORIZATION TO ACQUIRE A CONSERVATION EASEMENT – CHARLES MARTIN – 2256 SILVER CREEK ROAD AND TO AUTHORIZE A SURVEY AND BASELINE BE PREPARED**

Mr. Maxfield said Resolution #58-2013 has been prepared to authorize the purchase of a conservation easement on property located at 2256 Silver Creek Road. Council should also authorize a survey be prepared by a certified surveyor of their choosing at a cost not to exceed \$5,000.00 (Five Thousand Dollars) and a baseline report be conducted by a conservator from the approved list.

**RESOLUTION OF THE COUNCIL OF LOWER SAUCON TOWNSHIP
AUTHORIZING THE ACQUISITION BY PURCHASE A CONSERVATION EASEMENT
ON 30.0945 ACRES ON SILVER CREEK ROAD IN LOWER SAUCON TOWNSHIP,
NORTHAMPTON COUNTY, PENNSYLVANIA**

WHEREAS, Lower Saucon Township is a Township of the Second Class, Optional Plan of Government; and,

WHEREAS, Sections 1502 and 2201 of the Second Class Township Code, 53 P.S. §66502(a) and 67201, authorize Townships of the Second Class to purchase or acquire by gift or otherwise interests in real property it judges to be to the best interest of the Township.

WHEREAS, Municipalities, including Township's of the Second Class, are authorized by 32 P.S. §5005(c) to protect and conserve water resources and watersheds; and to protect and conserve natural or scenic resources, including but not limited to soils, streams, flood plains or marshes.

WHEREAS, Second Class Townships are authorized by 32 P.S. §5005(c)(1) to acquire interests in real estate, including conservation easements to protect and conserve these resources.

WHEREAS, The Council of Lower Saucon Township has determined that certain property located on Easton Road in Lower Saucon Township totaling 76.750 acres bearing PIN NO. 4665-00-5123-7591 possesses natural and scenic resources worthy of protecting by securing those resources by acquiring the Property through an amicable purchase of a Conservation Easement.

WHEREAS, The Council of Lower Saucon Township has determined that it is in the best interest of the Township to acquire the hereinafter-described Conservation Easement for the above-stated reasons.

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WHEREAS, The Council of Lower Saucon Township has obtained an Appraisal of the value of a Conservation Easement on the Property from Indian Valley Appraisal Company, general certified real estate appraisers which has established a value for the Conservation Easement of \$160,000.00 (\$5,333.00 per acre).

WHEREAS, The Council of Lower Saucon Township has entered into negotiations with the owners of the Property whereby the owners will convey a Conservation Easement on the Property for a cash payment of \$160,000.00.

WHEREAS, The Council of Lower Saucon Township, by approval of this Resolution, authorizes purchase of the Conservation Easement for the sum of \$160,000.00.

NOW THEREFORE, BE IT RESOLVED AND ENACTED by the Council of Lower Saucon Township, as follows:

1. The Council of Lower Saucon Township is hereby authorized to acquire a Conservation Easement on 30.0945 acres of land owned by Charles T. Martin, Jr. (“Owners”) identified as PIN No. 4665-00-5123-7591 and located on Easton Road in Lower Saucon Township, Northampton County, Pennsylvania (the “Property”).
2. The Council of Lower Saucon Township is hereby authorized to pay the sum of One Hundred Sixty Thousand Dollars (\$160,000.00) toward the purchase of a Conservation Easement.
3. The Conservation Easement shall be substantially in the form attached hereto as Exhibit “A” (the “Conservation Easement”).
4. The Council President or his designee is hereby authorized to execute on behalf of Lower Saucon Township, and upon the advice of the Lower Saucon Township Open Space Solicitor, all documents reasonably required to effect settlement, including but not limited to the following documents:
 - A. Agreement of Sale substantially in the form attached hereto as Exhibit “B” and any revision or addendum to the Agreement of Sale recommended by the Open Space Solicitor.
 - B. Settlement sheet.
 - C. Buyer’s Affidavit as may be required by a reputable title insurance company.
 - D. Any other documents incidental to or reasonably necessary to effect the foregoing transaction.
5. Additionally, Lower Saucon Township Manager, Jack Cahalan, is authorized to execute on behalf of the Lower Saucon Township, on the advice of the Lower Saucon Township Open Space Solicitor, any and all documents required for settlement of the purchase of the above-referenced property by Lower Saucon Township.

Mr. Martin was present. He said when they mean survey, do they mean surveying the whole property or just surveying putting the monuments in for the two acre building lot? Mr. Maxfield said he’s going to guess it is to survey to divide off the conserved area.

Mr. Miller said whoever the surveyor is will probably need to look at all your property corners to get the bearings correct for the land that the Township is conserving. Any markers that they will be placing will only be on the land that’s being transferred. He asked if we are even at that point? Your surveyor is determining the land that’s desired, correct? You know how much land you want? Mr. Maxfield said they have general borders. Mr. Martin has worked with our Open Space Committee to come up with those borders. It’s basically putting numbers to those points. Mr. Martin said he knows where all the survey stakes are and he knows where he wants the two-acre building lot. Mr. Miller said that would be helpful to have that marked in the field where his intent is. They will still need to check where Mr. Martin’s corners are on the property and verify those. Knowing what your intention is for the delineation between the easement and the non-easement

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land, that will be helpful. Mr. Martin said who gets the surveyor? Can he get a surveyor? Mr. Cahalan said they have a list that they provided. Mr. Maxfield said who would pay for that survey? Mr. Cahalan said we would. Mrs. deLeon said does it come out of the Open Space Fund? Mr. Maxfield said yes.

Mrs. deLeon said on page 29 of the packet, under B, it says approval of this agreement and the purchase price by seller and purchaser on or before June 27, 2013. That's obviously wrong, does that need to be changed? Mr. Maxfield said was the agreement made before that date? Mr. Horiszny said that was talked about with Leslie, was it changed? Attorney Treadwell said he thinks Mr. Martin already signed the agreement but he agrees, it's in that spot and also on page 5 under No. 9. They will have to tell Terry Clemons to make those revisions. Mrs. deLeon said it should at least say today's date. Attorney Treadwell said it should be a little later than today's date.

Mrs. deLeon said what's the cost of the Heritage Conservancy? Mr. Maxfield said that would be the baseline? We don't know that yet, but we do have money put aside in the budget for those type of things, those services for Heritage. He doesn't know if they have a standard cost or not. Mrs. deLeon said it would be nice to have a not to exceed price so we have control over the cost. Does anybody have any idea? Ms. Huhn said she's guessing that in the past, it was probably about \$2,500.00 to \$3,000.00. Mr. Maxfield said it's minimal, but it has to be done because we have to identify the temporary state of the property so we're aware of what's there and what's not there. Mrs. deLeon said this price would vary depending on what's there and what's not there. You can't really say it's a set price. Mr. Cahalan said you could say not to exceed \$3,000.00. We can work with that. Mr. Maxfield said that should be plenty of leeway. Mr. Horiszny said will we check with both Heritage and Wildlands? Mr. Cahalan said yes we will. Mrs. deLeon said it would determine the price whose going to get the nod? Mr. Maxfield said yes, possibly, or services involved too. Mr. Cahalan said and availability. Mr. Maxfield said we do have conservation easements with both entities. Mr. Maxfield asked if there were any comments from the public? No one raised their hand.

MOTION BY: Mr. Horiszny moved for approval of Resolution #58-2013.

Mr. Boyer, Saucon Avenue, said do we know how many acres we're looking at? Mr. Martin said 28 acres. Mr. Boyer said is there an estimated cost or price that we are surveying this for? We're surveying the property of 28 acres, and we're getting a conservation for how many of those acres? Mr. Martin said the whole property is 30 acres and 28 acres goes into the easement. Mr. Boyer said is there an estimated cost that we're purchasing this property for? Mr. Maxfield said it's not an estimated, it's a cost. It's \$160,000.00. Mr. Cahalan said that's the appraised value. Mr. Boyer said will this property be available to the public at all after it's deemed a conservation easement? Mr. Martin said we have discussed that. There's language in the contract. Mr. Maxfield said he can't speak to what it is now. Mr. Martin said it's in the contract. Mr. Maxfield said that information is available if you want it. He doesn't know it offhand. Mrs. deLeon said Linc should know. Attorney Treadwell said Terry Clemons wrote the agreement because he's the Open Space Solicitor, but he's looking at it at the moment. Mr. Maxfield said hunting is permitted in the natural area subject to the provisions stated in Paragraph 4k provided that only existing trails as identified on the baseline documentation may be used to access hunting areas. 4k says shooting range, sporting clay or other recreational uses involving the discharge of firearms are prohibited; however hunting is permitted within the easement area provided that no more than four persons are permitted to hunt on the property at the same time. Hunting is only permitted during the hunting seasons established by the PA Game Commission for deer, bear, pheasants and wild turkey. He's guessing anybody who is interested on hunting on the property would see Mr. Martin, so they'd be on the land with his approval. Mr. Martin said that is correct. Mr. Maxfield said there is some limited public access to the property. Mr. Martin said anybody who comes on the property, it must be by appointment. That's in the agreement. Mr. Boyer said is the property accessible other than

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the two acres that the gentleman is keeping for himself as far as when they get the authorization to hunt or whatever, can they go on it down the street or does it have to go through your property to get there? Mr. Martin said people would have to go through the building envelope to get to the easement property. Mr. Maxfield said there are established trails. Mr. Martin said there are no trails. It's agricultural.

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 that he just wants to point out that Paragraph 9 of the easement says public access to the easement area is not required by this easement; however, this paragraph does not prohibit that the grantor from allowing public access and compliance with the rest of the provisions of the conservation easement. Mrs. deLeon said we need a motion for the expenditure for the baseline study and survey.

MOTION BY: Mrs. deLeon moved to direct the staff to get a baseline and survey for this property and not to exceed \$5,000.00 for the survey and \$3,000.00 for the baseline study.
SECOND BY: Mr. Horiszny
Mr. Maxfield asked if anyone had any questions? No one raised their hand.
ROLL CALL: 4-0 (Mr. Kern – Absent)

C. STRAUSS CONSERVATION EASEMENT – 2671 APPLEBUTTER ROAD – COSTS FOR RECORDING

Mr. Maxfield said the owner of property located on Applebutter & Helms Road has offered a no cost conservation easement on this property. However, Council should discuss if any costs associated with this conservation easement are to be paid out of open space funds.

Attorney Treadwell said the owner of the Strauss property has offered a conservation easement for no compensation; however, there will be some costs, i.e. recording, if you want to get a survey, if you want to get a baseline, preparation of the easement agreement. Is anybody here representing Mr. Strauss? Mr. Maxfield said no. At the EAC meeting, he had a representative. Attorney Treadwell said he's basically offering a free conservation easement. Mr. Maxfield said he also said at the EAC meeting that the conservation language will be written by their attorney. Attorney Treadwell said he hasn't had any conversations with Mr. Strauss because they were waiting to see if Council wanted to accept his offer or not. If you do decide to accept his offer, then we will work those details out with Mr. Strauss. Mr. Horiszny said the EAC did suggest that we accept. Mr. Maxfield said yes. It's an oddly shaped property made up of what were two lots that are being combined. The lower lot is associated with Bull Run and it was offered to us as an environmental study area, something where school kids or Boy Scouts could go and study the environmental conditions there. Those who have been on Helms Road know the road is actually cut off by Route 78 and the creek and it runs underneath 78 and down into the Steel City area. It's a beautiful creek. That small area would allow us access of a kind and they are planning a residence for the other chunk of it, but there would be no trespass on the residential property other than the eased area. That's where it's at. Mr. Willard asked if it went through the EAC scoring analysis. Mr. Maxfield said he thinks it did. They have a couple of members who live by it and they went out and looked at the property. He doesn't know how it scored, but he does know they made a recommendation on it. Mr. Horiszny said Bull Run is pretty impressive. He said do we have any idea as to a limit on the amount of filing fees so we can make a motion? Attorney Treadwell said it won't be over \$1,000.00; to record the easements probably \$65.00; to prepare the easement, a couple hundred, but if their lawyer is going to do it, he's assuming he's going to pay for it. He'd think not to exceed \$1,000.00 and the incidental cost. If you get into wanting to do a survey and a baseline like you just did for the last one, it's going to get more expensive. Mrs. deLeon said this will come out of

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the Open Space Fund? Attorney Treadwell said yes, it's open space. The reason it's on the agenda is it's a little bit unusual because usually the Township is paying for something. Mrs. deLeon said does he get an advantage with taxes or anything for the easement? Mr. Maxfield said the lot he's easing to the Township is undevelopable. There are too many water resources on it and he's aware of that. He decided they would like to offer it for an opportunity for education. As far as a survey goes, the nature of the lot, the way it pinches in the middle, he would guess you could get away without doing any survey at all. The entire easement area is limited to that second lot and if you see it, it's almost like two diamonds or squares on the corners. Attorney Treadwell said the lower lot you are referring to is closest to Helms Road. Mr. Maxfield said yes. You can see the wetland area and the Bull Run, a drainage swale. Mrs. deLeon said just out of curiosity, can a property owner that eases property, can he go and ask for a tax reduction at the County? Attorney Treadwell said he doesn't know the answer to that. Mrs. deLeon said who would know that answer. Mr. Maxfield said anybody can ask for it. Attorney Treadwell said anybody can ask for a property tax reduction, but they have to show that the value somehow went down and he doesn't know how the value would go down if it's unusable now, it's going to be unusable when he gives the easement. Mrs. deLeon said where would the rules be, where's it written. What dictates that? Attorney Treadwell said as Mr. Maxfield said anybody can go in and ask and appeal their assessment value and say it's not worth what it is. You have to get it appraised in order to get the assessment board to look at it and the way it normally works is if there's an appeal, the assessment board sometimes gets their own appraisal. The property owner gets their appraisal, and then it's the battle of the appraisals. Mrs. deLeon said doesn't the assessment board have guidelines that they have to follow? You just don't appoint a board to a position like that and then they can just go off and do what they want. They have to answer to some rules. Attorney Treadwell said it's probably in the area of the tax code that talks about tax assessments and property assessments, but he doesn't know it specifically says you have to give a reduced assessment if you meet A, B, C. He thinks it's more of a question of looking at the competing expert reports and the assessment board determines which is more believable. Mrs. deLeon said she just thought of it now and she wanted to ask.

Robert Phillips said just a point of information, he did a google search to bring up a map where this was. Looking up that address, brings up a number of real estate listings including 2671 Applebutter Road with a comment in the real estate listing "a conservation easement for the lower portion of the lot will provide for lower property taxes!" Mrs. deLeon asked where he found that. Mr. Phillips said he googled Applebutter Road and Helms. Mr. Maxfield said that may be an assumption. Mr. Phillips said there is an assumption being made in there. Mrs. deLeon said the Township, the school district and the county loses taxes then. Mr. Maxfield said that can happen with any conservation easement. Mrs. deLeon said it would be interesting to know what the taxes are in lands that we have given easements to and purchased open space just to see. Right, we don't know. If anybody has asked for a reduction we would know. We'd get a letter from the county, correct? Attorney Treadwell said we get notified of assessment appeal. Mr. Maxfield said he's going to be hopeful that the savings for the taxpayers outweigh the savings to the single taxpayer by conservation easements. Mr. Willard asked what was the total size of the property? He sees 1.4159 acres on the illustration, but he sees .4158 acres on page 56 of 113. Mr. Maxfield said it says on the sheet, 5.1517 acres for the total. Mrs. deLeon said we're in this catch 22. We have all this open space money, like \$4 million that we are accumulating and we need to spend it and buy properties because that's what the voters told us to do. There are always consequences to actions. Mr. Maxfield said you confused him on that one. Mrs. deLeon said there's always consequences. The property owner probably has a right to ask for a decrease in taxes. Mr. Maxfield said that's one of the ways we sell conservation easements to people. The fact that they can get. What we are buying is their ability to make big money on their property. Mrs. deLeon said do we tell them they can get ask for a tax decrease? Mr. Maxfield said sure. Mr. Clemons has discussions with the property owners about that all the time. Mrs. deLeon said that's the first she's hearing that. Mr. Cahalan said the pamphlet that the EAC put out on Open Space has information about tax benefits. Mrs. deLeon said she doesn't think she ever saw that pamphlet. Can she have a copy of it? Mr. Maxfield said you would have had to see it as they wouldn't have put it out unless it was approved by Council. Mrs. deLeon said she doesn't recall, so she'd like a copy of it.

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MOTION BY: Mr. Horiszny said he moves to approve the use of open space funds to pay for the associated costs of this easement.
SECOND BY: Mr. Willard
Mr. Maxfield asked if anyone had any questions? No one raised their hand.
ROLL CALL: 4-0 (Mr. Kern – Absent)

Attorney Treadwell will get in touch with someone and find out what's going on with this.

D. LUTZ-FRANKLIN SCHOOLHOUSE EXTERIOR PAINTING SCOPE OF WORK AND CUPOLA REPAIR ESTIMATE

Mr. Maxfield said at the direction of Council, a scope of work for the exterior painting of this schoolhouse has been prepared for Council's review and approval. An estimate has also been prepared by Bob Doerr for the repair of the cupola.

Mr. Cahalan said he's giving you the scope of work for the second time. They did add some revisions after the previous meeting. Those were the recommendations about not painting the windows shut. That's under the clean-up, no. 3. Because Fran had mentioned the fact that the historian had recommended use of Sherwin Williams paint, they added that to the choices for the paint schedule which includes Benjamin Moore and Sherwin Williams historic collection paints as an option. That has been added to the scope of work. If this meets with your approval, they would put that out to invite proposals on this to see what the cost would be for the painting of the schoolhouse. They are probably too late for this year, but if they have the figures, they'll be able to put this in the budget for 2014.

Mr. Cahalan said the second issue brought to their attention by Fran Robb when they were out there was the cupola on the roof of the building. It appeared to be sagging slightly towards the rear of the building. They asked Bob Doerr from Doerr Construction who has done work on the schoolhouse previously to go out and take a look at that and he went out there on July 24th. Mr. Cahalan put in your packet a little handout that contains his findings from his inspection plus there are three photographs that illustrate what he's talking about. What he said was there are four vertical posts that support the bell tower. Two front posts adjoin the front stone wall and two rear posts that rest on what appears to be a repurposed summer beam from another building. This beam spans the full width of the building. The left post bears directly on a portion of this beam that is deteriorated as the attached image shows. The compression or deflection has resulted in the lean that is evidenced from the exterior. They are proposing to support the rear post with steel after the post is raised by jacking. Attached to that is his estimated dated August 29, 2013 and in there he indicates how he would raise up the section through jacking and they would supply and install two portions of plate steel and bolt that into the four locations and put in a piece called a fitch plate to the existing deteriorated summer beam and then repair any cracked plaster on the ceiling that results from applied pressure or compression. The end result, it would strengthen the posts for the cupola and raise that back up to its correct height and that should correct the problem that we're seeing out on the schoolhouse. He lists that work for an estimate, all material, equipment and labor at \$16,800.00. That is another item if Council is satisfied with, they would add that to their budget preparations for 2014 for the Lutz-Franklin Schoolhouse.

Mrs. deLeon said that number will get placed in the budget if we approve this and then when the time comes, we would do bids because it's over. Mr. Cahalan said that's below the bid threshold of \$18,000.00. Mrs. deLeon said we would get phone bids? Mr. Cahalan said we would. Mrs. deLeon said she wasn't expecting it to be that much money, but we have to do what we have to do. It's not going to get better by itself.

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Mr. Willard asked if there was an idea how long the repair would take? Mr. Cahalan said no, he hasn't discussed that with him, but he can find it out. Mr. Maxfield said he's going to guess the jacking is going to occur slowly. A little bit like an inch a day. Mr. Cahalan said we have to work around the schedule for the Historic Society using the schoolhouse. Mr. Maxfield said there's no danger until budget time? Mr. Cahalan said we can wait and get this thing fixed as quickly as we can in 2014.

MOTION BY: Mr. Horiszny moved to approve the proposed scope of work for the exterior painting of the schoolhouse and the \$16,000.00 cupola repair budget item.

SECOND BY: Mrs. deLeon

Mr. Maxfield asked if anyone had any questions? Fran Robb, VP of the Historical Society said are we going to proceed with the painting at this time? The painting isn't going to be dependent on the cupola repair, is it? Mr. Cahalan said the only thing that would be a question with the painting is what we have budgeted in Lutz-Franklin. We don't have a cost yet for what the painting is going to run, so we have to put that out and get back some estimates. Mr. Robb said he'd like to point out that Council approved this in May of last year, 2012, and the building isn't getting any better. Mr. Cahalan asked what was approved? Mr. Robb said the painting was approved in May 2012. Mr. Cahalan said he's not sure he had the scope of work done at that time. Mr. Robb said he doesn't think it was, but the work was approved at that time. Mr. Maxfield said maybe the recognition that it needed it to be done. Mr. Robb said no, it was approved to do it. Mr. Maxfield said okay, now we're doing it. Mrs. deLeon said was the painting in this year's budget or does it have to wait until next year? Ms. Gorman said she thinks maybe what transpired was that Council was of the mind to do the work, but we had to budget for it and we placed \$20,000.00 in the budget for this year for the work to be completed this year. That's what might have happened. Mr. Cahalan said is that what you mean that funds were budgeted for it as he doesn't think we actually went out there and looked at what was needed until this past summer. Mr. Robb said no, but you asked him and Sue to bring photographs into Council last year. Mr. Cahalan said he did discuss that and then he said he would go out and they would prepare a scope of work which is what he's done now. They need to see what the cost is before they can actually approve the work and he doesn't have that. As Cathy said, they put money in this year in anticipation of doing it this year, but they haven't been able to get to it that. He needs to come back to Council with some cost for the painting. Mr. Robb said so potentially this could be postponed another year? Mr. Cahalan said he doesn't intend to see it postponed another year. Once the scope is put out there and he has some estimates from contractors, he can bring that back to Council at the next meeting. Mr. Robb said in this season we are running out of weather for painting. Mr. Cahalan said unfortunately, that's what happened. Mrs. deLeon said she read over this, but doesn't remember. Is it in here about painting the windows closed? Mr. Cahalan said that was what he added under cleanup on page 3. Insure that none of the windows are painted shut and can be opened. Mrs. deLeon said we have to determine how many windows can open so we don't get into that contest again. There was big debate over which windows opened and which ones didn't. Mr. Horiszny said we urge the paying bidders to try and get it done this fall. Mr. Maxfield said schedule for fall. Mrs. deLeon said if she remembers right, when the Homestead got painted, they had to have so many days it didn't rain to paint. Mr. Cahalan said it's weather permitting, temperature and rain. Mrs. deLeon said they are saying this is the most rain we've gotten ever this summer. Mr. Maxfield said are you amending your second to Ron's suggestion that it happen, if possible, this fall?

MOTION BY: Mr. Horiszny amended his previous motion and moved to approve the proposed scope of work for the exterior painting of the schoolhouse and try to get the painting done this fall and the \$16,000.00 cupola repair budget item.

SECOND BY: Mrs. deLeon amended her second

ROLL CALL: 4-0 (Mr. Kern – Absent)

Mr. Cahalan said the Historic Society would like to plant a tree out at the schoolhouse and they provided the information to us. He submitted that to the Planner for review. It's an American Beech and there have been some discussions between the Historic Society and the Planner about the suitability of that tree. They've given that information to the Historic Society. He believes they are working with a nursery who is going to plant the tree and he's also sent the information about the pit that will be required to the PHMC for approval under the covenant that goes with the schoolhouse. The Historic Society indicated they will be responsible for the maintenance of the tree.

E. ORDINANCE NO. 2013-05 – AUTHORIZE ADVERTISEMENT FOR PEDDLING & SOLICITING ORDINANCE REVISION

Mr. Maxfield said at the request of the Police Department, a draft ordinance has been prepared to amend the current peddling & soliciting ordinance. If Council decides to approve the amendment, they should authorize advertisement of a public hearing and consideration of adoption.

Attorney Treadwell said as was stated, this request came from the PD. They were running into some issues now and then with door-to-door soliciting type activities. What this ordinance does it revised your current Chapter 125 of your code and just briefly it now reads that you need a license and they changed that to a permit. You need to get a permit from the LST PD. Once you get the permit, you can't do anything with it until you give the PD twenty-four hours notice of what dates you intend to conduct these activities. They changed a couple of the requirements to get the permit, most importantly you now need to submit a criminal history report from the PA State Police showing that the people who are engaging in these activities do not have certain criminal backgrounds. The hours are the biggest thing right now. Your ordinance says 9am to 9pm and the hours have been changed from 9am to 6pm. There's also a provision that allows the PD to maintain a registry of people who don't want these types of activities on their property so that you can contact the PD and tell them to please put you on the list and then anyone who proposes to engage in such activities will get the list and if they make any contact with the property owner on the list, that's grounds to revoke their permit and it's a violation of the ordinance. The PD has reviewed it and they are okay with it, so if you want to move forward, the next step would be to authorize advertisement for a public hearing and adoption of the ordinance.

Mrs. deLeon said where's the definition of peddling and soliciting? Attorney Treadwell said it's in the original ordinance, not in the amendment. Mrs. deLeon said refresh her memory. Attorney Treadwell was looking for the definition. Mr. Horiszny said while he's doing that, he'll make a motion.

MOTION BY: Mr. Horiszny moved for approval to authorize advertisement for peddling and soliciting ordinance revision No. 2013-05.

Mrs. deLeon said she'd like to hear the definition first. Attorney Treadwell said peddling – engaging in peddling, canvassing, soliciting, or taking or orders either by sample or otherwise for any goods, wares, services or merchandise upon any of the streets or sidewalks or from house to house within LST, provided that the word peddling should not apply to farmers selling their own produce; to the sale of goods, wares, services, and merchandise, the proceeds whereof are to be applied to any charitable or philanthropic purpose; or to any manufacturer or producer in the sale of bread and bakery products, meat and meat products or milk and milk products. Mrs. deLeon said like the Girl Scout cookies, they can do that? Attorney Treadwell said yes. Mrs. deLeon said basically you have to be selling something. If it's a non-profit or the school kids, that's okay. They don't need to go through the PD? Attorney Treadwell said no, and he doesn't think they do that now.

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Mr. Willard asked if the peddlers or solicitors if they are getting a permit or license, would they have something to show residents? Attorney Treadwell said yes, they actually get a document from the PD and he thinks currently they have to carry it with them. Mrs. deLeon said basically there is something already existing and they are just changing it for the hours and there's more documentation for the permit. Attorney Treadwell said the PD's intent was to try and make it safer. The current ordinance doesn't have that registry in it where you can put your name on a list. Mrs. deLeon said they are then provided with this list, so you'd better not come knocking on my door if I'm on that list.

Mr. Maxfield asked for any public comment? Ms. Judy Rudolph asked if there were going to be signs put in different areas in the community about peddling? Like when you enter Steel City or anywhere, just like they have zoned signs like peddling not permitted? Attorney Treadwell said it is permitted in LST as long as you get a permit. Ms. Rudolph said one of the things somebody had started at their place, they were resurfacing driveways and he stopped to see if they wanted theirs resurfaced, so he would have needed a permit for that, correct? Attorney Treadwell said yes. Mr. Cahalan said you could have asked him for the permit if you were talking to him.

- SECOND BY:** Mr. Willard
Mr. Maxfield asked if anyone had any questions? No one raised their hand.
- ROLL CALL:** 4-0 (Mr. Kern – Absent)

Attorney Treadwell said they will advertise it and put it on another Council meeting.

F. RESOLUTION #59-2013 – TRANSFER OF MONEY

Mr. Maxfield said Resolution #59-2013 has been prepared at the request of the Director of Finance to transfer monies from one Township line item or fund to another.

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

SECTION 1.

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

General Fund

	<u>FROM</u>		<u>TO</u>	
<u>Amount</u>	<u>Account No.</u>	<u>Line Item</u>	<u>Account No.</u>	<u>Line Item</u>
\$ 5,000.00	01.493.000	Contingencies	01.404.310	Legal Fees
\$25,000.00	01.493.000	Contingencies	01.404.311	Legal Zoning/Planning
\$19,000.00	01.493.000	Contingencies	01.408.314	Sewage Enforcement
\$ 200.00	01.493.000	Contingencies	01.410.242	Ammunition
\$ 5,000.00	01.493.000	Contingencies	01.410.750	Police Minor Equip
\$25,000.00	01.493.000	Contingencies	01.410.131	Police Part Time
\$25,000.00	01.493.000	Contingencies	01.410.132	Police Overtime
\$ 7,000.00	01.493.000	Contingencies	01.487.162	Unemployment
\$ 50.00	01.493.000	Contingencies	01.402.420	Finance – General

Capital Fund

Additional money needed to be added to the equipment purchasing line item to purchase new radios for the Public Works Department

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<u>Amount</u>	<u>FROM</u> <u>Account No.</u>	<u>Line Item</u>	<u>TO</u> <u>Account No.</u>	<u>Line Item</u>
\$10,000.00	33.493.000	Capital Contingency	33.481.700	Capital Purchases

Steel City

Funding needed for Planning/Engineering

<u>Amount</u>	<u>FROM</u> <u>Account No.</u>	<u>Line Item</u>	<u>TO</u> <u>Account No.</u>	<u>Line Item</u>
\$ 5,000.00	39.493.000	Steel City Contingency	39.452.310	Engineering

SECTION 2.

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

Mr. Cahalan said Cathy Gorman has a memo which accompanies the resolution. She can review that. Ms. Gorman said the line items that we were asking to increase would be for legal services and legal services for zoning, also increases for sewage enforcement. Mrs. deLeon said you should say the amount. Ms. Gorman said for legal services we are asking for an additional \$5,000.00; under Zoning Legal, it would be \$25,000.00. Under sewage enforcement it would be \$19,000.00; just for sewage enforcement there is an offsetting revenue for that. Any additional work the SEO does, there's another corresponding revenue line item that we have received additional funding to offset that. The others would be increasing PD firearms for \$200.00. There's a small overage in that. PD it's listed under Major Equipment, they are asking for an additional \$5,000.00 which was for Council's decision to care for Brutus in his long-term care, we need additional money for hospital, doctor visits and medicine. She would need an additional \$25,000.00 in part-time officers and an additional \$25,000.00 in PD overtime. They do have corresponding revenue with that as well under grants, such as PA DUI Program and aggressive driving, also billable services such as Revolutions. They do have additional money in those line items that do cover those costs. Due to an error with the PA Dept. of Labor, there was transferring of different software that didn't trigger the correct percentage amount for unemployment right away, so she'd need an additional \$7,000.00 for unemployment costs that are due to the State. Out of the capital fund, we expressed to Council during the budget session last year that the Public Works Department had to upgrade their radios to be compliant in their vehicles and they did apply to the Northampton County Gaming Authority and they did deny the request. We would need an additional \$10,000.00 from the Capital Fund for PW to upgrade their radios. She would also need to increase Steel City engineering and planning cost by \$5,000.00. It's called intergovernmental expenses which is basically revenue we received for grants that were tied into with Freemansburg and Hellertown. There's a corresponding expense that we are the parent holder of the grant funding in the program. We get the money and then we just turn it over to the municipalities that paid for their overtime.

Mrs. deLeon said on the memo you put out, the first line item for the \$5,000.00, it said this is an increase for administrative/legal fees and is necessary due to various costs. What are the various costs? Ms. Gorman said items that you've directed the Solicitor or the Solicitor was required to do that we just did not foresee. Mrs. deLeon said the second line it says associated with Zoning and Litigation matters. Ms. Gorman said those were for zoning violation that Council went into litigation with currently and also for a hearing violation that is currently ongoing. Both of those items increased the line item. Typically, every year they don't have those items occur and unfortunately they had two very costly ones occurring at the same time. Mrs. deLeon said the sewage enforcement? Ms. Gorman said sewage enforcement is Hanover Engineering and others, members of staff, our SEO we pay them to make sure that septic and water issues are in compliance with DEP. Those issues people file for applications of changing for septic tanks. They monitor it and they provide the services and basically we bill Hanover for the services and they in turn pay us. There's a cost related that we have to book under engineering and there's a revenue

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we get for services and sanitation permits. Mrs. deLeon said there's no way to fix that. Ms. Gorman said that is the nature of governmental accounting. Unfortunately, historically, people have tried to offset those expenses with revenues and auditors and the State say that's in non-compliance with the General account practices. Mrs. deLeon said what is the PD overtime? How can we fix that? Ms. Gorman said either we stop programs for the DUI and all those other programs that are funded by the State and we stop contracting out. Mrs. deLeon said when we contract out, she thought that's supposed to reimburse us. Mr. Cahalan said we are. That will be replenished by the revenue coming in? Mrs. deLeon said if is 100%? Ms. Gorman said she and the Chief went through everything and all the overtime that was not projected other than the normal overtime was directly related to those grant programs or the overtime that is being billed to institutions such as Lehigh University or Revolutions. Mrs. deLeon said what she is hearing is we'll be talking about this under budget again. Mr. Cahalan said what she is saying is that the police are within the projected overtime budget for normal overtime usage, but for these purposes like working special duty at Revolutions or for a football game or for doing DUI checkpoints, they are over at this time, but that revenue will come in to reimburse those costs. Mrs. deLeon said the unemployment, your memo says rate increase due to a number of claims filed? She's not aware that we have unemployment in the Township. Ms. Gorman said the way the State unemployment law is, if someone leaves, regardless of whether they retire, quit or are dismissed, if they receive a job anywhere else and are laid off from that job and that employer does not file a petition against or challenges that claim, whoever has employed that person for the past three years is assessed a portion of their unemployment costs. Mrs. deLeon said we don't have a choice in that? Ms. Gorman said no, it's the PA State law. Mrs. deLeon said the first employer does, but the last one doesn't. Ms. Gorman said anyone who is a prior employer, no. It all relies on who the current employer is and whether they decide to challenge it. Mrs. deLeon said the rate you are charged, the percentage went up. Ms. Gorman said yes. Mrs. deLeon asked Ms. Gorman to send her what it was and what it is now. Ms. Gorman said it was 4%, it went up to 6.5%. Mrs. deLeon said okay. Her point in all of this is several months ago she asked for all the costs associated with the rezoning of Applebutter Road and she was told that she couldn't have it as it wasn't available. Does anyone remember that? She still hasn't received all that money and she's reading in here about legal fees and zoning and she's just wondering why that information...Ms. Gorman said the two particular incidences that she just discussed have reached probably at \$25,000.00 so far to date. Just for those two for legal fees. Mrs. deLeon said for the rezoning? Ms. Gorman said no, for the hearing challenge for the zoning and for the site zoning citation that you wanted to litigate earlier this year. There were several, but those two were the bigger ticket items. Attorney Treadwell said there's some litigation that is ongoing with a property owner who wasn't in compliance with a whole bunch of our ordinances. There are some of the appeal issues on the Patullo/Woodland Hills property that we talked about at the last meeting that has been going on for a long time and is fairly costly. There were one or two ZHB hearings that he went to on behalf of the Township for some property owners who were not in compliance, a couple of Magistrate hearings. He doesn't believe that any work that's done on the Applebutter Road comes out of zoning. That comes out of the administrative. Ms. Gorman said that comes under the administrative end of it. Attorney Treadwell said but not the zoning and planning line item. Ms. Gorman said it would come under zoning and planning, but she can double-check on that. Mrs. deLeon said she's still waiting to find out what all the costs are for the consultants. Mr. Cahalan said Cathy and Heather are finishing that report and you should have it within a matter of days, a week. Ms. Gorman said she would push for to get it done by next week. Mrs. deLeon said it's months that she's asked for that. To her, it's unacceptable. Mr. Cahalan said they've been working on that and other priority items and are trying to keep the Township running and they will have the report for you in a week or so.

Mr. Willard said the main contingency budget 01.493.000, what was this starting balance and what will be the ending balance with these reductions? Ms. Gorman said the contingency balance was projected in 2013 budget which she thinks was \$650,000.00. That contingency line item is technically your fund balance for the next year, so whatever is left in excess revenue. It may be \$650,000.00 projected if everything was expensed and everything came in during the year and the

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budget was actual. She may have it at \$1 million. She may have it at \$850,000.00 by the end of the year. She's projecting we are probably going to be at the \$1 million mark, but it's a little too soon to tell right now. Mr. Willard said that was the point he wanted to illustrate. Ms. Gorman said contingency is a rolling number. It's benchmarked at 10% of your budget so that for these particular incidences that we don't fall short during a given year.

Ms. Donna Louder, Johnston Avenue, said just a little bit of an explanation from what she understands from her husband. He runs two grants. What happens is he applies to the State and asks for x amount of dollars. The State will say yes or no, give him less or more. No, she's lying. They'll either give him less or what he had asked for. At that point, he will set up his, say it's a DUI, he actually does aggressive driving though. He'll put up an overtime list on the board and he'll only allow two or three other officers to work it and he basically works out their hours to match the money that he's given. Occasionally, he may go over \$100.00 or nothing astronomical. She believes what happens is the State reimburses the Township that money. That overtime money is not true as taxpayer dollars, well, it is because it comes from the State, but it is from State grant money. Mr. Maxfield said the reimbursement is close to 100%? Ms. Louder said yes. Most of the officers that run the overtime special things basically stay within the budget, but it may go over \$50.00 one time here and there, but nothing astronomical.

Mr. Gene Boyer said do you have a total number of all these additional monies that are being transferring tonight? Ms. Gorman said the grand total is \$111,250.00. Mr. Willard said plus the \$10,000.00 and the \$5,000.00. Ms. Gorman yes, plus those numbers. Mr. Boyer said he thinks Mr. Willard was asking that where is this money coming from? The contingency funds that were in the budget to begin with, so they are being transferred from the contingencies into the breakout accounts. Ms. Gorman said correct. That's the accounting process unfortunately. Mr. Boyer said how much was it? Ms. Gorman said under General Fund, it was \$111,250.00. Mr. Boyer said it all came out of the same contingency fund? Ms. Gorman said as she stated before, any revenues such as Sewage Enforcement, if she budgeted \$10,000.00 in revenue and she's receiving \$29,000.00, that additional \$19,000.00 is going into contingencies as a revenue. Contingencies are kind of what your bank account balance will be at the end of the year. Mr. Boyer said that's not the question he asked. He said you just mentioned General Fund, he said does all this money come out of the General Fund Contingency? Ms. Gorman said those that she stated. The \$10,000.00 is coming out of Capital and the \$5,000.00 is coming out of Steel City Park Fund. Mr. Boyer said \$10,000.00, where was that? Ms. Gorman said that was for the Public Works radios for their vehicles. They needed to be upgraded. Mr. Boyer said he missed that.

MOTION BY: Mr. Horiszny moved for approval of Resolution #59-2013.
SECOND BY: Mr. Willard
Mr. Maxfield asked if anyone had any questions? No one raised their hand.
ROLL CALL: 4-0 (Mr. Kern – Absent)

G. QUARRY ROAD PROPERTY – TOWNSHIP TAX EXONERATION REQUEST

Mr. Maxfield said staff is requesting Council authorize a letter be sent to the Northampton County Tax Claim Division requesting the back taxes be forgiven on the property the Township acquired in 2007 due to the removal of the unsafe structure that was on the property.

Mr. Cahalan said Cathy has a memo in the packet and she can review that. Ms. Gorman said back when they took possession of this property, there was approximately \$10,000.00 in back taxes that were on it. It had previously gone up for sheriff sale and she and Attorney Treadwell have desperately for the last couple of years tried to resolve this. Initially they were told that they needed to get a waiver from the school district. They are back taxes that they did in 2011. They had asked them to forgive the taxes and they did. The next step was that we were to request forgiveness from the County Council. At this point, we are now told that's not the direction was

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that they were supposed to take. Currently, they have about \$4,000.00 that's in upset sale. The County has removed them from the list. They did or recommend that exactly \$921.66 of that is LST. For them to take that off the roles, she would need permission from Council to send them a letter doing so. It's kind of an awkward situation that we're paying. It's like we'll be paying ourselves, but these are taxes that were due prior to us taking possession of this property. Once we do that, it will lower the amount by that amount and she and Attorney Treadwell will work with the County to try and resolve whatever we need to do to get the County's portion of it be taken off which that is \$3,497.04.

MOTION BY: Mr. Horiszny moved to approve the letter.
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 we would also need a motion to exonerate ourselves from the \$981.00 of back taxes that we owe to ourselves.

MOTION BY: Mr. Maxfield moved for approval to exonerate ourselves from the back taxes.
SECOND BY: Mr. Horiszny
Mr. Maxfield asked if anyone had any questions? No one raised their hand.
ROLL CALL: 4-0 (Mr. Kern – Absent)

H. PROPOSED SCOPE FOR AUDIO/VISUAL UPGRADES TO COUNCIL MEETING ROOM

Mr. Maxfield said a scope of audio/visual upgrades has been prepared for Council's review and approval in order to enhance the acoustics in the Council room and to provide for videotaping of the Township meeting.

Mr. Cahalan said Council asked us to come back with some recommendations for some upgrades to the audio which we all know what the issues are with that. Also, we added some improvements for video recording and production of meetings here in the Council meeting room. He'll just review briefly what they put in here. It's our first shot at putting a list together of some of the upgrades. We don't have any equipment listed here or any costs. It's just the first step in hopefully making some improvements to the system. The first thing is a video recording and broadcast system. What they are suggesting is cameras be installed in the Council meeting room. There's two different ways to do that. There can be the inexpensive fixed mounted video cameras. We'd capture everyone up here on the dais and also cameras to capture the speaker at the podium. The equipment would then be obtained to allow us to record that, put it on some sort of hard disk or a SD card and then allow us to post that on the Township website so people could view it. The enhanced portion of that would be video cameras that could pan, tilt or zoom. They are called PTZ cameras and that would move as one of the people would speak. It also would allow us to have split coverage of the cameras so we could cover both the speakers at the table and the podium and also would allow an audio video feed to the web server for Internet broadcast or to a cable network. The other thing it would allow is we're going to move the next step to usage here is from laptops to tablets so that's why we're mentioning the use of tablets. We would want that system to be controlled by the tablet that Leslie would have up here on the dais. That's one of the features. The other feature on that would allow a live feed of the video of the meeting to be broadcast out to a TV that we're suggesting be put up in the lobby so that if you do have an overflow group at a meeting, instead of having everyone jammed in here, people could go out in the hallway and sit or stand there and could watch the live video feed instead of having to stick their head in the door as you've seen done at some of the meetings. We're also suggesting an upgrade to the video projection system we have up here, and that is it would also be viewable as this system is now on the screens up here, it would be viewable up to 12 tablets. The audio system we think all agree needs to be

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upgraded and we would like to add additional microphones up here on the dais, one at the podium, microphones for the tables below, two hand-held and two lapel microphones that actually work so that you can hear people when they use them. They'd like to upgrade and install hearing impaired audio capability so if someone comes in, they can hook up to the system with earphones. They can hear everyone speaking clearly. Also allow remote attendance at meetings via speakerphone or video conferencing such as Skype or face time. That would mean on the tablets if someone was attending the meeting remotely or wanted to make a presentation remotely, they could come in via that system and be heard and they in turn could also hear what's going on in the meeting room and could hear what people are saying over the microphones. The lobby display would be a wall mounted flat screen TV that would allow people to see what's going on with the meeting in here. That's the first shot. It doesn't require anything at this point. We can talk about it again at budget time. You can make some suggestions. You can add to it, but it's a start to what we hope will be some upgrades to this system.

Mrs. deLeon said the TV screen out in the hall, would that be like divided in half showing us, how would you do that? Would that just be one camera showing that? Mr. Cahalan said no, it would show everything at the dais and the people speaking at the podium. It would be split. Mr. Maxfield said often the cameras are triggered by the usage of a microphone. If it's a rotating camera with a pan zoom, and you talk on the microphone, the camera zeros in on you. It does it automatically. Mrs. deLeon said have you talked to Dr. Fellin at the school district as they just started doing this? Mr. Cahalan said no, they haven't. Mrs. deLeon said you might want to do this as she happens to be there one night when they were talking about this and there was some debate going on, so they might have some helpful information on how to inexpensively do this. When she was on the Gaming Commission and you went on Northampton County's website in advance of a meeting, the public had access to a whole bunch of pdf's that were available and were going to be discussing at that evenings meeting and we don't have that. She's had the opportunity to sit on the other side of this dais as a resident in the audience and it would be very helpful for the residents to have that information. There are a lot of documents we discussed tonight that weren't on the screen and people sat there wondering. We need to make improvements there. Mr. Maxfield said that's a good idea. Mr. Horiszny said you may even want to consider going into Seidersville Hall with the screen in case we had too many in this lobby, we could go over there too. Mr. Cahalan said that could be considered. Mr. Horiszny said just so it doesn't take another 55" screen. Mr. Maxfield said he has been looking into these on line and watched a couple of meetings, he can't think of any move that's more public friendly than this. The idea of having to read through five, six, seven pages of minutes as opposed to there it is. It's what happened. There's no debate about what happened. It's on screen, this is perfect. Priscilla and Linc probably remember this, when we did Joe Colosi on a cell phone, the idea of Skype really appeals to him. He likes that idea a lot. That would allow people to participate. Mrs. deLeon said the thing we have to think about is she likes all the minutes, she likes the words, she likes all the sentences and likes to go back and read what happened. She's been sitting up here for many years and there was a time we didn't have minutes the way we do and you're trying to go back and there's missing pieces. There has to be some way the residents can search the videos to go back. How would they know what's on the agenda? There has to be some way to do that. Mr. Maxfield said we'd still have a paper agenda? Mr. Cahalan said yes. Mrs. deLeon said we would have a paper agenda, but if he wanted to go back and see how did we vote on the Old Saucon thing, oh it was on the agenda before, how would she search? Mr. Willard said he'll make a guess that it's time coded or could be time coded. You could say at 9:18 PM, Priscilla deLeon was discussing. Mrs. deLeon said how would she know as a resident, say the people came here from Colesville Road and they wanted to go backwards into a year ago to find out what night we talked about that development, how would they know? Mr. Cahalan said if you listed all the agendas on the website, he's not sure that even now we have a search capability and doesn't know if that's possible, but they could look into it. Mrs. deLeon said it would be helpful to search for things. Mr. Maxfield said there's got to be a way. Mr. Willard said he thinks this is a combination of the earlier discussion of how to keep the minutes and what type of minutes and also some proposed upgrades just to modernize the technologies we have as a

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Township for communication. Mr. Cahalan said he didn't cover the minutes aspect of it. He was mostly looking at the audio/visual. Mr. Willard said his assumption was we would still have to make a decision about a written form of minutes, whether they would be verbatim or condensed once we had this technology in place. Mr. Maxfield said he was hoping this would totally replace the minutes, so does Ron. Mrs. deLeon said no, State Sunshine law. Mr. Maxfield said this is as accurate a record as you can get. Mrs. deLeon said that's why Leslie is over here writing away. She's been there. Mr. Maxfield said you are okay with just proceeding? Mr. Cahalan said if this is the direction you want to go, what you are probably going to be interested in is how much these things will cost. We need to move in that direction if you do want to consider these upgrades in the future and you want to put that money in the budget for next year or the year after, so we do have to move ahead. Maybe the direction would be if you are comfortable with this kind of outline, that you ask staff to come back with some estimates of the upgrades.

MOTION BY: Mr. Maxfield moved to give staff direction to come back with some estimates of upgrades for the audio/visual communications for the Council meeting room.

SECOND BY: Mr. Horiszny

Mr. Maxfield asked if anyone had any questions? Mr. Gene Boyer said he knows there's no answer to this, but what kind of a timeframe do you think there would be for this if it was approved and would be implemented, a year, two years? Mr. Cahalan said cost is a factor. Mr. Maxfield said probably after January. He hopes it wouldn't take two years. Mr. Cahalan said if we give Council some estimates on cost and they direct the money be put aside in the budget for that, then staff would move ahead as quickly as possible once the budget is approved to implement that. It would be during the year that the funds are budgeted for.

ROLL CALL: 4-0 (Mr. Kern – Absent)

I. RESOLUTION #60-2013 – APPOINTING DOG CONTROL OFFICER

Mr. Maxfield said Resolution #60-2013 has been prepared appointing Chris Snyder as the Township's Dog Control Officer.

A RESOLUTION APPOINTING CHRISTOPHER SNYDER AS TOWNSHIP DOG CONTROL OFFICER

WHEREAS, the Township Police or Animal Control Officer are required by the State Dog Laws to seize and detain any dog which is found running at large, either upon the public streets or highways of the Commonwealth, or upon the property of a person other than the owner of the dog, and unaccompanied by the owner or keeper; and

WHEREAS, the Township Police or Animal Control Officer are required by the State Dog Laws to properly keep and feed any dogs they have seized who have a proper license tag or permanent identification at a licensed kennel approved by the Secretary for those purposes, and shall properly notify the owner to claim the dog within five (5) days; and

WHEREAS, the Township Police or Animal Control Officer are required by the State Dog Laws to detain any seized dogs who do not have a proper license tag or identification for a period of 48 hours, after which time they may be transferred to the care of a humane society or association for the prevention of cruelty to animals; and

WHEREAS, to carry out these responsibilities, the Township has created the position of Dog Control Officer, who will be on call to respond and seize stray dogs so identified by police officers, and will detain them in the Township dog kennel which is in the process of being licensed by the State; and

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WHEREAS, the Township has established duties and responsibilities for the position of Dog Control Officer which will guide and direct the appointed individual in the performance of his/her duties; and

WHEREAS, the Township has recruited and screened candidates for Dog Control Officer and recommends that Christopher Snyder be appointed to this position.

NOW, THEREFORE, BE IT RESOLVED by the Lower Saucon Township Council, Northampton County, Pennsylvania, that Christopher Snyder be appointed to the position of Township Dog Control Officer with the following stipulations:

1. The appointment to this position will be done on a year-to-year basis.
2. A yearly stipend of \$2,500 will be paid to the Dog Control Officer.
3. The Dog Control Officer will be covered by the Township General Liability and Workers Compensation insurance during the performance of his duties.
4. The Dog Control Officer will be provided with a Township vehicle and necessary equipment to carry out his duties

Mr. Cahalan said they are bringing to you tonight the last piece of the puzzle that they've been assembling that deals with stray animals in the Township. Incidentally, we distributed to you and he'll bring to the public's information, a report was prepared by Northampton County. The County Executive directed that a report be prepared on stray animal control in Northampton County, PA and gaming funds were used to pay Lafayette College to prepare a report. It's on the County website. It runs about 71 pages. It includes a lot of information that we were already aware of. That is that there are some serious problems with the system that we have for picking stray dogs up and sheltering them in Northampton County. He thinks it's the same state-wide, but in other counties it's a little bit better as they have a County shelter system that can take the dogs. Our problem is we don't have any place to take dogs that are picked up by our Police Officers. We did have a system with a shelter but there is no room at that inn anymore. We had to take matters into our own hands and we've been doing that over the past year by purchasing a kennel which we have in the PW area. We also discussed with Council the creation of a Dog Control Officer position which we put together a list of duties and responsibilities and we put that out for advertisement and had several people who were interested in filling the position. We interviewed and screened them and we feel that Chris Snyder is the best candidate to fill that position. We're all familiar with Chris. He's the Fire Chief at Steel City Volunteer Fire Company. We've worked with him and we're familiar with him and think he can do the job well. The resolution you have before you sets down some of the parameters of that position. It says the appointment to this position will be done on a year-to-year basis. A yearly stipend of \$2,500.00 will be paid to the dog control officer. The dog control officer will be covered by the Township general liability and workers compensation insurance during the performance of his duties. The dog control officer will be provided with a Township vehicle and necessary equipment to carry out his duties. We would like to recommend that Chris be appointed. It's a yearly appointment. We would do it just as we do the EMC and the Fire Marshall on a year-to-year basis. They recommend that Chris Snyder be appointed with the approval of Resolution #60-2013.

MOTION BY: Mr. Horiszny moved for approval of Resolution #60-2013.

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 AUGUST 21, 2013 MINUTES

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Mr. Maxfield said the draft minutes of the August 21, 2013 Council meeting have been prepared and are ready for Council's review and approval.

Mr. Horiszny said on page 27, line 29, he thinks needs to be eliminated. There was no second and no vote.

MOTION BY: Mrs. deLeon moved for approval the August 21, 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)

VII. PUBLIC COMMENT/CITIZEN NON-AGENDA ITEMS

- Mr. Robert Phillips, Dennis Lane, said he wanted to chat with you about the paving activity on Majestic Overlook and Dennis Lane. From the Citizen's Academy, he knew what to expect with the tar and chip and having lived with that for a couple of weeks, he realized it's perfectly fine for driving on, but they use the roads in their neighborhood for a lot more than driving their cars in and out. They are a family neighborhood. They are full of kids. They have people out walking on the roads. They have people jogging, walking their dogs, people on bikes, people pushing strollers, kids on scooters, and kids walking to the school bus. For all those activities, the tar and chips stink. It's uncomfortable. It's unsafe. It creates issues like wiping tar off the floors of his house that come in every day. They have the first bit of tar and chip down already. They got humps in the road. They've got ruts. They've been swept once and they still have stones. They got worse stones than they have in a hard winter. Their neighborhood, the Township has a great deal; they like to spread antiskid material. Our roads are covered with it. We're never going to get the traffic in their neighborhood to beat that chip into the road like you will on Bingen Road. You can send a sweeper, it's just going to come up again on the next rainstorm. We've got exposed tar where the chip didn't get covered over under the tar, so that gets hot and is a problem for all of the non-driving uses. The date on the Township website says you ought to expect the macadam road to last for ten to fifteen years. The reality of it that the macadam road that's been there has been in for twenty years. There's been no preventative maintenance done by the Township over that time, so as cracks opened up, they were left alone. If they'd have been sealed, how much more life would have been on that road before we had to do this maintenance. With the usage characteristics of this road, the information that's been pulled off the web and posted for this paving method is flawed. You've got web data that says they last ten or fifteen years, and he has proof that the road lasted twenty years. He understands we tend to take a frugal approach to things and frugal is good. We also have been very liberal in supporting quality of life issues in the Township if the Police Department has needs, we fill them without question. Parks we invested in heavily. Fire Departments we support them, and he's glad that we do all those things. Look at this building, all the improvements you are talking about putting into this. The money we spend on Lutz-Franklin, on libraries. We're not cheap when it comes to quality of life. He would propose that the way we use the roads in their neighborhood, this is not just a public thoroughfare. It's a quality of life issue in the neighborhood, and for that reason, he'd ask you to reconsider the paving strategy while they have time to fix it. Clearly, his preference would be that you agree with him and decide to pave and macadam and leave it alone, maybe maintain it so it lasts another twenty years or longer. If he can't have that, he would ask that you consider leaving a two or three foot strip of macadam on either side so they do have spots for the recreation. Additionally it has the benefit of being a traffic calming device as well. Mr. Maxfield said when you were saying leave a macadam strip on the side of the road, out in the eastern side of the Township, PennDOT came through and chipped and tarred only the side of the road and about 3' to 4' into the middle of the road. Every time they go down the road and there's bicyclist, they don't want to ride in that stuff and they are riding out in the middle of the road and they have to zip back every time a car comes by. It definitely is not a user friendly surface for everybody. He doesn't know what to do instead though. Are you suggesting just pave it when it needs to be paved and let it go until it needs to be paved again? Mr. Phillips said his suggestion would be that we identify what are predominantly traffic roads. For

instance, Applebutter Road versus a neighborhood road such as his neighborhood, Woodfields, Mr. Willard, but we have a lot of residential developments. They've been designed with one road in and one road out. The only traffic they see if residents and visitors. For those roads, he would propose we macadam them and address the quality of life they provide in the neighborhood. They don't have sidewalks, even if they did, he wouldn't propose you put bicycles on the sidewalks. Joggers are still going to be out on the street. With what you've done, you've made his neighborhood less usable and less enjoyable for him and all of his neighbors. He's all for saving money. He gets it. That's been the whole justification for this program which is cost. Cost at a price of usability and quality of life against flawed statistics on how long it's going to last, that strategy needs to be changed and needs to be a Council decision. Mrs. deLeon said what does Jack say about this? Mr. Cahalan said it's a choice the Township has made and it's been in effect for years. It was in effect before he was there. It's used across the country. It's used by PennDOT. Tom just mentioned some roads. We got complaints on Black River Road and a couple of other roads that PennDOT oiled and chipped. It's not something that the Township is just doing. It's economical. We could blacktop the road as Mr. Philips suggested at considerable more cost. That's something we can discuss at budget time with Council. He can have the Director of PW come and discuss those options with you. The longevity of the road you're comparing it actually to a road that was probably put in by a developer, not by the Township. Mr. Phillips said he hopes the Township does better work than Toll Bros. Mr. Cahalan said the road with the cracks, they don't do crack sealing, but what they do is they evaluate all the roads and we grade them on the level of maintenance that's needed. We have a budget with a set amount of funds that comes from the State. We don't even use any Township funds for that. We use the State funds from PennDOT to put together a budget of doing approximately seven or eight miles of roads every year. That's the program they have in effect and we do get complaints from the stones which they try to get PW to go out there and sweep the roads as quickly as possible after the application. If the application is done correctly, the stones should adhere to the emulsion that's put down and it should create a seal. It's a three step process. One is oil and chip and then you will have a thin layer of asphalt and then another oil and chip process. The third year which seals the road and that's where that period of time, that we have on the website comes in. It does work. It's proven to be an economical way to have the road last and be in good shape. Mr. Phillips said the data that's on the website suggests that the stone and chip is about half the cost as macadam. The data on the website says stone and chip is going to last seven to ten years. Mr. Cahalan said that's correct. Mr. Phillips said if it costs half as much and we have proof in this neighborhood that macadam lasted twenty years, to do this right way it's a cost wash. If the chip is supposed to stick to the emulsion, then you've got an issue with the quality of work that's being done as the chip is not stuck to the emulsion. Mr. Cahalan said in that case, that is poor application which they can address. Mr. Phillips said your poor application has left him with a quality of life issue then. Mr. Cahalan said he actually went out and checked the road and he did not see evidence of what Mr. Phillips is talking about. He's not sure if you want to contact him during the day and let him know, and he'll go out with the PW Director and join him. Mr. Phillips said he's shocked to hear him say he didn't see it because the loose stone is very evident all over the road. Mr. Cahalan said he did see loose stones and he asked the PW Director to sweep Dennis Lane as there were loose stones there. This was two weeks after the job was completed. Mr. Phillips said it's been swept once. The loose stone is back. Mr. Cahalan said we'll sweep it again. Mr. Phillips said to put down this product and sweep it up and haul it away doesn't seem like a very cost effective use of product or of Township time and resources. Mr. Cahalan said he thinks the seal with the stone and the emulsion has been achieved. Whatever hasn't adhered, will be swept up. Mr. Phillips said even with that gone, the quality of life issue remains and the cost justification is dubious at best. Mrs. deLeon said she read many articles in PSAT's about tarring and chipping and like Jack says, that's what they say. She's not an expert on either way, but she just knows the articles she reads. If there are issues with over excessive stone, then Jack can address that. She's sorry that happened and wished we would have known sooner. Mr. Phillips said he suspects if you go back and look at those articles, they will speak about the appropriateness of this technique for vehicular traffic and there's no argument about that. Vehicular traffic is only one of many uses of residential roads. Mr. Maxfield said there's no roller

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blading on that stuff. Mr. Phillips said try pushing a stroller across it. Thinking you will have your kid fall asleep, it's uncomfortable and for all the kids we have out playing on it, the loose stone is an unsafe condition. Mr. Maxfield said one other thing he noticed directly related to the quality of life issue is the road becomes louder at least for a couple of weeks. Mr. Cahalan said that's correct. That's another complaint. Mr. Maxfield said you're not alone. We've had Council people up here complain about the tar and chip process, so we can always talk to our PW Director and find out exactly what's going on. He would encourage you to contact Jack and show him the problem areas and get him out there on the site. Mr. Phillips said he'll be in touch this week. Mr. Horiszny said maybe we could look at residential streets having it a different way, and not have to do them as often as others. Mr. Phillips said that's a very appropriate action for you to take. Mr. Maxfield said if you start thinking about the amount of traffic on the road and the speed of traffic on some of the roads.

- Mr. David Boltz, 1850 Felicity Lane, said he has another road issue he'd like to surface tonight. This year, he and Mr. Cahalan exchanged letters on the striping of a portion of Mountain Drive South. Specifically, he was concerned about the absence of a double yellow line in the center and white edge lines on the sides to help drivers see the edge of the road, particularly in the night time, in fog, in rainy times. His eyes are not what they used to be and he suspects that might be the case for some of you. We need all the help we can get in trying to stay on the road. Mountain Drive South is a wide road and the boundary between the edge of the road and the adjoining surface is not always really clear and a white stripe along the side of the road would certainly help. Mr. Cahalan told him in his letter that the Township does not paint white edge or fog lines. This is something that PennDOT does on State roads. All of us would recognize the benefits of white lines on sides of the roads. His question is why doesn't the Township see fit to paint white lines on the sides of the roads? Is it a cost issue or what is the issue here that has kept this from happening? When PennDOT sees this is a proper thing to do for State roads, you go down Bingen Road and there are white lines there. It's very, very nice. You go up Mountain Drive South, there's a remnant of a line there. He thinks it was for a bicycle path, he doesn't even know. As far as he can tell, you are not planning on putting any more white lines on roads that you tar and chip. He's not asking for a discussion tonight or an answer to his question, but he would like you to consider the effectiveness and safety aspect of white lines on the sides of the roads. Mr. Maxfield said PennDOT is a little bit behind that schedule too. They haven't put the white lines on Easton Road yet and they tarred and chipped that one a few months ago.
- Mr. Gene Boyer, Saucon Avenue, said he's been here many times and the last several months has spent a considerable amount of time researching the records. He's met with the Finance Director a couple of times and attempted to get some financial solutions as to what the operating cost and reserves are in the Township. Despite the comments from the Township Manager, and some Council members that say that he's always looking for dirt in the Township, it's not what he's looking for. He's not accusing anybody of any inappropriate things. Some people, including the members of the Council and the Township administrative, say both on and off the record that the rezoning of Applebutter Road is necessary to permit IESI to expand the landfill in order to collect the revenues that operate the Township without any tax increase to the residents. Over the last eighteen months, IESI has communicated to the residents of LST those facts that they contribute 30% of the revenue necessary to operate the Township. They claim their contributions are the combination of host fees, real estate taxes, and business taxes. What he's been attempting to do is determine if their claim is accurate. This is the reason he's made many Right-to-Know requests and spend many hours in the Township reviewing financial documents and meeting with the Financial Director and the staff and not being able to get answers, but have to write a Right-to-Know after he asks the questions. He feels that the need to take the action and because no one on the Council or the administrative staff would attempt or to confirm or deny the accuracy of the IESI claims. Only the comments that were made by Mr. Treadwell who said that in a meeting, this was IESI's number and not the Townships. He guesses that when you are a subsidiary of a large international waste management company, everyone assumes that the accuracy of the figures is there. Based on his review, the historical documents, the purpose of the landfills host fees, were never intended to impact the cost of the actual operating of the Township. They were to cover the

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cost of the little extras and special things and these little extras and specials included some of the loans of the following. A \$4 million construction loan of the new Township complex in 2001. \$4,650,000.00 in an acquisition of Polk Valley in 2005 and another \$2 million in addition to purchases related to Polk Valley and other land acquisitions in 2006. He doesn't necessarily feel that these projects are actually cost effective, but he understands the concept of repayment of principal and interest of the loans taken out for these projects is paid for from the revenue generated by the landfill host fees. If the landfill is not permitted to expand, these loans should be paid off and can be paid off in time by the time the landfill actually closes. He has figures and balances on the loans here. These are figures from the 2012 financial audit that was just prepared on page 31 of the audit which each one of the Council members has received a copy of. The balance of the total loans is \$4,687,161.00 without interest and \$5,384,361.00 with interest paying the loans out to the end of the payment structure as per the financial audit report. He asked if these are accurate enough figures, Tom? Mr. Maxfield said he has no comment, go ahead. Mr. Boyer said he does have pages from the financial audit report to verify those numbers. He took the actual cost off the financial reports that he has seen in the office. The Township's Manager, prior to Mr. Cahalan were able to manage the Township's operating expenses without being dependent on the revenues generated from the landfill and host fees. Why can't Mr. Cahalan's manage the Township's operating expenses without the landfill host fees now other than the fact that we need to pay the principal and interest on the loans. He's always asked him to come and see the Financial Director and as indicated after a denial, that he would just ask her a question. It appears that Jack has delegated his responsibilities to explain the cost and operating of the Township to the Financial Director and to Leslie Huhn, which he has sat with in the past. As Mr. Maxfield has constantly stated, he is not a financial or accounting professional, he does not understand it, but he does know how to operate a business. He spent 23 years in the corporate world in actually creating these types of reports. The accounting practices of the Township have to have numerous contingency funds and constantly transferring funds between one account to the other seems to be very confusing. We seen a little experience with that tonight coming from which contingency fund and preparing for the future of some loans or monies that were out there. He's not always saying that the Township Financial Director or administration have done anything inappropriately or created any confusing issues, but it appears that some of the individuals in the Township have their own agendas. His opinion of the Council and the Township management have been spending money on wants rather than needs and that their pet projects and several Council members have well informed and have been creating taxes to cover the costs of these pet projects such as the open space fund. He doesn't object to spending money and replacing fire equipment, police equipment or maintenance equipment. These expenditures are what he considers a need and not a want. Several months ago, Mr. Cahalan made a point to state that some of the money from the landfill revenue was used to purchase a new fire truck. His statement was partially correct because the monies to purchase the fire truck came from a variety of sources, some of which the fire companies contributed. These answers he obtained on the Right-to-Know questions that he's asked. He believes there's a need to also make a large purchase in the future and it's important to establish reserves and to pay for these expenses. However, the residents of LST's may not realize that as of July 31, 2013, we had in the bank \$12,816,998.95. Over nineteen months of reviewing the monthly statements, there's been an average of \$10,900,000.00 in the bank accounts, only three months were lesser, which was \$8.3 million, \$9.3 million, and \$9.3 million. Based on the research on the operating budget stated by the Township Manager, it's \$6,000,000.00, so where are these large monthly balances needed? Well, part of it comes from the special income tax that the residents voted for in the open space fund, and is recommended to purchase properties. Does anyone actually know how many registered voters I the LST actually turned out the last time to vote for the open space ballot? Well, it may be surprising, but there were less than 25% of the registered voters turned out to ensure that continued. Where is all the land and easements that was acquired in the open space tax located? He thinks he's asked for a map and he doesn't know Jack, is that map still in the process of getting put on line? Mr. Cahalan said it hasn't been approved by Council. Mrs. deLeon said it hasn't been before us, right? Mr. Boyer said it was months ago he started that process and he hasn't seen it. He didn't bring it up until now, but it was something he thought would be important for people to know. Mr.

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Cahalan said they brought it to Council. They had a discussion about how the information would be depicted on it. Mrs. deLeon said it got sent back to staff and it hasn't gotten back to Council yet. Mr. Cahalan said correct. Mr. Boyer said is there a timeframe when it's coming back to Council, Jack? Mr. Cahalan said they are working on it. Mr. Boyer said is there a timeframe other than just working on it. Mr. Cahalan said just working on it. Mr. Boyer said all the financial benefits go to the landowners which he thinks Priscilla has brought up earlier and Tom confirmed it, there are tax dollar benefits for all the people who do these easements. He's concerned. Where is the Council looking out for the health and well being and what is environmentally positive, not condoning the expansion of areas in the Township that has a harms factor. We are a resident zoned community. We should not listen to a one limited resource or a company that seems to control the thoughts because of their PR. We do not need them so that they can grow their business and make more money. We need to look at the residents with a positive result. Why is it that we listen to the outsiders of the Township that become more important than the citizens of the Township? He suggests that we the people in LST do an in-depth review of the budget and whatever we are spending or reserving for in a rainy day with millions of dollars. He also comes tonight as a citizen of LST and he's been frustrated a number of times with the actions of a member of Council, P/C and EAC attempting to imitate and bully the residents of LST. He thinks it must stop. He thinks the residents have the right to come to a meeting to speak what they want and ask the questions at an appropriate time and he thinks the comments to questions and the remarks that are made must be presented politely. Must be show respect for the officials and the volunteer committees and members and the administrative staff. In the past, when he has waited to speak during the non-agenda items in a meeting, he has been dealt with sarcastic responses from a Council member, from the Township Manager. When he asks a question of the Council, P/C or EAC, he wants an honest answer and he doesn't want sarcastic remarks made for him, especially after he speaks. He is speaking specifically of the conduct of Tom Maxfield. At the recent Council and EAC meetings and prior Council meetings, Mr. Maxfield attempted to silence his questions, has been stopped by two other Council members and has been described in a great deal in the editorial of the Valley Voice. He would have thought Mr. Maxfield would have learned from his mistakes when he continued to attempt to bully and intimidate him at the EAC and P/C meetings. At the EAC meeting, he caught him on tape using profanity to share his opinion of his questions in response with Mrs. Yerger. This conduct by an elected official is both inappropriate and is illegal. When the question is stated, it should be answered by the members at the meeting with the best of their ability. We realize that members of Council and the sub-committees are not experts or professionals on the topics discussed at the meetings. That they are either elected by the residents or appointed by Council; however, we should have the ability to answer the questions to the best of his or her ability. He is tired of Council members ignoring the questions and defying the Township Manager's to hide behind the Right-to-Know law and constantly notifying him of delays in requested information. Council and committee members should not bring their work or personal problems to the Council and use them to treat residents in an inappropriate way. He is not a child. He is not a student or a high school class. He is a resident with questions and comments that can be stated to a Council and P/C and EAC for answers and review in accordance with the Sunshine Law. He is publicly looking to have Mr. Maxfield step down from the Council, the P/C, the EAC for his inappropriate conduct to restore the respect this Council so rightfully deserves. He has truly overstepped the boundaries of any elected official and he does not expect to be intimidated in the future. Mr. Maxfield said it won't happen. Mr. Boyer said his question, if he may ask a question. Mr. Maxfield said not at me. Mr. Boyer said his statement then is we should be definitely be looking at the budget in a different way than the way IESI looks at the budget. 30% is not right. He thinks that Mr. Willard made a request and he has not heard if that request was filled, but he was looking at getting a proforma of the budget for 2014 without the landfill, probably without the loans that we have to pay, and what would the balance of the budget actually be in 2014. He doesn't know when that's going to come out or when we'll see that. Mr. Willard said he'll comment on that when he does his report.

VIII. COUNCIL & STAFF REPORTS

A. TOWNSHIP MANAGER

- Mr. Cahalan said he has a request for use of sound equipment for an event at the Town Hall Park. It's on a Friday afternoon, September 13th from 2:00 to 5:00 pm. A group of employees from the business Asculap which is down in Upper Saucon Township is holding an employee appreciation picnic and they are asking if they'd be allowed to have a disc jockey to provide music on that date. They do have the okay to use the pavilion for the event. They indicated it's a corporate function with no alcohol or games and they will keep the music at a low level and will vacate the park right at 5:00 pm after cleanup and inspection of the facilities. Under our Park policy, any use of amplification equipment must have Council approval.

MOTION BY: Mr. Horiszny moved to approve.

SECOND BY: Mrs. deLeon

ROLL CALL: 4-0 (Mr. Kern – Absent)

- Mr. Cahalan said he would like for approval for the annual trick-or-treat night which is scheduled for Friday, October 25th from 6:00 to 8:00 pm. If Council is okay with that, we will...Mrs. deLeon interrupted and said that's the normal times? Mr. Cahalan said yes, it coincides with Hellertown.

MOTION BY: Mrs. deLeon moved for approval of trick-or-treat night for Friday, October 25th from 6:00 to 8:00 pm to coincide with Hellertown.

SECOND BY: Mr. Willard

ROLL CALL: 3-1 (Mr. Horiszny – No; Mr. Kern – Absent)

B. COUNCIL

Mr. Willard

- He said he will answer Gene's question. On August 20th, the Council members received the preliminary report from Cathy. It is a high level report showing just the top line revenue and expenditure and balance of the funds. He has not had time to review it or discuss it with her, but he'd like it placed on the agenda for the next meeting on September 18th and if Cathy could be at that meeting so it could be discussed before the special hearing on September 25th.
- He said regarding our newsletter design, unfortunately, our consultant was unable to meet with the staff as scheduled, which leaves us with a dilemma. The content of our next newsletter is ready. The design implementation and the printing associated with it is not, so his recommendation is we go ahead with the current design and issue the newsletter and introduce the new design for the November/December newsletter.

Mr. Horiszny

- He said the SV Foundation for Innovation Education has a groundbreaking ceremony this Friday, September 6th at 9:00 am at the high school in case anyone wants to attend.

Mrs. deLeon

- She said the SV Conservancy is holding their seventh barn tour on September 14th. If anyone is interested, there are cards on the back table and it's also on the internet. It's a fun thing.
- She said she asked a question about the 2012 audit. Yesterday when she looked, it wasn't on the website. She said she keeps refreshing her browser button. Ms. Gorman said it was sent to be put on.

**General Business & Developer Meeting
September 4, 2013**

- She said what's going on with the Fox Soil Borrow area? There was another letter from Hanover reviewing it. She was a little disappointed that the host fee wasn't included in the comments. Did we hear from the Dept. of Mining? Attorney Treadwell said he saw the HEA letter today, but other than that, he doesn't have any update. She said the Township is not aware of receiving anything like any approvals? The Mining Department and DEP got our letter a couple of weeks ago and nobody knows what's going on with the Fox property? Mr. Cahalan said are you asking if we received anything from the Bureau of Mining and the answer is no. Mr. Miller said in that letter, there was a reference to needing to know that. To the best of their knowledge, they have not gotten a response to the letter they sent out today. Mrs. deLeon said we're unaware of any approvals they may or may not have made. Attorney Treadwell said he hasn't seen any approvals whatsoever from anybody. Mr. Miller said that's correct.

Mr. Maxfield – No report
Mr. Kern – Absent

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

Mr. Willard said he'd like to come back to Ron's mention of the event on September 6th. Should we have formal Council representative at this? Mrs. deLeon said she attended the last one, but she can't attend this one. She was there for the ribbon cutting and it was the same day as the ribbon cutting for the Polk Valley Park. Mr. Horiszny said he may be able to make it.

V. ADJOURNMENT

- MOTION BY:** Mr. Horiszny moved for adjournment. The time was 10:08 pm.
SECOND BY: Mrs. deLeon
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

Tom Maxfield
Vice President of Council