

I. OPENING

CALL TO ORDER: The General Business & Developer meeting of Lower Saucon Township Council was called to order on Wednesday, September 5, 2007 at 7:10 P.M., at 3700 Old Philadelphia Pike, Bethlehem, PA, with Mr. Glenn Kern, Council President, presiding.

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

PLEDGE OF ALLEGIANCE

ANNOUNCEMENT OF ANY EXECUTIVE SESSION (IF APPLICABLE)

<p>Mr. Kern said Council met in Executive Session this evening to discuss potential land acquisition and potential litigation.</p>

MOTION BY: Mr. Kern moved for the Solicitor to proceed with the response to the litigation filed by the Heritage Building Group.

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

ROLL CALL: 5-0

II. PUBLIC COMMENT/CITIZEN AGENDA ITEMS

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

III. PRESENTATIONS/HEARINGS

A. PIG PLACEMENT NETWORK – ROSE STRONG

Mr. Kern said Rose Strong is present on behalf of the Pig Placement network. The network was instrumental in helping the Township find a home for the pot-bellied pig that was left in a shed on property the Township acquired.

Ms. Strong said she’s from Springfield Township in Bucks County. She would like to publicly thank Council and staff for their compassion and generosity in regards to Helen the Pig, to whom she is the foster parent. She said she had a letter from Eileen Wanamaker who was unable to be

**General Business Meeting
September 5, 2007**

here tonight. “As President of Pig Placement Network, I would like to thank each of you who were concerned enough about Helen the Pig to do what was necessary to assure Helen’s safe refuge. Being involved with potbellied pig rescue for ten years, it is rare to find such caring and generous folks as you. Not only have you helped Helen, but also our organization. Rescue work creates a heavy financial burden and your generosity has certainly helped us carry that load for Helen’s care. On behalf of Pig Placement Network, thank you from the bottom of my heart. You have been a blessing in our lives, and most certainly in Helen’s”.

Ms. Strong said as Helen’s foster parents, she’d like to say this rescue was unlike any other and your township is to be commended for doing the ethical thing in finding the proper care for Helen. She’s like to extend to each of you, an invitation to our biggest, annual fundraiser, PigFest. This event is held at historic Ross Mill Farm in Bucks County, on September 15, 2007, a property preserved by Heritage Conservancy. It is a foster home to many Pig Placement Network’s pigs. The event is a chance for pigs and their people to socialize, network, and have fun. She has included their press release for further details, but encourages you to come along and see what PPN does for pigs in need.

Council thanked Ms. Strong very much. Mrs. Yerger said she wanted to give a special thank you to Jack Cahalan as he put so much extra effort into this. Mrs. Yerger also thanked Keri Maxfield, as she did some research, and she did it at work, so they want to thank Andy Wilt also. They are real proud of Mr. Cahalan. Council gave Mr. Cahalan a special memento, which was “turkey bacon”. Mr. Cahalan said it was good to see Helen get into a good home with a proper diet and regiment and hope she has a lot of pig years left.

IV. DEVELOPER ITEMS

A. ZONING HEARING BOARD VARIANCES

1. REINHARDT & ISABEL BAUDY – 2572 KINGS MILL ROAD – REQUEST VARIANCE FROM FRONT YARD SETBACK FOR A FENCE

Mr. Kern said the applicant is proposing to construct a fence in the required front yard. They are requesting relief to install a fence approximately 12’ from the property line.

Isabel Baudy was present. Mr. Kern said Council has the information in the packet. Were there any questions? Mrs. Yerger said on the notes it said it was going to be a four foot high split rail fence? Ms. Baudy said yes it was.

Council took no action.

2. GREG JONES – 1585 CHAPEL LANE – REQUEST VARIANCE FOR GARAGE BUILT IN SIDE YARD SETBACK

Mr. Kern said the applicant has constructed a pole barn (24’x39’) in the required side yard, approximately 6’ from the property line. The required side yard is 30’.

Mike Birk for Greg Jones was present. Mr. Maxfield asked how the barn ended up? One time it seem that it was proposed, and the next time it was built. Mr. Birk said he didn’t have an answer for that. Mr. Garges said he saw the barn being built and stopped Mr. Jones and that’s how they got to where they are now. They started without a permit. Mr. Maxfield is bothered by the proximity of the property line. Mr. Birk said there is nothing there, just a steep drop down. It’s the only spot to put something on the property. Mr.

Horiszny asked if there was concern about the LSA property next to it. Mr. Garges said he talked to Gar and they had no issue with anything.

Council took no action.

3. ROBERT & MELISSA KIEL – 1750 HAWTHORNE ROAD – REQUEST
VARIANCE OF FRONT YARD SETBACK FOR EXISTING ENTRANCE WALL

Mr. Kern said the applicant is requesting relief for previously constructed walls to remain in the required front yard. The wall actually extends into the right-of-way, therefore, no front yard is proposed.

Attorney Andrew Schantz was present. He said as the application states, this was done without knowledge of the setback requirements. The wall was constructed at a significant expense and would be hard to locate at this time as it's located on a cul-de-sac. It's not in a location that would interfere with plows or anything like that. He pointed out on the plan where the wall was. It's not an entrance gate. It's strictly an aesthetic type wall. It's about three feet. Mrs. Yerger said is there any way that we can help notify some of the construction people so they are aware they need these permits so the landowners don't have to go through the variance process and so it's done right the first time? Mr. Garges said it's kind of a tough thing to do. Some municipalities have licensed contractors to work in their municipalities and adds another whole realm. That's probably the only thing he can think of. Ms. Stern Goldstein said the one recommendation she has is to get the word out through the newsletter with township tidbits, but there is no way to contemplate who is going to do work in the township. Mr. Garges said most of the contractors don't live in the township and the residents may not pay attention. Mr. Maxfield said he has one issue and variances are based on hardships. Knowing we aren't the body to decide this, and reading the application, it says the nature of the hardship "none, the wall was previously constructed and the wall would be costly to remove". The other requirement is the hardship can't be financial. He doesn't know how we can't oppose this. Attorney Schantz said he can't put something that's untrue on a zoning application that it is a hardship. The other two applications you just heard, there's no legal hardship for them. Mr. Maxfield said it seems like it's just somebody who wanted a wall there and now they don't want to take it out. Attorney Schantz said if you want him to amend the zoning application to say this is the only location on the site that is suitable for that entrance driveway, and that's the only location for it. Mr. Maxfield said he thinks they are past that point now and the application has been filled out with honesty. He's not asking for dishonesty. Honestly, it doesn't seem like it's up to snuff.

Mrs. Yerger said if you look at Chris's memo, it says the northerly entrance wall encroaches the right of way. The Public Works Director does not have a problem with this but wants the applicant to submit documentation that he understands and accepts responsibility. Mr. Garges said the applicant is aware of that and doesn't have a problem with that. Mr. Horiszny said the ZHB needs to have that point before them also. Mr. Kern said his main concern would be the neighbors if they objected and they will have an opportunity at the ZHB, but if no one shows up, he doesn't see why Council should oppose it then.

Mr. Maxfield said he thinks we should oppose this. He doesn't see this as a responsibility of the zoning officer, it's the responsibility of the applicant.

Mrs. Yerger asked if this was a legal question. Attorney Treadwell said that determination is up to the ZHB.

**General Business Meeting
September 5, 2007**

Council took no action, but wants a letter signed by the applicant that they accept the responsibility as it's in the right-of-way (the fifth point in Chris Garges memo).

B. ORCHARD VIEW – ROUTE 412 – REQUEST FOR SECURITY REDUCTION

Mr. Kern said the applicant has requested a security reduction for improvements completed to date. HEA has done an inspection and is recommending a reduction of \$46,339.20 in security being held. A balance of \$176,601.24 should be retained in the Letter of Credit.

Mr. Kocher said there are two separate actions here. There was a third reduction and they did prove PennDOT did sign off on the work so they had to have a fourth reduction.

MOTION BY: Mr. Kern moved for approval of the third security reduction of \$46,339.20.
SECOND BY: Mrs. deLeon
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.
ROLL CALL: 5-0

MOTION BY: Mrs. Yerger moved for approval of the fourth security reduction in the amount of \$39,324.00 as per the HEA letter of September 5, 2007.
SECOND BY: Mr. Maxfield
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.
ROLL CALL: 5-0

C. LONG RIDGE – BERGSTRESSER DRIVE – REQUEST RELEASE FOR LIMITED CONSTRUCTION BOND

Mr. Kern said the developer has requested release of their limited construction bond in the amount of \$15,000. After review by staff, it has been determined that the work associated with this bond has been completed and Council can authorize the return of this bond.

Mr. Cahalan said the letter from HEA indicates the work has been completed to the township's satisfaction. Mr. Horiszny said it should say the developer requests a release of their limited construction bond in the amount of \$185,310.99 and escrow of \$15,000. Mr. Cahalan said we took action on the first one at the previous meeting, but we left the \$15,000 that was not included in that motion. Mr. Kocher said they posted that early to cover that inspection. They have since posted the full inspection amount so they can have that \$15,000.

MOTION BY: Mrs. Yerger moved to release the limited construction bond of \$15,000.00
SECOND BY: Mr. Maxfield
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.
ROLL CALL: 5-0

D. HIDDEN MEADOWS – 3588 LOWER SAUCON ROAD – FINAL PLAN APPROVAL

Mr. Kern said the applicant is proposing to construct a cul-de-sac and five new single family homes.

Present: Bob Kostival, owner, Mike Waldron, Ott Consulting & Paul Dreyer, owner. Mr. Waldron said they are here for the five lot cluster subdivision on Lower Saucon Road for final plan approval.

**General Business Meeting
September 5, 2007**

Mr. Kocher said on the staff recommendation, the first one is to meet the requirement of the August 30, 2007 letter. The letter of August 30 consists of the legal checklist items for Linc and recreation fee. There are no plan changes required. The second is to provide the required amount of record plans, the third rec fee, the fourth is plan should note all waivers, pay any outstanding escrow balance and get it down within one year. The waiver they want is that they have a two acre lot with a sand mound, but the sewer ordinance still requires a three acre lot with sand mound.

Ms. Stern Goldstein said they had a letter which had no outstanding items.

Mrs. deLeon said the plan shall note all waivers granted by Township Council in a manner satisfaction to township council. What is the manner? Attorney Treadwell said it means the notes need to go on the plans. Mrs. deLeon said she doesn't agree with some of the waivers, and she can vote no? Attorney Treadwell said she can vote no. She said at the last meeting, there were some questions raised and this is an option she has.

MOTION BY: Mr. Maxfield moved for final plan approval.

SECOND BY: Mr. Horiszny

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

ROLL CALL: 4-1 (Mrs. deLeon – No)

E. TURNBRIDGE PARTNERSHIP – MCCLOSKEY AVENUE MINOR – FINAL PLAN APPROVAL

Mr. Kern said the applicant is proposing to combine two existing lots and create two new lots for construction of single family dwellings.

Attorney Andrew Schantz was present. He said this is an existing two parcels on the NW corner of the intersection of McCloskey and Walter Ave. It's been before you for a number of reasons. It's been before PC. There is a swale on his client's property abutting the Shimko property and there were some concerns about the design of that swale. They met onsite and decided to redesign the swale to extend further to the north. Mr. Shimko would grant his client a temporary construction easement to get back in there so there wouldn't be any more disturbance of woodlands or sensitive areas, and in return, his client would take down a tree of some concern with the Shimko's that is on his clients property.

Mrs. deLeon asked if Mr. Shimko was agreeable to this? Mr. Shimko said his approval will be granted as long as he has an opportunity to see the plan. Mr. Garges said there would be a fabric material that would be re-laid in this swale. He wants to get some clarification on that, what type of material, how long it will last. When they purchased the property five years ago, they made a lot of improvements to the property at the north end. A lot of the erosion was working to the right. With the new development and disturbance of the land, there would be a lot more water coming off this property and they want to make sure the volume of water coming off the property will be detained in this swale and no further erosion would occur. If they can see the plans and see there is no disturbance of their property, they are willing to approve this. They have concerns of the big poplar tree on the other property that if it drops, it will go right on their property.

Attorney Treadwell said if condition 3 isn't met, the plan won't get recorded. Mr. Maxfield wants Mr. Shimko to sign it and say he gives his permission and it is kept here at the Township and then we're covered. Attorney Treadwell said no. 3 says in a manner acceptable by the township solicitor. Mr. Shimko said he can review them himself and sit down with the Zoning Officer. He'd like to speed the process up. They are willing to work with Turnbridge and Mr. Blair. He can look at the plans tonight and sign that document and get things moving.

**General Business Meeting
September 5, 2007**

Mrs. deLeon said waiver no. 2, as to allow the roadside swales to be constructed with 3 to 1 side slopes rather than the required 12 to 1 side slopes. That seems like such a big difference if we're having such water problems. Mr. Kocher said the PC struggled with this for awhile. If you had your standard six inch deep swale along the west side of McCloskey, the swale would not be deep enough and it would cascade over McCloskey down to the neighbors. The neighbors asked that improvements be made so it would stay on that side of McCloskey. The only way they could do that is make a wider, deeper swale than the ordinance allows. The PC said do we want more disturbance of a deep swale, and from a safety point of view, they'd rather have the storm water conveyance than the six inch swale. 12 to 1 is flatter. Mrs. deLeon said no. 1 says you have to address the comments of August 30 and in the letter it says about the permission from Mr. Shimko for the swale stabilization, why did you repeat that? Mr. Kocher said sometimes they do pull things out of the letter that are not an engineering detail, so it's repeated as a condition.

Ms. Stern Goldstein said they had no letter in the packet, but a letter was written in July 11, 2007 saying they met the planning and zoning issues and concerns.

Mrs. Yerger said under subdivision comments, existing features and contours within 250 feet from the project shall be shown on the plan and the developer is requesting a waiver of this requirement. Should we be concerned about this since there are so many water issues? Mr. Kocher said they require they show enough of what the downstream drainage conditions are like and they have done that.

Rebecca Thomas, resident, lives downstream and she has concerns about the water. Will the swale be put in before any construction is done up there as it's just going to make it worse if it's not put in first. Mr. Kocher said there's a sequence of construction with the erosion control plan and the county requires the conveyance items be built early on, but he can't answer that question definitively. You can follow up with the Zoning Officer, Chris Garges.

Ms. Thomas asked about the swale on the Andreas property. Mr. Cahalan said the Public Works Department will be taking care of that.

- MOTION BY:** Mrs. deLeon moved for approval of McCloskey Avenue Minor Subdivision, Final Plan Approval dated September 5, 2007 per staff recommendations as noted and discussed.
- SECOND BY:** Mr. Horiszny
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.
- ROLL CALL:** 5-0

F. ROTH MINOR – 2783 BUTTERMILK ROAD – FINAL PLAN APPROVAL

Mr. Kern said the applicant is proposing to subdivide the existing lot into two lots, one lot residing in LST and one in Williams Township.

Art Swallow was present. He said his company prepared the plans for Corner Stone Developers.

Mr. Kocher said the first one is their letter of August 30, first one doing deeds of dedication for the two roads, discusses waiver of existing features and road widening improvements, the fourth one is though they ask for a waiver, they still say there should be a drainage easement across lot 2 and he's spoken to the designer and they are going to put it on. They should still show a natural low area across that lot and provide an easement and Art has agreed to do that.

General Business Meeting
September 5, 2007

Ms. Stern Goldstein, said letter dated August 24, 2007 has two comments, the first noting that the existing dwelling, barn and outbuilding are located within the required front yard and is permitted as an existing nonconformity, no action is needed on that. The second is a waiver for street trees, which will stay in the letter until you decide to act for or against the waiver. Mrs. deLeon said the waiver letters usually the developer explains why they need the waiver, why do you need these waivers? Mr. Swallow said they feel that the required topography within 500 feet of the site would be excessive considering they are only creating two lots. The lot that remains in LST is 11 acres in sizes, sufficient to be maintained as a farm, and it straddles the township lines and they have been working with Williams Township as well. They are asking for relief of street widening, street trees, what would go on with an intense development. Ms. Stern Goldstein said she concurs.

MOTION BY: Mr. Maxfield moved for conditional approval of the Roth Minor Final Plan Approval.

SECOND BY: Mrs. Yerger

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

ROLL CALL: 5-0

V. TOWNSHIP BUSINESS ITEMS

A. DISCUSSION REGARDING ATV'S

Mr. Kern said Council would like to hear from residents their thoughts and concerns regarding ATV use in the Township. This is an informal discussion. We are looking for input from residents. We are aware of the farm use of ATV's, aware of ATV's to get their mail, this isn't what this is about. They are looking for specific properties where ATV's are running close to surrounding residents and are a nuisance and are looking for suggestions on how to resolve this issue.

Chief Guy Lesser said he had a power point slide of ATV's complaints. They have a variety of complaints. The issue this evening is about the noise with ATV's and citizens who find it very disturbing. The graphic speaks for itself. They have complaints, other than noise, which are dealt with in the crimes or vehicle code and are specific to that complaint. Riding on private property can be handled through trespassing. Riding on the street is a violation of the PA vehicle code. The graphic shows all complaints.

Ms. Susan Strauss, 2175 Rose Lane, said it's not necessarily about noise. Their property is small and the homes are fairly close. She has ATV's on the left of her and she had dirt bikes on the right. That neighbor has moved, but when they were both going at the same time, it creates dust. She had to close her house, close her garage, and on her screened in patio, she could write the name in the dust. The noise was a nuisance to her and so was the dirt. She lived in Hellertown and wanted peace and quiet and moved to LST, now in three months she had ATV's and dirt bikes riding by her property.

John Strauss, said besides the dirt, the neighbors uphill operate 3 ATV's at a time. Their yard is now a dirt tract. Where they didn't have a run off problem before, now they do with significant rain. There are probably responsible machine owners, but in their case, they don't have mufflers on them and they are extremely loud.

Kathleen Smith, Lower Saucon Road, said she has 3-1/2 acres. Her neighbor is 25 – 30 feet away from her property line. She has a pool in the back. The neighbor will fly around there creating dust. The dust is blowing all over them. They can't eat out, they have to go in the house. It's nerve wracking. He has since calmed down. Three weeks ago, he flew over his sand mount. He had three other guys plus himself with his two kids running around there. Somebody is going to

General Business Meeting
September 5, 2007

get hurt. People can have fun, but not at the expense of other permit. They should have some kind of permit for recreational use. There are permits for everything else. If she wouldn't have a fence, if something would happen, he could come over into her yard and run them down. You have to look for safety. There should be some guidelines. There are no rules...somebody set up some laws. It gets on her nerves. In the summer, she has to go in the house and shut her windows. You can't have a picnic. Why should she have to ask her neighbor when she can go out in her yard? They pay darn high taxes. They moved here because it was a quiet place. She doesn't want to see little children hurt. They just don't have sense sometime. Mr. Kern asked what would be an appropriate distance from the property line? Mrs. Smith said more than 25-30 feet. You get dust, what if you are allergic to dust. Why should we have to hide in our homes in the summer? Maybe 100 feet would be the best thing.

Ellsworth Smith, Lower Saucon Road, said another concern is the neighbor running over his sand mound. When we have a high water, it rolls down towards their property and they have a distinct smell of sewage by their swimming pool.

Matt Skibo, 1815 Meadows Road, said as far as having a limit to where your property line is for riding, you might as well do it for lawn motors as you are talking about dust. Lawn mowers are kicking up dust and pollen. Noise...then you need to have certain hours set up. There's other noise going on during the day. There's so much construction going on. They aren't running from 9 AM to 9 PM. As long as you are being responsible on your property, there should not be a problem. You shouldn't be limited to what your neighbors say you can or you can't do. Mr. Kern said what would be an appropriate time frame? Mr. Skibo said maybe from 10 AM to 7 PM at night, as long as you are not disturbing people after the hours of operation for the noise ordinance. As long as it's between 7 AM and 10 PM (noise ordinance) there shouldn't be a problem or an issue. He'd run a chain saw all day long to prove it's the same amount of noise. Not an issue. Mr. Kern said it is an issue. The difference is when people are running a chain saw, they want to get the job done, so they don't run it as long as they can. There's a difference between recreational use and something that has to be done in a yard. It's annoying, and let's not pretend it's not. Mr. Skibo said there is dust and pollen from everywhere. Let's pave all the grass as you are cutting grass and you're kicking up dust. Mr. Maxfield said you are talking in extremes. We're here for a discussion. Mr. Kern said we are looking for solutions.

John Strauss said to compare the noise to what they are experiencing to a lawn mower is ludicrous. They are talking about five of them operating at one time. Go to the Giant, you can hear them plain as day. Take living next to them. Their neighbor lost control of his ATV, and ran into a tree in their yard. He doesn't want to see responsible owners penalized. Mrs. deLeon said we do have decibel standards in the ordinance. Attorney Treadwell said he doesn't exactly know what they are. If someone would complain to the township, someone would go out and take a reading at the property line. The problem with the enforcement is by the time someone gets out there with the meter, the problem is gone. Chief Lesser said they do have a meter, and their officers are familiar with it. Is it used? Yes it has been used. He doesn't remember complaints about people running their lawn mowers. The issue is that whiny engine that oscillates. When it goes for hours, that's an issue. To date, they've had 9 complaints. A lot of people want to remain anonymous.

Larry Nausbam, Bushkill Valley Motorcycle Club, said they make sure that all people who drive on their hill have factory mufflers and try to stay 100 feet away from the neighbors. They are wrestling with keeping people off their property for liability reasons and these people who are coming on their property don't have mufflers and are tearing up their hill. They don't ride before 9 AM on Sundays and ride just two nights a week. They are trying to be a good neighbor. You are going to penalize people for less than 1 complaint a month, that's scary. He caught five kids on the property with dirt bikes, he called the police and by the time they got there, they were gone. They are difficult to catch. Mr. Kern said you restrict people from 100 feet from the property line. Mr.

General Business Meeting
September 5, 2007

Nausbam said we do that by default because the trail they ride is probably 60 feet and then the people on the other side are 150 yards from their property. The decibel rating is good. The police have a lot more than to chase little kids around with a meter.

Frank Casilio, 2111 Leithsville Road. He has four boys. He bought property to be able to ride on his property. There are not places to go to ride anymore today. He's been riding for 48 years. They've been driven to ride on their own properties. There are some restrictions that can work, but totally restricting it is not fair. The police have their hands full now. He thinks that is a small amount of complaints for the amount of people living in the township. He hopes it can be worked out. He doesn't let his kids run early in the morning or late at night, you have to be courteous to your neighbors. Mr. Kern said you hit on the key word "courteous".

Mr. Nausbam said if you do a noise ordinance strictly for ATV's and motorcycles, you will basically cut out hunting. The decibel rating of a weapon is extremely high. Mr. Kern said the noise ordinance is in existence now.

Mr. Maxfield said everyone keeps mentioning the low number of complaints. Most people don't call the police and make trouble. There is a problem here and he thinks there should be compromise and courtesy.

Steve Keifer said courtesy is correct. How many people walked over to their neighbor and talked about the problem or just came here and complained about it. Walk to your neighbor and ask them not to ride so close to the property line. Mrs. Yerger said it's the reverse also. Her neighbor's kids used to ride and when they were going to run for a prolonged period of time, they came over and asked if it was okay. It works both ways. Mr. Keifer said just like a football game on a Friday night, those lights are going till 10:30 at night. Mr. Maxfield said you have conditions where everybody is talking about enjoying your property. Having a picnic is not going to disturb your neighbors. We are talking about things traveling across the property line...dust, noise.

Mike Schneider, Apple Street, said when you talk about noise, what about people who buy a house on Main Street in Hellertown, you know you are going to get noise. You know what you are getting into when you move into the township. He went over and talked to his neighbor. Talk to people, it would solve a lot of problems.

Brian Casilio, 2143 Leithsville Road, said he personally has his own quad. It is quite loud, he puts it on for performance. He has 11 acres and his dad has 60 acres. He has no problem with his neighbors. He cuts his grass, it makes dust and noise. What is it going to hurt if his buddies come over for two hours on afternoon?

Brett Schneider, Apple Street, said the only problem he has is he has one acre of land and if you put restrictions on this, he won't be able to ride his ATV. People with small parcels of land, and you put a line restriction, it will affect someone with one acre. It all comes down to being courteous.

Mr. Maxfield said if you are using it for utility, farm use, that's okay. This is for recreational type of use.

Brian Casilio said people put in pools for recreational use. He hears the kids screaming. If you are going to put restrictions on quads, why not on pools?

Jimmy Yuhas, said he lives by the highway, and it was put in after his house was built, tractor trailers don't stop, it's non stop noise. The noise travels very far and it's been going on for years. He's courteous to his neighbors. Talk to your neighbors about it.

**General Business Meeting
September 5, 2007**

Nuket Bortz, Fire Lane, said she works nights, the weekends are with their children. They ride their ATV's on weekends on their 3-1/2 acres of land. They wear helmets, they supervise them. They are not allowed out by themselves. She'd rather have her kids outside and not watching TV during the day. They like to do this as a family and they also pay a lot of taxes. She thinks it comes down to a courtesy thing and it's respect.

Steve Keifer said he agrees with her on the family thing. He's been riding since he's been little. Some want to practice with their ATV's just like a football team. They practice Monday through Friday 3:30 until night. They like to work on their ATV's on the weekend.

Mike Schneider, said maybe you should take one of the parks, maybe Southeastern, and make a place for them to ride. That would be fair. He never sees anyone in that park.

Mr. Kern said thank you for your input. They got to hear both sides. As far as next steps, they have to digest the information and this will be on the agenda in the future.

Mr. Maxfield said the people who come to the meetings are responsible. He thanked them for being responsible and coming to the meeting.

Council took a recess. The time was 9:05 PM. Council reconvened. The time was 9:10 PM.

B. LUTZ-FRANKLIN SCHOOLHOUSE NATIONAL HISTORIC REGISTER NOMINATION PROPOSAL

Mr. Kern said Council asked staff to obtain a cost estimate from Wise Preservation Planning to undertake the research and work necessary to prepare a National Register nomination for the Lutz-Franklin Schoolhouse. Wise Preservation Planning has submitted a proposal to complete the work at a cost of \$4,995.00.

Mr. Cahalan said they sent a copy to Lorraine from the Historic Society. They indicated they were satisfied with the work that Wise had done on the previous work for the schoolhouse. They put together a good proposal. Mr. Kern said it was a thorough proposal.

MOTION BY: Mr. Kern moved for Wise Preservation Planning to proceed.

SECOND BY: Mrs. deLeon

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

ROLL CALL: 5-0

Mrs. deLeon said last meeting she mentioned to Lorraine about the 2002 PA PHMC Letter stating your eligibility of the schoolhouse. You had the same option back then. She did find the letter, and the next step in the process is a submission of a complete national register form for the Bureau of Historic. She was right. The State would never send you an eligibility letter if the next step wasn't for the national register. All the sites eligible for listing, the next step is for the national register.

Ms. Ryan said it's up to the SV School District to do the application in 2002. They started it, and then the transactions happened for the township taking the school and it was never completed. Mrs. deLeon said anyone could fill out the eligibility form. In order to proceed to the next step, it must come from the property owner.

C. APPROVAL OF BOYLE CONSTRUCTION COST ESTIMATE TO REMOVE BARN AT 2038 POLK VALLEY ROAD

Mr. Kern said the staff has obtained a cost estimate and scope of work from Boyle Construction to take down the barn located on the Township's 2038 Polk Valley Road property. The Manager will discuss with Council the revisions to the scope of work and cost estimate for this work.

Mr. Cahalan said he put in the packet a narrative of the barn. The pig has been removed from the property, so that's one thing checked off the list. The house is in good shape that's on that property. The barn is in bad shape. They are trying to save it as it has some valuable historic pieces to it as identified in the report from Gregory Huber. They went over that at a previous meeting. With the age of the barn, the siding is in good shape. The timbers are still worthy of being preserved. There are some doors that are period pieces that are in good shape. One of the things with the falling of the barn, they would lose the timbers and the wood that could be utilized. That barn is covered with an asbestos shingle and if the barn collapses and they break, then the whole contents, everything, has to be picked up and carted off by a certified asbestos abatement contractor and be taken to the landfill and it would cost the township about \$65,000 to \$70,000. They are trying to keep the barn up as long as they can and take it apart. They have to have the shingles removed first. They had Boyle take a look at the structure and give them advice on how to take the barn apart and they gave an estimate. They had to deal with keeping the barn up and they came back on August 24 with an estimate to do some bracing on the east wall. He spoke to several council members and asked to proceed with ratification at this meeting. August 27 when the week was to proceed, the scaffolding company said it was in too bad of a condition. They came back with another proposal to not do the bracing which would save \$8,500. The reason the barn is collapsing is the weight of the slates, so they proposed that those be removed. If they dropped the east wall and freed it up and it did to touch the rest of the barn that would be the only piece that would have to be disposed of. They could remove the rest of the shingles using a boom lift reducing the overall cost. The proposal is an engineer review for \$1,500, asbestos removal is \$7,435, the deconstruction once the asbestos is removed and slate is off the roof, they will be taking the barn apart, timber by timber. They will have Greg Huber there to advise which pieces of timber are valuable enough to preserve and they will be put away. The rest will be taken to the landfill. The cost for the deconstruction is \$21,952. There's a contingency and general conditions. In the proposal, rather than \$69,137, with the Public Works do the rest of the work. The estimate is \$44,381 to go ahead with Boyle Construction.

Mrs. deLeon said this wasn't anticipated when we condemned the land. Mr. Cahalan said no, they didn't know that. If the barn collapses, it will be a safety problem. Mrs. Yerger asked where will it be stored. Mr. Cahalan said he's working on that now. Mr. Horiszny said will the slates come off before the asbestos? Mr. Cahalan said yes the slates are coming off to keep it up as long as they can as that's what is collapsing the roof on the barn. They are doing it with boom trucks.

MOTION BY: Mr. Kern moved to approve Boyle Construction, not to exceed \$44,381, to remove the barn at 2038 Polk Valley Road.

SECOND BY: Mr. Maxfield

Mr. Kern asked if anyone in the audience had any questions or comments? Mrs. deLeon said what line item is this coming out of the budget as it wasn't anticipated? Mr. Cahalan said the money that we budgeted for the park acquisition and improvements. Mrs. deLeon said we don't need a separate resolution. Mr. Cahalan said no, there's money in there that is budgeted for these types of improvements. Mrs. deLeon said we've anticipated x number of expense but when we approved the budget last year, we were not anticipating a \$44,000 cost. Mr. Cahalan said he'd have to come back with a resolution. Ms. Lorraine Torella, said if it was possible that they could be on a list as they could use sound beams, slates, board for siding, 2x4's or doors with hardware. They would definitely be able to use it.

**General Business Meeting
September 5, 2007**

Fran Robb said they have at least two beams for the schoolhouse. They are side by side at the end of the building. It is a job he will not be able to do. They will need an electrician to get the new beams in. It's not an immediate need, but something that is going to have to be done. Mrs. deLeon said since we are looking into the 2008 budget this could be on next year for repair for the schoolhouse. Fran said possibly. Mrs. deLeon said there should be a priority list. Mr. Cahalan said was it in the Christine Ussler report? Fran said not to his knowledge. Mrs. deLeon asked the township to provide him with Christine Ussler's report. He discovered this when he wanted to hang a dehumidifier from the two beams and he couldn't find a place on the beam to put any screws. Mrs. deLeon said that's not good. She requested several months ago the township should have an inspection report. Mr. Cahalan said it is being done by the Public Works Department. She'd like an update on that.

ROLL CALL: 5-0

Mr. Cahalan said they will discuss the house. The building inspector took a look at it and he said the building is in fairly good structural condition. There are no structural failures in the building. The roof is in pretty good shape. There is no sign of any leaks in the attic. There are some tiles that need to be replaced. They should take the following action, replace the missing slates on the roof, open areas by the chimney be closed up, there is a hole in the rear addition that is attached to the brick house that PW will be repairing. He recommended that any missing or damaged gutters be repaired. There was water in the basement. He recommended some dehumidification in the basement and close off some of the basement openings. They will be making those repairs as quickly as possible and getting estimates from a roofing contractor so the house is weather tight. Other than that there are no other problems with the house. There are some asbestos shingles in the back of the house which will be removed and its already in the price. He's been getting calls about the house to see if it's for sale. Mrs. deLeon asked what line item is this coming out of, it was in the budget last year? Mr. Cahalan said park acquisition and improvements. She asked how long have we owned the building? Mr. Cahalan said the condemnation went on for over a year and we took possession in March 2007.

D. REVIEW PROPOSALS FOR HOUSE HISTORY REPORT AT 2038 POLK VALLEY ROAD PROPERTY

Mr. Kern said the staff has obtained cost estimates from three historic consultants to conduct a house history study on the building located on the Township's 2038 Polk Valley Road property.

Mr. Cahalan said Council asked we look into this, doing a house history. The estimates were Gregory Huber was \$3,295, Wise Preservation Planning was \$1,900 and Heritage Conservancy was \$2,625.

MOTION BY: Mrs. Yerger moved to have Wise Preservation Planning proceed with doing the house history.
SECOND BY: Mr. Horiszny
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.
ROLL CALL: 5-0

E. KINGSTON PARK CONCEPTUAL PLAN REVIEW

Mr. Kern said Dr. Rick Kingston and Barbara Ryan would like to request Council's consideration of a proposal for a garden design for the Kingston Park design plan.

Mr. Rick Kingston was present. He said he grew up in LST, about two miles from Sandy, on Ringhoffer Road. He went to LS Elementary, Wolf, the Jr. High on Main Street and the High School. He went to Moravian and dental school and has been an oral surgeon for 20 plus years.

General Business Meeting
September 5, 2007

Five years ago, his mom passed away suddenly. She used to walk to the Lutz Franklin schoolhouse before she went to Liberty High school. After she passed away, he wanted to do some thing special for his mom. So he bought two acres of land from Johnny Limpar next to the schoolhouse as a park in honor of his mother and to have a garden in there. Ringhoffer Road was named after her Father. He purchased the land and the best thing to do was to donate the land to the township. He said he would do that as long as he would be able to name the park, and have a garden in the park. He was assured that could be done. Last year the garden was eliminated from the plan, so he'd like to get the garden back on the plan. He started working with Joann Kostecky, who has done many gardens in parks. He'd like to pattern the garden for his mom in that fashion. Ms. Kostecky has been doing this for 30 years. He would like to take care of the garden forever. That's why he's here tonight.

Mrs. deLeon said we were going to condemn that land, and then Mr. Kingston bought it and donated it to the Township. She knew it was for a garden for his mother. It was an oversight when she looked at the map, and they were concentrating on parking and busses and didn't realize they eliminated the garden and she apologizes. That's why he gave us the land, to have a garden for his mother. Attorney Treadwell said he had conversations with Attorney Piperato and the only thing that came out of those conversations was that the park would be named after your Mother and that is reflected in the deed, he does not recall any conversations about a garden, but that doesn't mean Council couldn't put a garden in. Mrs. deLeon said we did talk about a garden. Mr. Kern said early in the discussion a suggestion about a statue of your mother. Mr. Kingston showed a slide presentation of a garden that Ms. Kostecky did.

Leslie Kingston, wife of Rick Kingston, said the garden Ms. Kostecky did was a very large garden. There's a nice brick pathway with benches and things. All of these plants are perennials. That's what they are looking for in this park. The benches are lovely and you might want to get heavier benches. There were bricks she showed a picture of and the Historical Society might want to sell bricks. They used a lot of different trees and types of plants. There's a little bit of everything. Joann Kostecky did a very good job. She understands the importance of their heritage.

Ms. Barbara Ryan said she would like to take a proposal back to the Historical Society for fundraising to help fund the garden. Joann designed this. You have to look at it afar and say, I wonder what's over there. She thought the school children would be intrigued by following the path. She wanted you to enter in to a very special place...enter and leave it. She would put things in that were in Ella's garden. They could put a bell in their garden. They have many bells in their collection. Mrs. deLeon said she remembers when her father had a garden, the lilac, forsythia bushes, and that's what she misses living at home.

Ms. Ryan said she would like Council to approve the hiring of Joann Kostecky for a price of \$1,000. She will have the plan on paper for the garden. It will be 1/3 the size of what you see on the screen. Mrs. Yerger asked where would that be? Ms. Ryan said she would design a garden that could be dropped into the plan. There's a lot of places that the garden could go. Joann might have some idea where it could go. Mrs. Kingston said Joann Kostecky actually went to the schoolhouse and got a feel of it. Mrs. deLeon said the money we were going to use for the condemnation of the park, so \$1,000 could come out of that money? Mr. Cahalan said there is money in there for design of the park.

MOTION BY: Mrs. deLeon moved to authorize the Township to contact Joann Kostecky to design this conceptual garden for the park.

SECOND BY: Mr. Kern

Mr. Kern asked if anyone in the audience had any questions or comments? Mrs. Yerger said she doesn't understand why these ideas can't be utilized by our own planner. Judy is an award winning park planner and could take all of the things you discussed and work with you. Mrs. Ryan said she

General Business Meeting
September 5, 2007

thought the plan had been finalized and voted on. Mrs. Yerger said we don't even have a budget for this park yet. We don't have a final plan, don't have any costs associated with the final plan. We don't know where storm water is going. Are there any issues with parking? Mr. Kern said there was an initial concept of a garden that was supposed to be incorporated in to the park. It's a great idea for the garden. Mr. Maxfield said the initial plan, there was a garden in there and the Historic Society asked them to remove it. Mrs. Ryan said there was a bus circle and the garden was around the flagpole. They took to the circle in order to reduce the impervious surface and not to have a parking lot take up so much space. Because they took out the bus circle, it was anticipated that they didn't want a garden. Mrs. Yerger said she's not questioning the garden and has no problem with a garden. At this point, they don't know where it's going to go or how much money is going to be left over, how are we going to allocate anything. Why would we hire another planner to plan our park that our planner is going to review? Mrs. Ryan said part of it was to save money so we didn't have go back and forth with the concept. Mrs. Yerger said she is still going to have to review it. Mr. Maxfield said Councils direction was for our planner to design the park. We have notations saying plants had to be in by November, this is very premature. Mr. Kingston said we are talking about having a garden in the park. Mr. Kern said we are all in agreement.

Mrs. deLeon withdrew her motion.
Mr. Kern withdrew his second.

ROLL CALL:

Mrs. Yerger said how do you do a design with no budget at all? Mr. Kingston will tell her what size and come back to Council with that. Mr. Maxfield said he wants our planner to plan this garden. Mr. Kingston said your planner is designing a park. Mrs. Kostecky is the ideal person to do this garden. Mr. Maxfield said then you should pay for it.

MOTION BY: Mrs. deLeon moved to include the memorial garden for Ella back into the conceptual plan for Kingston Park
SECOND BY: Mr. Kern

Mr. Kern asked if anyone in the audience had any questions or comments? Ms. Torella said it's a great idea to put the garden back into the plan. Mr. Cahalan said with the original plan, there were three gardens and one could serve as a garden for Ella. All the gardens have not disappeared with the turnaround being deleted. Mrs. deLeon said this is something that Council can change and we can fix it. Mrs. deLeon said her motion was for a garden over here (pointing to the map). Mr. Maxfield said we are way ahead of ourselves. We've given our planner the job to plan and that's what we should do. We don't know where they are going to go now. Mr. Kern said the motion on the floor is for the memorial garden for Ella in Kingston Park. We're just voting for a garden. Mr. Maxfield said if you want to vote for the concept of a garden, vote for it. Mr. Kern said the concept of a garden in Kingston park somewhere.

ROLL CALL: 5-0

Mr. Kern said Tom is suggesting we use our planner to do the garden and Mr. Kingston is suggesting some other planner. Mr. Maxfield said he's serious, you hire your planner for \$1,000 and present the plan to Council. Mrs. Kingston said it was to our understanding that there was a line budget for 2007 for the park for an amount of \$161,000.00. It's already September and we want to move along with this concept of a park. The two proposals that were drawn up before, was not to their likings and that's what took them to Joann Kostecky. Why can't you spend \$1,000 to move along and get moving on this. Her husband purchased the land and that was very nice of them to donate it to the township. Can't you guys put a garden in there? Mrs. Yerger said we already agreed to put a garden in there, no one has a problem up here with the garden. As far as the money, we don't know how much anything is going to cost. We may be \$40,000 short. She needs to see what everything is going to cost before they allocate money to gardens. Maybe the garden

General Business Meeting
September 5, 2007

can be bigger, maybe smaller, maybe moved over here. You need the basics and decide where is the best place for the garden. Gardens are the icing on the cake. You got to get the cake in first before you figure out how much icing you are going to have, how fancy or how little icing you are going to have. That's being responsible to the taxpayers and to you as you want it to be special and to the residents. One of the things we advocated in our parks, we want to go with native species. We are asking for planners and developers to go with that for minimal habitat for your butterflies, your birds. This is in the best interest of everybody if we hold in hiring anybody right now.

Mr. Maxfield said the real issue here is that we have an agreement with stipulations in the deed and the stipulations are we name the park after your Mother. The reason we are at 2007 is because, the township extended a courtesy to listen to various groups and people what they would like to see in the park, and it keeps going on and on. Our planner should be doing this plan. It's going to be a park for everybody in the township. If you want to spend the money on Mrs. Kostecky, then pay for it and have Council approve it. Let's realize where we are with this park. It's a township project, the rest is courtesy.

Mrs. deLeon said when she eats cake, she likes to eat the icing first, but she recalls on discussion on your gift to us with the park, it was always Ella's garden. We needed a parking lot there, and maybe the garden should have been first priority. The garden is supposed to be real. We don't know what it's going to cost us, but the garden should be first priority. We are going to still have to pay Judy to do the design of the garden.

Mr. Kingston said it doesn't matter where the garden goes. That was his whole vision in donating the land. He thinks this should be the first thing in the park, that was the whole idea of him donating the land. Mr. Horiszny said you should be dealing with our planner, so talk to Judy first. Mr. Kingston said Mrs. Kostecky would maintain the garden. Mrs. Stern Goldstein does not have a horticultural team that would be responsible for the maintenance, but the intent to maintain the garden is there. He'd be willing to do that and maintain it once the garden is constructed. It's not a lot to ask to have the designer they want and then come back to Council. They know what they want, the size they want.

Mr. Cahalan said right from the first time we heard about this project, the first question was what does Dr. Kingston want to do with the park. He had Attorney Treadwell contact Joe Piperato and ask if there were any other conditions beyond naming the park. His answer was no. He asked Karen Samuels what was Dr. Kingston's desire, and no one knew and said they didn't know. He wants input from the historic society. We invited you and tried to find out your ideas. He didn't hear anything other than the objections to the turn around. The Historic Society had an idea and that was taken off the table. All along, we have been trying to listen closely and find out what people wanted and Judy has been trying to fit that into the plan. Attorney Treadwell said he has no recollection with Joe Piperato about putting a garden dedicated to your Mother as a condition of your transferring your property to the township. We did put in the deed a garden would be named after your mother. Mrs. deLeon said she's very bothered by the fact, is she the only one that remembers this garden?

Mrs. Ryan said two years ago, the LST Historical Society formed a garden committee and they brainstormed all the components they wanted to have seen in the garden, our wish list. What would we want in it? What would it look like? They had an Allegheny Gardens donate a concept so you could have a picture of what the park would look like with all those components. We gave you our wish list. Mr. Cahalan said Dr. Kingston was working with you and all of those recommendations went to Judy. Judy went to a meeting two years ago and took them back and put them into a conceptual sketch plan. It was brought back and shown to the Historical Society. The Historical Society said they were fine with the concept. Mrs. Ryan said not true. Mr. Cahalan said yes, it is true. Judy brought a conceptual plan out and there was nothing on there about a memorial garden

**General Business Meeting
September 5, 2007**

for Dr. Kingston's mother. What's on there was what we mentioned today. Mrs. Barbara said she was not able to be at that meeting. Mr. Cahalan said they heard the Historical Society was fine with the plan so they moved on. Mrs. Ryan said how could it been dropped from our mind when we were selling plants for Ella's garden on May day. Ms. Maxfield said we did vote on that plan. Your aunt Peggy did vote on that, but your committee never brought back to the Historical Society any formal idea of a formal garden, so it was never represented to somebody, but our Park planner to do this. Mrs. Ryan said we made reports to the Historical Society, is she dreaming this up?

Mr. Kern said the reason he put this on the agenda was there is definitely going to be a memorial garden for Ella. It would be best to wait until the major components of the park be in place, before the garden designer can approach the design. If you are interested in having your own person do the design, he thinks you should pay the \$1,000 or you could talk to Judy about the plan and take it from there. Mr. Kingston said if your planner does the plan, will it all be township responsibility? Mr. Kern said yes, but we would seek your input.

Ms. Stern Goldstein said we can't even get into any detailed design of the park elements yet until we start working on that. Everything so far has been conceptual. The information she got from the historical society did not have the detailed information she's hearing tonight. They have to get into the issues of benches and walkways. The garden had been described to her as raised flower beds and that's what was depicted on the plans...something very different than what was conveyed to her in the beginning. Mrs. deLeon said when you finalized this, we never talked bout impervious coverage. Ms. Stern Goldstein said there have not been any calculations done. This is not something that happens instantaneously. They need erosion permits, NPDES permits, etc. There's a lot to do on that. They wouldn't want to put in statues and then have it moved later on.

Ms. Maxfield said the last time Judy came to the meeting, they talked about Ella's color preferences and that's where she got the raised beds, so we probably sent her in a different direction, so hopefully she can get together with Dr. Kingston and talk about it. Mr. Kingston said he will talk to Ms. Stern Goldstein about the garden and see what they can come up with. There will be input from the Kingston's about the garden.

F. APPROVE FINAL PAYMENT TO POPPLE CONSTRUCTION FOR POLK VALLEY PARK

Mr. Kern said the solicitor and staff are recommending that a payment in the amount of \$191,745.28 be made to Popple Construction to finalize and complete the original contract total of \$2,261,412.45 for the construction of Polk Valley Park. In addition, the Solicitor and staff are recommending that an additional payment of \$20,000 be made to Popple Construction in consideration of overages experienced by the company due to weather and other unanticipated circumstances. The total payment to be approved for payment to Popple Construction will be \$211,745.28 which will release the Township from any further claims concerning Popple Construction.

MOTION BY: Mr. Horiszny moved for approval of the final payment to Popple for \$191,745.28 plus \$20,000 for overages experienced by weather and other unanticipated circumstances for a total of \$211,745.28.

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

ROLL CALL: 5-0

G. RESOLUTION #55-2007 – TRANSFER OF MONIES

**General Business Meeting
September 5, 2007**

Mr. Kern said Resolution #55-2007 has been prepared to transfer money from one Township fund to another to cover the payment of Popple Construction for the work done at Polk Valley Park. Also, in February, the Township partnered with Hellertown Borough and the School District to pay for the payroll for school crossing guards. This resolution transfers the money for that payment.

**LOWER SAUCON TOWNSHIP
RESOLUTION #55-2007**

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

SECTION 1.

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

<u>FROM</u>			<u>TO</u>	
<u>Amount</u>	<u>Account No.</u>	<u>Account Name</u>	<u>Account No.</u>	<u>Account Name</u>
\$ 211,745.28	40.493.000	Contingencies	40.452.610	Construction
\$ 12,000.00	01.402.453	Contracted Services	01.481.000	Intergovmental. Exp.

SECTION 2.

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

RESOLVED AND ENACTED this 5th day of September, 2007.

MOTION BY: Mr. Horiszny moved for approval of Resolution #55-2007.

SECOND BY: Mrs. Yerger

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

ROLL CALL: 5-0

V. MISCELLANEOUS BUSINESS ITEMS

A. APPROVAL OF AUGUST 15, 2007 MINUTES

Mr. Kern said the minutes of August 15, 2007 are prepared and ready for Council's review and approval.

Mr. Horiszny said page 3, line 48 & 49, should read to construct a fence in the required front yard.

Page 4, line 37, the motion should read Mr. Maxfield moved to support the variance with the condition that they add no more imperious coverage.

Page 4, line 45, the agenda said "Construct a deck" now it says "for a deck". Change to construct a deck.

Page 5, line 38 & 39, take out "to construct". It should say carport addition instead of garage addition.

**General Business Meeting
September 5, 2007**

Page 8, line 24, equating should be “requesting”.

Page 9, first line, it should say “Per HEA’s recommendations”.

Page 9, line 10 through 18, add. George Steckel was present.

Page 10, line 8, add Long Ridge Subdivision.

Page 20, line 16, “a claim” should read “a complaint”

Page 21, line 2, should read “avoid the willow tree removal and a little bit of the sidewalk”

MOTION BY: Mr. Maxfield moved for approval of the August 15, 2007 minutes, with corrections.

SECOND BY: Mrs. Yerger

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

ROLL CALL: 4-1 (Mr. Horiszny – No)

VI. PUBLIC COMMENT/CITIZEN NON-AGENDA ITEMS

- Mr. Lenny Szy said the Historical Society wanted to congratulate the township on the recycling contest. They averaged 12.8 tons. He had a check for the Township for \$200.
- Ms. Stephanie Brown said she has several complaints. She listened to the discussion on the ATV ordinance. On PA website, 1 in 30 people own ATV’s. She went riding this weekend on an old mine site. Places like that are not safe to ride. You are going to force people to find other places to ride and they will be dangerous places. Many people have been killed. There is no where to ride. Why don’t we have regulations for people who want to put tracks in? If someone complains about their neighbors riding, can it be legislated that you go to mediation and could this be put in the ordinance. Mr. Cahalan said we used this in two cases and two parties needed to sit down and discuss it and it has worked. She rode and only used two gallons of gas. She would like to see if people are having complaints that the 90 decibel limit be used by the police. They can be annoying. She can’t shoot a bow and arrow on her property, and now she can’t ride her ATV on her property.
- Ms. Stephanie Brown said why hasn’t the township done anything about a light ordinance. The property behind her, the spotlights shine into her house, but she was told they were shining down. Mr. Cahalan said he gave her the answer when she was sitting across him in the conference room and the lights are not in violation of the township ordinance. She said that’s light pollution. They shine right into her house. She’s not very happy with that and doesn’t know what to do at this point. Mrs. deLeon sad if it’s not in violation of a regulation, there’s nothing they can do.
- She’s unhappy about the weed ordinance and construction sites. Mr. Cahalan said that answer was given to you at a previous meeting. Mrs. deLeon said why wouldn’t it apply to construction sites. Mr. Maxfield said you can have a big stockpile of dirt on a site, there would be no way you can cut it, it is changing constantly. Mrs. deLeon said there are so many weeds from them not cutting them for 9 months, she doesn’t see why construction sites are exempt. Chris told her it was his intent to interpret the ordinance. Mr. Cahalan said the dirt pile is now gone. Ms. Brown said yes, she can say it was now gone.
- The intersection of Meadow Road and the Meadows parking lot is becoming extremely dangerous. You can’t see very well. Why isn’t there a stop sign there? Mr. Cahalan said we had discussed

**General Business Meeting
September 5, 2007**

putting signage there and never got it resolved. Mr. Kocher said every drive way has an implied stop sign. What can the township do about it? Its' not a good situation there.

- Ms. Brown said she's disappointed with the effort of the township in trying to save the bridge.
- Ms. Brown said a bad precedent was set when the township allowed a pool to be put in the development behind her. She's very upset about that. It creates increased water runoff to the basin. All the water ponds at the RR track and gets icy. Mr. Cahalan said a plan was submitted of piping some of that water down to the river. Any icing problems would be taken care of by Public Works. He hasn't heard of any problems of icing up down there. She is putting it on record that it's a problem there. Mr. Cahalan said it hasn't been brought to his attention that it's a continual problem in the wintertime.

VII. COUNCIL & STAFF REPORTS

A. TOWNSHIP MANAGER

- Nothing to report

B. TOWNSHIP COUNCIL/JR. COUNCIL MEMBER

Mrs. Yerger

- Nothing to report

Mr. Maxfield

- Nothing to report

Mr. Kern

- He came across the Pierpont Bank project. In it, it said the billboard is permitted as a second principal use, but he thought it was only permitted if they couldn't get the two signs onto the big pole by 78. He didn't see any reference to the fact that it would not be permitted if the sign was put onto the second billboard and he wants to make sure that is clear. If it is permitted, then that no longer is a second use on that property. It needs to be cleared up somehow.

Mrs. deLeon

- She said Vanessa said hello.
- Tonight with our new computers, we saved trees and space in her house.
- Two weeks ago, we signed a policy when we got the computers, is that policy incorporated into the existing employee policy that we have? Mr. Cahalan said yes, it's in the handbook.
- September 15 is the Barn Tour, there are 11 barns on the tour, so come on out.

Mr. Horiszny

- The LSA filed a complaint with the PUC regarding the City of Bethlehem's water increase.

C. SOLICITOR

- Nothing to report

D. ENGINEER

- Nothing to report

E. PLANNER

General Business Meeting
September 5, 2007

- Nothing to report

IX. ADJOURNMENT

MOTION BY: Mr. Horiszny moved to adjourn. The time was 11:26 PM.

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

ROLL CALL: 5-0

Submitted by:

Mr. Jack Cahalan
Township Manager

Glenn Kern
President of Council