

I. OPENING

CALL TO ORDER: The General Business & Developer meeting of Lower Saucon Township Council was called to order on Wednesday, September 6, 2006, 7:12 P.M., at 3700 Old Philadelphia Pike, Bethlehem, PA, with Mr. Glenn Kern, Council President, presiding.

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

PLEDGE OF ALLEGIANCE

ANNOUNCEMENT OF ANY EXECUTIVE SESSION (IF APPLICABLE)

Mr. Kern said Council met in Executive Session prior to tonight's meeting to discuss litigation regarding the community map and personnel issues.

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. Tonight there are drawings in the hallway relating to certain agenda items if you want to see them.

III. PRESENTATIONS/HEARINGS

A. RESOLUTION #49-2006 – HONORING THE MEMORY AND SERVICE OF JOSEPH LUYBLI

Mr. Kern said Resolution 49-2006 has been prepared honoring Joe Luybli for his years of service to the Township. There was a moment of silence held for Joseph Luybli.

**LOWER SAUCON TOWNSHIP
RESOLUTION #49-2006
A RESOLUTION HONORING THE MEMORY
AND SERVICE OF JOSEPH J. LUYBLI**

WHEREAS, Joseph J. Luybli faithfully served the residents of Lower Saucon Township in various firefighting capacities for over (40) years; and

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WHEREAS, Mr. Luybli, was a co-founder and charter life member of the Southeastern Volunteer Fire Company and throughout his thirty-eight year association with that organization held various positions including that of Honorary Fire Chief; and

WHEREAS, Mr. Luybli served as the Township Fire Marshall for over twenty (20) years; and

WHEREAS, Mr. Luybli's familiarization with Lower Saucon Township proved invaluable to Northampton County in establishing the County 911 System; and

WHEREAS, Mr. Luybli also served a Pennsylvania State Forest Fire Warden for many years; and

WHEREAS, Mr. Luybli passed away on August 26, 2006 at the age of 74.

NOW, THEREFORE, BE IT RESOLVED, that the Council of Lower Saucon Township, Glenn Kern, President; Priscilla deLeon, Vice President; Thomas Maxfield, Council Member; Sandra Yerger, Council Member; and Ronald Horiszny, Council Member; wishes to mark the passing of Joseph Luybli and recognize his long service and dedication to Lower Saucon Township.

ADOPTED and ENACTED this 6th day of September, 2006.

Mrs. deLeon said over the years when we were redoing the four digit house numbers, Joe was very involved in doing this and his heart and soul has always been in everything that he's done regarding the community.

MOTION BY: Mr. Maxfield moved to approve Resolution 49-2006 – Honoring the Memory and Service of Joseph Luybli.

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

B. RESOLUTION #50-2006 – REMEMBERING VICTIMS AND HEROES OF THE SEPTEMBER 11, 2006 ATTACKS

Mr. Kern said Resolution 50-2006 has been prepared remembering the victims and heroes of the attacks on the United States on September 11, 2001.

**LOWER SAUCON TOWNSHIP
RESOLUTION #50-2006
A RESOLUTION REMEMBERING THE VICTIMS
AND HEROES OF SEPTEMBER 11, 2001**

WHEREAS, on September 11, 2001, terrorists hijacked four civilian aircraft, causing two of them to crash into the twin towers of the World Trade Center in New York City, a third into the Pentagon, and a fourth in rural southwest Pennsylvania; and

WHEREAS, nearly 3,000 people were killed in what were the most lethal terrorist attacks ever committed against the United States;

WHEREAS, over 400 firefighters, police officers and paramedics lost their lives in the rescue attempts that followed the September 11th attacks; and

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WHEREAS, it is altogether fitting on this fifth anniversary of these attacks that we remember the victims who suffered and died in these attacks, and that we recognize and pay tribute to the heroic actions and sacrifices of the firefighters, police, and emergency personnel who responded to these emergencies.

NOW, THEREFORE, BE IT RESOLVED, that the Council of Lower Saucon Township, Glenn Kern, President; Priscilla deLeon, Vice President; Thomas Maxfield, Council Member; Sandra Yerger, Council Member; and Ronald Horiszny, Council Member; ask Township residents to set aside a few minutes on September 11, 2006 to remember the victims of the 9-11 terrorist attacks and to pay tribute to the emergency responders who were killed trying to save lives and those in the military who have since died in service to their country.

ADOPTED and ENACTED this 6th day of September, 2006.

Mr. Kern asked for a moment of silence for the victims, families, and emergency personnel.

- MOTION BY:** Mrs. deLeon moved for approval of Resolution 50-2006 – remembering victims and heroes of the September 11, 2001 attacks.
- 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

ANNOUNCEMENT FROM MRS. DELEON:

She said recently there was a letter to the Editor which stated that she did not abstain from voting, even though according to the Pennsylvania State Ethics Commission, she should have. She read that and called the State Ethics Commission herself and spoke to the Chief Investigator. He said she did not violate the Ethics Act, and that if anybody has any doubt, they should read the Kableck decision which goes back to a decision where it talks about people owning businesses, which goes back to a couple of meetings ago. It's very important for this to be on the record to clear up her name. The proposed ordinance was directed for all construction businesses, not just her husbands. When this question was raised at a previous meeting, our Solicitor also said she was not in violation. She did not violate the Ethics Commission at all.

Also, an article in the same paper questioned the purpose of the public-private partnership between the township and the Saucon Valley Conservancy. She spoke to Linc and asked him to look into it and provide a written response. Attorney Treadwell said he has a draft, but it is not finalized. You will have it for your Heritage meeting on Tuesday. Mrs. deLeon said the article also referred to the Heller Homestead of Friedensville Road – the Homestead was given to the township as part of the open space and recreation requirement for the approval of Society Hill and is to be used perpetually for that purpose.

C. WTVE-TV ANTENNA – SHERRY HILL ROAD – CONDITIONAL USE HEARING & SITE PLAN APPROVAL

Mr. Kern said a conditional use hearing has been advertised for tonight's meeting for WTVE TV to place an antenna on an existing tower located on Sherry Hill Road.

- MOTION BY:** Mr. Horiszny moved to open the hearing.
- SECOND BY:** Mr. Maxfield
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.

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ROLL CALL: 5-0

Eric Schock, Attorney and Mr. Todd Stewart, Broadcasting Director were present. Attorney Schock and Mr. Stewart were sworn in. Attorney Schock said this is a request to attach an antenna to an existing tower that's located in the township on property along Sherry Hill Road. There are two towers on that property. This will be utilizing one of them. The antenna will be attached to a 160 foot tower and the top of the tower will be at about 146 feet. There will be no extension of the tower. Your ordinance has certain requirements when you're extending, and none of those would be applicable here. There's a lease between the station and the owner to permit this. The site plan was submitted, as per the ordinance. They appeared before the Planning Commission. At that time they received review letters and comments, all of which involved items that the township consultants wanted placed on the plans to clarify things. They utilized the site plan for the existing tower that's there. They've now shown that a lot of those items on the plan were existing non-conformities and they've made the changes to the plan and resubmitted it. What's being proposed by WTVE is the antennas and there will be co-axle cable running to equipment placed inside an existing shelter. Along with that, there will be an existing ice bridge where there will be a dish placed and a co-axle cable running into the shelter. They'll be no change to anything that's on the ground. The only thing will be the attachment of the equipment to the tower and the ice bridge. He gave Council a copy of the License Agreement between the station and the owners of the property, and a reduced version of the plan. There's an existing driveway which will be used for access to the site as required by the ordinance. It then leads to the existing tower. There should be no impact on public health, safety and welfare in that there's not going to be any change except the attachment of the equipment to the existing site. It's an unmanned facility. After construction is done, there will be a few visits, per month, by an individual in an SUV type vehicle. There's ample parking and a turn around on the site.

Attorney Schock asked Mr. Stewart why they needed this antenna in this location and why you are trying to attach it to an existing site? Mr. Stewart said the FCC has deemed that all broadcasters are giving back a certain portion of the analog of the old way of doing television. In doing that, they are moving to digital television. For this TV station which is licensed to Reading, to implement those plans, they could not simply put an antenna in Reading or Philadelphia and cover the entire market without giving an incredible amount of interference to an adjacent channel which is CBS and KYW TV 3. In order to alleviate that interference and still serve our community of Berks County, Reading, Pennsylvania, we came up with this plan whereby we would utilize one large tower in Philadelphia and then several smaller transmitters would fill in the areas where topography would otherwise not allow, like the Lehigh Valley or South Mountain blocking the reception from Philadelphia.

Attorney Schock said in Exhibit A3, they have incorporated into the plan as required by the ordinance and can provide the specifications on the antenna system that will be attached. Mr. Kern asked the width of the antenna? Mr. Stewart said the antenna length is 56' and its several feet wide, with 32 panels, white in color, and attached a pole mounted to the tower. Mr. Kern said how far does it extend out? Mr. Stewart said at the bottom as its tapered, it will be less than a foot from the leg of the tower and then at the top it will be several feet, just to keep it perpendicular up and down.

Mrs. deLeon asked if the other antenna was removed already or are you going to remove it? Mr. Stewart said it already has been removed. Mr. Kern said its radio frequency? Mr. Stewart said yes. Mrs. deLeon asked if the township was aware the tower was removed? Attorney Treadwell said we should know, but he didn't know it was removed. Attorney Schock said in the ordinance, what it indicates is there was a bond and removal agreement that if they didn't do it when they stopped using it, your powers would be evoked. They've taken it off. He doesn't know if the ordinance required any notification. Attorney Treadwell said it may make sense for you to tell us that it was

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somehow, with the engineering seal or something, that it was removed. Mr. Kern said we'd like to be notified in the future so we know it was done properly.

Mrs. deLeon would like the administration to look into that and see if it was done properly. Attorney Schock said if there was a condition and we needed to notify, we certainly would have agreed to that. It wasn't part of our lease, it was done – AT&T did that.

Mr. Maxfield asked about the signal – how will that affect local stations? Mr. Stewart said the greatest impact is to Channel 26, KYW 3's digital signal, and that goes back to why they are doing it this way. If we didn't do this, we would impact them more greatly. We're putting in a very small 125 watt transmitter, but we are only going to put about 60 or 70 watts out of this transmitter. It's just enough to fill the area. There is no impact to Channel 39 or 69 whatsoever. They are very far away from the spectrum. There will be no Philadelphia residents impacted by interference. In our application, we have an 86 page application to the FCC for this project and that is all very clearly spelled out. There are interference studies that were conducted and they placed these towers in specific areas. No other stations will be impacted by their antenna as that's a requirement of their broadcasting. They will provide a copy of the FCC application to the township. Mr. Horiszny asked if it was a directional or a 360? Mr. Stewart said it was a directional antenna in the sense that its load will be directed towards the Lehigh Valley, so it will be on the north leg of the tower, specifically to come down the south side of South Mountain.

Attorney Schock said the ordinance has a requirement with respect to indemnity and holding the township harmless. Mr. Stewart has indicated that has been executed by the appropriate authorities and they will provide it to the township. At the Planning Commission meeting, he discussed with the solicitor using the same agreement that was used for AT&T at the time, so they adopted that and will provide it to the Township. Mrs. deLeon said there is an error as it says Priscilla deLeon, Council President. Attorney Schock said that will be changed.

Mr. Maxfield said in the review letters from our consultants, there are a couple of recommendations he'd like to go over. With the July 13 HEA letter, there's a recommendation for a condition at the end of the letter, are you okay with that condition, No. 6? Mr. Schock said that is in regards to building an "as built"? Mr. Stewart said yes, they will provide an "as built" drawing for the project. Mr. Maxfield said on the July 12, 2006 Boucher & James letter, he had a question for Rick. There is a question under No. 5, Landscaping, about requirement for street trees. He doesn't know how much street frontage we're talking about and what the requirement per ordinance of trees would be. Attorney Schock said with it being an existing site and a site plan review, not a land development, he would defer. Mr. Stewart said it was a heavily wooded site. You can't see the site from any roads. Mr. Maxfield said it does mention the buffering is served by the woods on the site, but this is street trees, something different. Mr. Stewart said it was his understanding that it was SALDO for land development. Attorney Treadwell said he doesn't know what's there now. Attorney Schock said he doesn't know if it's ever been required in a co-location instance. They don't have control over that portion of the property. Mr. Maxfield said if it does apply, what they've done in the past is receive funds that go into a tree fund that can be used in different places in the township. If it's not required, then so be it. Attorney Schock said they can certainly look into that.

Mr. Maxfield said No. 7G in the Boucher & James letter, they recommend that the applicant consider making improvements to the parking area to facilitate the parking and turnaround of large maintenance vehicles. Mr. Stewart said they have no plans to have large maintenance vehicles there. They would offer any recommendation to the owner of the property, but it's certainly been adequate up until this time. Mrs. deLeon said you keep saying it's not your property, she disagrees because this is a conditional use hearing and if you look up the code, it says a whole bunch of conditions that we can ask you to do. Attorney Treadwell said he and Jim can certainly prepare a

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recommendation for Council for the next meeting. The conditional use hearing does apply to the property owner as well as the applicant. Mr. Stewart said they don't currently have control over that. It's not necessarily within their control at this point. The tower owner, Mr. Adams, has been helpful up to this point, but he can't speak for the tower owner. Mr. Adams was not present.

Attorney Schock said A6 is the structural that is required to the ordinance with respect to whether this meets with the wind resistance and loading requirements. This letter, sealed by an engineer who specializes in these types of things, indicates that it would meet the EIA TIA222 last revision standards for structural integrity, so there shouldn't be a concern with that. It isn't above 200 feet, so that's not an issue from the FAA. The FCC provided the license and that is a requirement that we be licensed with respect to removing and posting security. Last time there was a security bond posted by AT&T and they are agreeable to the same type of arrangement. The visual impact analysis is not required in this instance where they don't increase by the 25 feet, so they didn't supply one of those for that reason. With regard to things such as setback, the base, the height, the color, etc., to the extent, those are all existing conditions and they will not change. Attorney Schock asked Mr. Stewart to indicate that the statements he made are true and correct? Mr. Stewart said they are correct. Attorney Schock said with that, everything is covered in the ordinance.

Mrs. deLeon said there is a memo from the PC and on July 20, they met and had three conditions to comply with the Boucher & James and the HEA letter and the third item was that the plans be revised and resubmitted to the township for conditional use approval. Between the meeting of July 20 and today, did you make changes to the plans? Attorney Schock said yes. Mrs. deLeon said did our township consultants have a chance to review them? Attorney Schock said they submitted them last week when they completed them, and they probably didn't have a chance to look at them yet. Mrs. deLeon said now we are at a disadvantage as we have pages and pages of outstanding issues that may be addressed. She's very uncomfortable. Mr. Stewart said it was not a requirement at the meeting, and they worked very diligently to make those changes. Attorney Schock said there were no requested changes that were discussed which would change calculations with regard to the wind resistance, affect storm water management or anything like that. They are all related to comments and notes that the gentlemen wanted to have on the plan. They submitted a letter with all the changes they made on the plan.

Mr. Birdsall said we are here for the hearing. Often the hearing is closed and the staff prepares a recommendation with conditions. We can incorporate our review comments in that next review and bring it back to Council with the conditional use. Mrs. deLeon said if we close the hearing, and at a subsequent council meeting we can re-discuss that, and by that time, the engineer and the planner should have a chance to review the site plan and that would make her more comfortable. The shorter the review letters are, the happier she is. The reasons for a lot of the question was Boucher & James thought the tower was just going taller – a misinterpretation.

Mr. Maxfield said when they discussed this at PC, it was evident that there was a lot of information missing. Their direction at the PC level was to clean up the plan before it got to Council, but they didn't work fast enough.

Mr. Horiszny said what about the comment where the escrow account is in arrears? Attorney Schock said they did not receive a letter saying they exceeded their escrow. He didn't know that as they didn't get anything. Mr. Maxfield said if it is, we can take care of that ASAP. Attorney Schock said provide them with a written statement. Mr. Kern said there will have to be an extension granted as the time limit expires September 13. Attorney Schock said you started the hearing, and you can agree to continue the hearing. This is the site plan hearing. Attorney Treadwell said there are two open issues – the conditional use hearing and the site plan. Do you want to do one tonight and wait for the second one or just wait until September 20 and do them

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both at the same time? Mrs. deLeon said she wants to do both at the same time as something might be brought out in the review that she's not seeing. Mr. Maxfield said why don't we take the information tonight for the conditional use, we'll get our review letters to our consultants, and make a decision on both of them at the next meeting. They will need an extension on the site plan, not on the conditional use. Mr. Birdsall said they need extensions given to the end of a given month, so that will be September 30. They are giving an extension on the site plan and we need to continue the conditional use hearing.

MOTION BY: Mr. Maxfield moved to continue the hearing.

SECOND BY: Mr. Horiszny

Mr. Kern asked if anyone in the audience had any questions or comments? Ms. Keri Maxfield asked if there was going to be any additional lighting on the tower? She was sworn in. Mr. Stewart said no, the only reason we would need to light the tower is if we were increasing its height.

ROLL CALL: 5-0

III. DEVELOPER ITEMS

A. ZONING HEARING BOARD VARIANCES

1. SHELLY MACKENKA & NICK VASILIOU – 1670 PLEASANT VIEW ROAD – VARIANCE TO CONSTRUCT SHED IN SIDE YHARD SETBACK AND VARIANCE REQUEST FOR FUTURE CONSTRUCTION OF A SECOND STORY ON EXISTING HOME

Mr. Kern said the applicant is requesting zoning relief for two separate projects. One is to construct a storage shed within the required side yard setback which would be 10' from the property line. The applicant is also requesting relief for the future construction of a second story on to the existing single story structure.

Ms. Mackenka was present. The reason why she had to submit a request for a variance is the storage shed she's constructing is an 18' x 20' shed. Currently, the way she's zoned, is her front and back yard need to be a 40' setback and 30' from the sides. She's also a corner lot so she has two front yards. Where she wants to put her storage shed, she'd have to come either 30 feet from the side or 40 feet from the front, which would make it come right in the middle of her yard, which doesn't make sense. It's not a good location. She'd like to put it 10' from the side as it would be a better location and wouldn't chop apart her yard so much. The property is residential.

Mrs. deLeon said by doing this, you will almost be at your allowable coverage for impervious? Ms. Mackenka said she understands that. With the storage shed, they should be okay, and in the future, if she was granted a variance to stick on a second story onto her rancher, she should have enough space. She is going for the two variances right now as this is her second time here for a variance and she doesn't want to come here a third time. They do need space and probably are going to put a second story on in a few years. Mrs. deLeon asked if there was a time limit for a variance? Attorney Treadwell said no, it runs with the property.

Mrs. Yerger said the recommendation from staff is that if the necessary relief to construct the second story is granted, that a condition be imposed to limit the construction to the existing foundation limits with no further encroachments. Mrs. deLeon said the recommendation from our Board to the ZHB would be we support this providing the recommendations are included in their decision. Mr. Horiszny said what is the building

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closest to where the shed would be? Ms. Mackenka said down at the back of the yard, there's a pool. That's her neighbor's garage. The square next to it is where the storage shed would be. Right now it's a play area. Mr. Maxfield said the storage area won't be anything permanent, just on a cement slab? Ms. Mackenka said she thinks it's going to be permanent as it's 18' x 20' shed. She doesn't know how it's going to be done. Mr. Birdsall said she has public water. He asked where her septic system was? She said the fields are about 20' up from where the storage shed is going to be. The play area is actually a cement patio right now that's dug down. It's been there for years and hasn't caused her any problems with her drain fields. Mr. Birdsall asked if it was a paved driveway? Ms. Mackenka said yes it is. Mr. Birdsall said are you going to pave over to the shed so you can drive a vehicle into the shed? Ms. Mackenka said no, because the shed is going to come to the edge of the driveway with just a little ramp so she can drive her lawn mower out on. Mr. Birdsall would ask that part of this record or part of the ZHB record, impose some sort of a condition that a more clear plan be shown as to where the drain field is and that the relationship of the proposed construction does not violate any setbacks and still allows room for replacement area of a drain field. Ms. Mackenka said she submitted a plot plan where every thing is at and she knows where her drain field is. As far as septic, she thought down the line they would put septic in. Mrs. Yerger said you can't assume that. Mr. Maxfield said we need to know where your drain fields are and we need a plan to show us where they are. Mr. Garges said he thinks the plan is in her file where her drain field is when she built her pool. He will check and see if it is there. If it's not, she'll have to submit that report.

Mr. Birdsall said you should be aware if you go for a second story, you have to describe whether that adds more bedrooms, and if it does, you may be required to increase the size of your drain field. Ms. Mackenka said she understands that.

MOTION BY: Mr. Maxfield moved that we take no position on this, but suggest to the ZHB that we include two conditions that the second story is limited to the current footprint of the house and that a clearer plan for the septic facilities and other structures is provided to the Township.

SECOND BY: Mr. Horiszny
Mr. Kern asked if anyone in the audience had any questions or comments? Mrs. deLeon said without the impervious coverage, she's at 24.8%. Is there anything we can reduce? Mr. Garges said the cut off is 25%. She'd have to go for a variance anyway.

ROLL CALL: 5-0

II. PRESENTATIONS/HEARINGS

C. REPRESENTATIVE KAREN BEYER – REVIEW OF CURRENT LEGISLATION

Mr. Kern said Representative Karen Beyer would like to address Council regarding current legislation.

Ms. Beyer said she has some reading for Council and she handed out packets to each one of the Council members. It's an annual update. She's been your representative for over a year. She wants to create this kind of relationship with all of you. There is state money to access for projects within our township. There are dollars available, and she wants you to apply for them. The first part of the packet is the "Growing Smarter Tool Kit", and then local municipal resources and development program and local government capital project loan programs. This is about economic development monies, municipal improvements monies, grants, and/or loans, low interest, and resources that are in the state.

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She's learned the Lehigh Valley is not getting its fair share of state dollars the way Philadelphia and Pittsburgh are. There are other regions smaller than ours. We're the 3rd largest metropolitan region in the state, and yet we are not getting the resources that match that. It's been an effort on her part to find the monies that are available and bring them back here. We are the fastest growing region. We are in desperate need of road improvement dollars, emergency preparedness dollars, homeland security monies, economic development dollars, open space monies. Through her office and Jack, they will be working closely.

You will be receiving a \$5,000 grant out of her office for a playground improvement that they have applied for. She wants to have a dialogue with Council on legislation of interest to local officials. This is what we have done regarding municipalities in this legislative session. You are going to see proposed bills out of the House and Senate and see things that passed. They had a bill that came before them that she thought the bill said a municipality cannot tax a federal land mark site for an amusement tax. Little did she know that someone snuck into that bill, that local municipalities cannot tax municipal golf courses within your municipal district for an amusement tax and it passed the House. She got a call from Upper Saucon Township saying they get about \$500,000 of revenue into the township from the four golf courses located in their township. What did you do? She went back and they are going to kill it in the Senate. It's not going to see the light of day and she hopes it doesn't. They are going to do everything they can to stop it. In your spare time, if you can look at this for her and please get back to her on anything you think she should be supporting or an affirmative vote on or negative vote on, she needs to know about it. The local cable franchising bill is a huge issue for all of you. Mrs. deLeon said there is something on the internet that the governor has asked the municipalities to answer a 5 page questionnaire Mrs. deLeon said we don't want to lose out on the cable monies. Ms. Beyer said you really want to fill that out as if anything crazy gets passed through the legislature, then the final block is the governor and his veto. So it's important you interact that way. She found out things can slip through.

She sent out two flyers. The first one is a budget update which is the budget they passed that had no tax increase passed on to the taxpayers of PA. It was a very, very good budget and restored some much needed restoration of funding in some important areas. Allentown is in her legislative district, about 40%, and 92% of her legislative district sits in Lehigh County. Fixing Allentown school district has become a real priority to her. They were able to get \$11 million in the budget for Allentown, and additional monies for Saucon Valley, not as much as she would have liked though. Some things in this budget update are the jobs and economic development packages, education program, health care, community safety and protection, increase in the minimum wage, and then education funding.

She sits on a Veterans Affairs and Emergency Preparedness committee. The State ended up doing a lot this year in support of our Veterans. There is about \$54 million of flow through money from the Federal Government to PA for homeland security. September 11 changed things. This country has made an effort to try to keep us safe. Part of that effort is about monies coming from the Federal Government into State Government and then it's to be distributed into regions across PA for the purpose of this – Se-Wy-Co one of the finest in the Lehigh Valley – this would get them additional dollars for resources and items they might need, and she sits on the committee that oversees this money. She's deeply troubled as about \$54 million comes into the State and about \$29 million goes to Philadelphia and Pittsburgh and the rest is divided into the rest of the state. The third largest city is Allentown, we're part of the Northeast region, and we only get about \$2½ million out of \$54 million. She's working on increasing the funding with Congressmen Dent's office. She has met with them and pounded her fist on a table and said she needs resources here. The Allentown region is a suburb of Philadelphia and New York, so we are going to feel if there's a major event in NYC again or somewhere else. She wants to make sure our local fire companies, EMS, and Police Departments have available resources and it shouldn't always have to come off the backs of the taxpayers. She is prepared to ask for certain items that we need in LST or any of

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her municipalities. Mr. Kern said that would be great. Priscilla and him sit on a committee that work with the fire companies. The cost of a fire truck is millions of dollars. They've been trying to figure out how to handle this as it's coming out of LST taxpayer monies to support the fire companies. Bake sales aren't cutting it anymore. There's a bill in the house that gives scholarship monies to kids for college if they are a participant in a local fire or EMS company. We need to start fighting for this money. She invites requests and wants to work together. Mrs. deLeon said the township has four fire companies which she has deep respect for. They try to preserve their existing fire companies and try to support them best as we can. For years now, the Township has taken landfill money, which is coming to an end in a couple of years and they've taken portions of that money and asked the four fire companies to come up with a list and then they allocated x number of dollars to a piece of equipment to help them offset the cost. Is there some way you can come up with a matching grant that whatever we have in our budget for next year, is there a way this homeland security money could match that? Mrs. Beyer said could be. There's a list of authorized equipment and training monies that can be used. The Fire Commission in PA has grant monies available and low interest loans available. She will go back and specifically look to see if there are grant monies available. The third largest city in the state – they've received eight gas masks from the Department of Homeland security. There's something wrong.

Mrs. Yerger said the open space program – they've done a joint open space plan with Upper Saucon and Lower Saucon. Can she nudge Ms. Beyer to bring up two things with Mr. Dent? One is the house farm bill which would be a great asset to Lehigh and a little bit into LST. The second is if we could somehow figure out where the House is on the Highlands because Highlands runs through both Lehigh and Northampton County. It's been recognized at the federal level as resources that need to be preserved. Maybe you could figure out how to generate some money for these two counties. They gave a whopping \$1 million to four states. \$50,000 is going to buy how many farms? Whatever help you and Mr. Dent can give would be appreciated. Ms. Beyer said she'd be happy to do that.

Ms. Beyer said 378 – as we look toward the awarding of the gaming license to Bethlehem or Allentown. She honestly cannot tell you where that gaming license will be awarded. She has a gut instinct, but what's that. She has advocated for the site to go to Allentown. We can develop BethWorks without gaming. It's a residential area, it sits across the street from a major, national university, and it sits in the shadow of the oldest churches in the LV. It's an inappropriate place. She has advocated if we have gaming, that the Allentown site seems more compatible. Less infrastructure requirements in terms of the resources that would have to be expended there, isolated, not near residential area, not across from a University, and Allentown needs the money. There is an agreement that there is profit sharing. If it goes to Bethlehem, Allentown is going to get \$10 million a year and vice versa. There's no loser unless you go to Bethlehem's neighbor, Lower Saucon and then you are going to see a loser. She feels that 378 is going to turn into a nightmare. We have about \$10 million going into road improvements at Center Valley Parkway and 309. None of the plans include 378. If we get that shopping area and the gaming in Bethlehem, we have a problem and it's 378. She has asked PennDOT to split phase the light at Seidersville. They are examining it now. If they do an improvement on that light, she does not want it assessed to the township. She'll give them a department of community and economic grant out of her office if she has to. PennDOT said there are no improvements being considered for 378.

Mrs. Yerger said 412 didn't factor in at all. Ms. Beyer said we had \$15 million that was readily available money for the finishing of the American Parkway over in Allentown. We've been waiting for years for that money to be delivered. It was delivered and diverted to 412 for improvements on 412. American Parkway isn't being finished so that improvements can be made to 412. Something is happening at 412 and she doesn't know, as we don't have a gaming license awarded yet. Mrs. deLeon invited Ms. Beyer to the meeting on Monday night on the casinos. One of her points with the casinos was the impact statements weren't very good. They didn't address our concerns

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regarding 378 or 412. Every year the township has to submit what we feel are impact costs to the fire companies, to the township. The county council gets to make a decision on whether or not we deserve this money and it's an annual thing. It's in the gaming law, Act 72. She's opposed that and is trying to set the meeting up with Freeman, yourself and Boscola's office to try to change the legislation as adjacent municipalities shouldn't have to suffer impacts. Ms. Beyer said if the site is put in Allentown, it represents about \$300 million of economic development. If the site is put in BethWorks, we're looking at about almost \$1 billion of economic development. When you are weighting the ultimate impact, what ends up happening is if you are going to judge it on those two, it seems that BethWorks would be a logical choice. She just hopes there have been effective cases made. Right now there's little we can do until the slot licenses are awarded. The folks who have interest in these gaming entities, most of them come out of Philadelphia and are affiliated with SEPTA or Penn. It's a Pittsburgh – Philadelphia thing. She'd be happy to attend the meeting. Unfortunately, Act 74, it is locked, the gaming. Now we have to try to make the best of a bad situation. Mrs. deLeon said it can be amended. Ms. Beyer said absolutely, we can fix things. It may be trial by error and actually find the fault and then fix it. She's working on 378. There's a lot to think about. She thanked Council for letting her come and thanked everyone.

Mr. Horiszny asked Ms. Beyer what the cable franchise bill looks like? Ms. Beyer said she doesn't know, but there is some large entities that are trying to get statewide cable franchising agreements. She doesn't expect that will happen. She knows municipalities get a source of revenue. Mrs. deLeon said it's 3%.

III. DEVELOPER ITEMS

B. ZONING HEARING BOARD VARIANCES

2. BRIAN BLOCH – 2000 SPRINGTOWN HILL ROAD – VARIANCE REQUEST TO CONSTRUCT GARAGE IN SIDE YARD SETBACK

Mr. Kern said the applicant is proposing to construct a two car garage within the required side yard setback which would be 10' from the property line. Applicant is also proposing to remove an existing non conforming one car garage which is 7' from the side property line.

Mr. Brian Bloch was present. He said he wants to tear down the existing garage that is there and build a new garage behind it. If he were to build a new garage 30' off the property line, it would put it in the center of his yard.

Council took no action.

3. SUE GANDY & RICHARD MORRIS – 2344 APPLE STREET – VARIANCE REQUEST TO CONSTRUCT ADDITION TO EXISTING STRUCTURE WITHIN FRONT YARD SETBACK

Mr. Kern said the applicant is proposing to construct (reconstruct) an addition to the existing structure within the required front yard setback. The applicant is requesting 31' of relief to construct the additional 19' from the property line.

Mr. Morris said the house is in the upper right hand corner and rectangular with an entry way that extends towards Apple Street. The end of the house on the right hand side, they want to extend another foot and a half if they tear down that end of the house and reconstruct it – 1 ½ feet closer to the road. That's why they are asking for a variance. Mr. Maxfield asked what was the reason for the 1 ½ feet? Mr. Morris said he liked the way it

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looked and it gives them a little bit of space on the inside for a staircase. It will meet the 40' side setback.

Council took no position.

4. LESTER & ROBIN RACKOFF – 2012 MAJESTIC OVERLOOK DR. – VARIANCE REQUEST TO ENCROACH INTO SIDE YARD SETBACK FOR EXTERIOR BASEMENT ACCESS

Mr. Kern said the applicant is proposing to construct an exterior entrance to the existing structure within the required side yard setback. The applicant is requesting to construct the addition 10' from the property line.

Chris Brown representing the applicant was present. He said the last line is wrong, there's no addition. It's the basement access from the side of the house. The property is well developed on the other three sides of the house leaving that side location the most appropriate to make the access down into the basement and they've turned it parallel to the house to take up the least amount of room as possible. Mrs. deLeon said Mr. Brown's memo to them is incorrect then? Mr. Brown said his memo says construct an exterior entrance to the existing structure within the required setback which is what they are proposing. They want to do a Bilco door type of thing to get outside access to the basement. Mrs. deLeon said if you read the last bullet, the applicant is proposing to add approximately 70 sq. feet. How could a Bilco door be that big? Mr. Garges said if they did a Bilco door perpendicular to the house, with the entrance going down, then they would encroach farther into the yard, so they actually turn it sideways so you would walk down the steps and turn right to get into it. They are planning to capture and control any storm water that would be generated from the additional impervious. There are two variances needed – one from the required side yard and one for the 1.2% over of the impervious. Mr. Brown said he's not sure with the exact percentage, but Chris did make him aware of the previous applications with regard to the pool that it's going to be close. Mr. Maxfield said according to Chris, the current coverage is already over by .9%. It does take it over. Mr. Brown said the previous application, when the applicant went for the pool, there were calculations provided back five years ago – which utilized a larger lot area than the recorded subdivision and tax records have. So the information provided previously was not what is on the approved plan. That's why they are currently over. They are adding .3% with this proposal, a minimal percentage.

MOTION BY: Mr. Maxfield would like to make a condition we have an amended zoning application with the two variances. No action taken.

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

5. DR. & MRS. JAMES BOYLAN – 1592 WEYHILL CIRCLE – VARIANCE REQUEST TO CONSTRUCT ADDITION TO EXISTING STRUCTURE WITHIN SIDE YARD SETBACK

Mr. Kern said the applicant is proposing to construct an addition to the existing structure within the required side yard setback. They are requesting 40' of relief to construct the addition 0' from the property line. This is an existing non-conforming condominium structure and the existing side yard setback is 0'.

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Daniel Ebner, representing the applicant was present. Mr. Ebner said he has with him a letter from Joan McCann, President of the Weyhill Circle Condominium Association, saying they have reviewed the architectural plans and have no objections to the proposed changes. The addition is taking the place of where an existing patio is. It comes out roughly 9' by about 16'8". It attaches at the right hand corner to the existing wall of the adjacent condominium. It comes out 1'6" from there. Mr. Maxfield said he would like to see some sort of documentation from the current neighbor. Mr. Ebner said Joan McCann is the neighbor.

Council took no action.

6. **LESTER & ANTONIETTE SHARETZSKY – GAIL LANE – WAIVER OF LAND DEVELOPMENT**

Mr. Kern said the applicant is requesting a waiver of land development requirements for their proposed Lot Grading Plan.

STAFF RECOMMENDATION OF WAIVER OF LAND DEVELOPMENT
REQUIREMENTS
FOR SHARETZSKY GRADING PLAN FOR SEPTEMBER 6, 2006
LOWER SAUCON TOWNSHIP COUNCIL MEETING

The LST staff recommends that the Township Council grant a waiver from Land Development requirements to Lester & Antoinette Sharetzsky prepared by Dale Hendricks, three (3) sheets, dated April 29, 2006, as revised June 30, 2006.

It is recommended that this approval be subject to the following conditions:

1. The applicant shall address the review comments contained in the letter dated August 18, 2006, from HEA to the satisfaction of the Township Council.
2. The applicant shall address the review comments contained in the letter dated September 1, 2006, from Boucher & James, Inc. to the satisfaction of the Township Council.
3. The applicant shall pay any outstanding escrow balance due to the township in the review of the plans and the preparation of legal documents.
4. The plans shall note all waivers and deferments granted by the township council in a manner satisfactory to the township council.
5. The applicant shall satisfy all these conditions within one (1) year of the date of conditional approval of this plan unless an extension is granted by the township council.

Evan Pellegrino and Steven Jensen were present representing the applicants. They just received from Township Council a letter with conditions attached to it regarding conditions that would be imposed if a waiver was granted from land development. They reviewed these conditions and they don't have a problem complying with the conditions, but they'd like to go over the 8/18 letter from HEA. Attorney Treadwell asked them to explain what the waiver request you are making is? Mr. Pellegrino said it's a request for land development requirements. They are proposing to construct a single family house. They are not sure they need the waiver as stated in the September 1 letter from Boucher & James, the Zoning Officer is supposed to review single family dwelling permits and it's not necessary to be reviewed by Township Council. The impervious is over 10,000 feet and that's what triggered the land development waiver request.

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8/18 HEA letter: The first item regarding the imposed impervious coverage, 10,970 feet over the 10,000. Then there's the paper street issue regarding Gale Lane which comes up again as No. 5, so we can discuss that then. They did get the zoning variance to go on to the paper street w/o improving it. It was done in October 2005. Under Typical Land Development Ordinance Requirements, No. 1, storm water management, get approval from LVPC from storm water management as well as the Northampton County Conservation District as well as PADEP for an NPDES permit. They don't have any problems doing that as well as a maintenance agreement for the storm water facilities, they can comply with that.

No. 2 is regarding on lot sewerage facilities to township and state regulations – they understand that and will comply with the township regulation.

No. 3 is regarding requirements of township subdivision land development regulations which he's assuming the reviews have been done in accordance with it because it constantly sites those. The zoning office, sewage ordinance, which was discussed in No. 2 and earth disturbance ordinance, carbonate analysis, they are willing to comply with all of those. No. 4, this ties in with No. 5 and also the previous statement about Gale Lane regarding a private road. The road is currently not maintained by the township. Documentation needs to be provided to the solicitor to prove that. That's all things they can do. They understand they have to provide a covenant so future owners can be aware of that fact. No. 5 says the ordinance requires a paved width of 20', but the zoning ordinance said they didn't have to improve the road unless the area was unstable. They want to make sure it's going to be 10' wide gravel, paved where it needs to be paved to stabilize it and it's not required to be the 20' width. Mr. Birdsall said they have no objection to that, but they wanted to make sure Council was aware of that other ordinance. If you're inclined to waive the land development and recognize the adoption of the zoning variance, you would also affectively be waiving your rights to enforce that section of the other paper street ordinance. Mr. Pellegrino said they didn't get 91-5 ordinance. Mr. Birdsall will forward a copy to them. The road is going to stay the same and they'll review that section. No. 6 is understood that the escrow amounts for reviewing it need to be replenished and the township reimbursed for their expenses. Under Technical storm water comments, he understands the first part about maximum depth and 100 year storm being shown on the plans for the basin and driveway crossing. His question is driveway depth of water should be checked for safety? Mr. Birdsall said that was more for your engineer and property owner to be concerned with. Mr. Pellegrino said the watershed boundary, they can get that cleaned up. The CN values can be revised.

Mrs. deLeon said No. 3 under typical land development ordinance requirement- the applicant must comply with all their different regulations and it talks about carbonate feature analysis and protection and/or setbacks. Does that mean they have to do a carbonate geology review? Mr. Pellegrino said the letter from HEA stated about carbonate geology study which was done for the property. There were no issues with it. They realize they might have to site specific testing for the storm water, and if possible, find areas to infiltrate hoping to reduce the volume. They will look into this.

Mrs. deLeon said she's trying to remember Gale Lane and then the date stuck out, October 24, 2005. That was her vacation. She wasn't at this meeting. She would have had some questions regarding the variance for this paper street. The ZHB gave the variance and now we're giving up any protection we might have from 91-5? Mr. Birdsall said the protection we have from 91-5 really doesn't have anything to do with the flooding of the road situation. Mrs. deLeon said the ZHB granted a variance and she doesn't have the decision in front of her, but they stated they needed to improve certain sections, that's subjective, so

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who is going to determine where the improvements need to be made? Mr. Birdsall said it could be or should be gravel down to a point where the 100 year storm is and the ZHB had no way of knowing where that was until those calculations were done back and forth. It'll be up to us to review those calculations to make sure the limit of paving covers at least that area so that area doesn't get washed out every time it rains. Mr. Pellegrino said the HEA letter dated July 27, had comments regarding the area of the 100 year storm, which was No. 9 of that letter. That's why they added the extra four feet to get the 100 year flow path paved. When they revised the calculation as they are going to do, that number will change, but that's what that is based upon. Mrs. deLeon said she was here in 1991 when they passed this ordinance and it was because of all the paper streets that are in the township and all the people coming in to us and wondering why the township wasn't plowing, etc. It's because it was a paper street, so we were very careful in implementing that ordinance so that if you owned a lot there, we would have certain standards. She wants to make sure she's not giving up something. Mr. Birdsall said the issue about the paper streets was usually there were man lots fronting on one of these paper streets, and if property owner 3 half way down on the block wanted to build a house, the township wanted to make sure if they were the first house on that block, they had to build a reasonable access to get fire trucks in and out and serve maybe three or six or ten other homes if that private street kept moving and extending from home to home or empty lot to empty lot and set up some reasonable minimal standards for a load of that nature. What you have here is this extension of a private street will only ever serve this one lot. The complication here is the one lot is on the other side of a dry swale and the dry swale isn't dry all the time as it carries rainfall. Will there be times that gets flooded and people have to get in and out? Yes, that's a risk these homeowners are taking. We can't say he can't build his house, but we are making sure there is reasonable notice to future owners. Mrs. deLeon said this is all conditional approval, and it will be provided for our comments? Mr. Birdsall said a waiver of SALDO wouldn't necessarily waive the requirements. Mrs. deLeon said these all have to be submitted. She's uncomfortable giving approval on something our consultants haven't reviewed.

Attorney Treadwell said he hasn't heard the applicant say they agreed to the five conditions in the staff recommendation. Mr. Pellegrino said they wanted to make sure there wasn't any red flags in any of these letters. Mr. Pellegrino said the second condition on there is the September 1 letter which they can comply with Boucher & James. The third one ties in with the August 28 letter about fees and escrow. The applicant will be reimbursing them. They are okay with the Boucher & James letter. The environmental protection standards are already calculated and that can be reviewed. No. 4, plans shall have all waivers, we can add that and it will be satisfactory to township council. The applicant shall satisfy all these conditions within one year. He probably hopes to have his house under construction within one year. He's willing to do that.

Mr. Pellegrino said the stream crossing – if that flowed all the time, you would need a general permit from PADEP. As a provision of those general permits, you can have a driveway that actually floods sometimes. The state standards do allow for a person to occasionally not have access to or from their property. Even though we're not getting one of those permits as its in a thermal channel, if we did have to get it, it would still allow for flooding and that's the state standard. Mr. Maxfield said we didn't have a plan in our packet and this is the first time he's hearing about waterway crossing. Please explain what is going on with this site. Mr. Pellegrino said this site, there's a large basin that serves the subdivision that's previously subdivided. During periods of heavy rain, and he can't honestly tell you the last time it did have water flowing, it has water in it during heavy rainfall. Mr. Maxfield said then it's an intermittent stream. Mr. Pellegrino said you'd have to see how the state or Army Corp. classifies it. Mr. Maxfield said "and the township".

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Mr. Pellegrino said the township, in the past, has been approached by this flow and actually wanted very little, if nothing at all, to do with it. At the ZHB, it was actually brought up and the issue was skirted. He wasn't here for that, but that was the feedback he got. They weren't very interested in hearing about the amount of water that flowed through there at the time. Mr. Garges said the reason it was brought up and the reason the township knows about it is because one of the adjoining property owners notified, came to the township with pictures of one of the floods and was concerned and wanted to make sure the homeowner was aware of that. Mr. Kern said the red flag with him, if this gets approved, and then two years from now the homeowner is sitting in the audience asking how the township could approve something that floods their driveway out? Mr. Garges said ultimately the waterway ends up going through Leithsville parking lot, and he doesn't necessarily say you could call it an intermittent stream. The pictures the gentlemen had were from Ivan. Mr. Maxfield said we're talking about a swale crossing. Mr. Garges said yes. Mr. Pellegrino said the Sharetzsky's are here and do know water does flow through that area. Mr. Kern said is there any protection to the township for that possible event in the future where it does flood? Mr. Pellegrino said nothing permanent. Mr. Maxfield said he'd be much more comfortable if we had a thorough review and opinion from our consultants. We have so many water problems in this township and he's not going to vote and put somebody at risk, whether they want to be at risk or not. We need more study here. This is just not at that point yet. He's very uncomfortable with it.

Mrs. deLeon asked where this condition is? Mr. Pellegrino said if you take the July 27 letter, No. 9 regarding the curbed portion of the driveway, that has to do with the swale crossing section. The plans that were submitted that were reviewed for this letter dated July 28 regarding technical storm water comments – No. 1 – Maximum depth of the 100 year storm water shown on the plans and calculations. What they submitted for the flow for that swale has been reviewed. Some comments were made and they are going to revise those calculations and resubmit them and show on the plans what the flow is. There was already a cross section on there and that cross section is going to be revised. Mr. Maxfield said he doesn't think we should be making any decision tonight until we get that information and its examined.

Mr. Birdsall said what he would suggest is that the applicant's heard your discussions this evening, that they revise these plans and resubmit and address Priscilla's concern. She doesn't like to see a plan with a lot of conditions where she doesn't know how they are resolved. He thinks there is a condition in the draft motion that is subject to Council approval. Item No. 5 in the conditions, satisfy within one year conditional approval. He's suggesting if there's no time table we're under, they should make their resubmissions, they come back to the township council, and get review of both the consultants, and bring it back to Council. In the meantime, they could see what, in the way of notices, covenants and documents, something that could be presented to Council to show notice to future owners and to show the hold harmless situation for Council. It will give Council a chance to drive out to the property and take a look at it and get a feel for the land itself. Mr. Maxfield said he appreciates everyone's eagerness to get going on this project, but a couple more weeks isn't going to hurt and a couple more weeks will clear up some questions.

Mrs. deLeon said in our packet, there is a letter August 23 from Northampton County Conservation District, and the technical deficiencies for this site, can you address that? Mr. Pellegrino said they are going to revise the plan and resubmit. Mr. Jensen said they don't know how the conservation district got that plan to begin with. Usually they wait for the township to be satisfied. Somehow they got it, they reviewed it, and it was a complete surprise to them. They like to make sure the township is happy with the plan before they submit. They got a little head start on it and they will address it. Attorney Treadwell said

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what you heard Council say tonight is address those issues and come back. Mr. Maxfield said he doesn't think the township is going to be satisfied until County Conservation is, so it's a hand in hand process.

MOTION BY: Mr. Kern moved to table.

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. BOB ANDERSON – 2646 WASSERGASS ROAD – SEPTIC SYSTEM REPAIR WAIVER REQUEST

Mr. Kern said the homeowner has applied for the installation of an onlot sewage disposal system and is requesting an isolation distance waiver from his well. The current sewage disposal system is no longer functioning properly.

Mr. Bob Anderson was present. He said he worked with HEA to have the preparations done and to have the site tested. He needs to have his system pumped every six months. It's really not acceptable. There really aren't many options for him to address these concerns. The engineer designed an acceptable system that would need to be pumped out every three years.

Mrs. deLeon said the agreement you are going to be signing with the township – the indemnification agreement – she understands we do that in other instances and she doesn't have a problem with that. She's just wondering if there's something more we can do to let the next property owner know. Mr. Anderson said the indemnification agreement would be on record. Mr. Birdsall said maybe you can talk to your neighbors and see if you could get easements or buy land from your neighbors, you have some open space around you. Mr. Anderson said there's steep grade behind his house and steep grade on the side where they are putting the septic system.

MOTION BY: Mrs. Horiszny moved for approval, per staff recommendations.

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

D. REDINGTON ESTATES AT LOWER SAUCON – REEN DEVELOPMENT – PRELIMINARY PLAN DISCUSSION

**Mr. Kern asked for a recess. The time was 9:30 PM.
Council reconvened at 9:35 PM.**

Mr. Kern said the developer is requesting to come before Council to seek guidance on their project.

Mr. David Sell, Attorney John Hacker, and Mr. Dave Turoscy, were present representing the applicants. Attorney Hacker said that is the preliminary plan they had before the PC as the site plan. With the environmental ordinance, they can get 9 lots on this 32 acre site. The easiest way out is 9 lots on Redington Road, which is the relatively flat portion of the site and does not have environmentally sensitive areas. The rear of the site is sloped and has a lot of woodlands. When they took a sketch plan into the PC back in spring, they were told that there might be a preference from the township for a cluster zoning layout and we should talk to the staff about that. We had

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that meeting and were told we would still only get nine lots and would have to put a road in. That doesn't make any economic sense to them at all. The developer did offer if he could get two extra lots, he would consider the cluster zoning. He was told to forget that. We came in with the preliminary plan. Several issues were raised which he doesn't think are issues, but they got in to some debate and a private meeting with staff and your Council suggested this meeting might be helpful to give them guidance on how to go forward.

The first issue is the open space behind the lots which is mostly sloped and wooded. The issue has been raised by the Zoning Officer that it would constitute a lot which would require road frontage. Whether or not that's a fair interpretation of the ordinance, he doesn't think it's one that would hold up in court. There would be no reason to have any road frontage for that lot. This is going to be a planned community with open space under the planned community law that will be owned by all the property owners. The only thing back there will be a community septic system which would be in the back left portion of the open space. The reason they don't extend the lot lines all the way back to the rear of the property is because then they are nonconforming lots. The length, width ratio doesn't work. They could do that if that was your preference, or they can take the open space in the back and attach it to one or two of the lots. They would be willing to go to the ZHB with those issues if we thought Council was going to support that design. The last possibility, which is not their preference, is a cluster zoning design. If they could get two extra lots, it would be a viable project. What is proposed now is Lot 1 and 2 are on lot systems and the other seven lots would be served by a private community system that will be owned by the HOA. If they go to eleven lots, then they have to have all eleven lots serviced by that system, and they are not sure what complications come into play at that point.

They showed them a lay out of the cluster. Mr. Sell said the cluster offers a community system, but it would be a community system, for eleven lots instead of for seven lots. Attorney Treadwell said Judy's concern was that it shows eleven, and her concern with the cluster is your limited to nine, which you would have by right. They would need some relief from that regulation. Mr. Maxfield said they'd need relief for one additional unit on the community system. That has a limit of ten. Mr. Birdsall said correct.

Mrs. Yerger asked if there would be cul-de-sac length issues with that as well? Mr. Sell said it's 11,032 feet. He doesn't know if that's an issue or not. Mrs. Yerger said that's an issue. Mr. Sell said that came up in the initial meeting in the spring, but were told they could get a waiver for that if they wanted to do the cluster. Attorney Treadwell said you weren't told you would get a waiver. Someone may have suggested something to you, but without this Council's approval, you don't get a waiver.

Mrs. deLeon said March 1989, she went out to that site and took pictures of the site. She knows what this land looked like before it was filled in 1999. She has pictures and is very concerned about putting houses in this area that was mined to death. She objected to this. She was on Council in 88, and highly objected. She had the township look into it and she was very concerned about what they did with this land. At that time, she was told it was a private agreement. She couldn't understand why the township had no say in this. Then they filled it in ten years later, and now who knows what's in there. Now you want to put houses on it. Her concern now is for them to let other people know about this in legal terms somehow. There are issues from HEA and Boucher & James. Attorney Hacker said they don't want to engineer one plan and then you decide you like another engineered plan. If you have a preference, they'll hear it tonight. If not, they'll come back with what they think applies with the ordinance and they will go that way.

Mr. Sell said they understand they have to make some changes based on the feedback from your engineers and consultants and they are planning on doing that and they think they can meet all that criteria. To alleviate some of your fears, the area where they are putting the septic system, that area

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was undisturbed during the cuts and the fills. That's why the houses are on the cul-de-sac as they'll be using the other end for the septic. The houses would be built in the area that was filled and compacted. Before they do build houses, they would verify the soils are capable and sufficiently compacted to safely put houses on there. Mrs. deLeon said there would be planned notes notifying the buyer beware? Mr. Sell said whatever is required, whatever your ordinance requires. Mr. Turoscy said your engineers are requiring us to do a more intense geological study which they will comply with. It's in their benefit to have a report like that for the homeowners.

Mr. Maxfield said are there any records made available to you that describe exactly what kind of fill was put in there? Mr. Turoscy said they actually went out and tested that whole area and they have the results of the 7' and 8' testing. If anything, it looked like it was over compacted. That was why you could not get a test out there for on site. It was so dense, he couldn't get water to flow through the soil. Mr. Maxfield said he likes the cluster design better. It uses the land better and offers connections to other areas which we did not have before. Mrs. deLeon said her opinion was based on seeing eleven lots. That's what she didn't like about the cluster. It doesn't meet our ordinance.

Mrs. Yerger said one of her concerns, with a cluster like that, now you're talking compaction, are we going to be able to sustain storm water? These lots are going smaller. Obviously we need to figure out what this land is going to support. She's concerned when people use their open space for storm water and sewage capacity areas. Open space should be passive recreation. There's a reason for open space. Attorney Hacker said the bulk of the open space is not used for that. It's a limited area. In conjunction is the recreation issue if you would prefer a fee or something on site. This doesn't seem to be an on site situation with nine lots, but we're looking for your guidance. Mr. Kern said a fee would be more appropriate here. Council agreed. Mrs. deLeon said in June of 1999, Council approved this plan to be filled in. There was authorization and a motion. It says "material stockpile site plan approval" to have what you just saw filled in. Council approved that based on all four conditions. The owner of the site, Allen Myers, had asked for it to be filled in. Attorney Hacker said most of the fill, he understands, is from I78 and 33.

Mr. Turoscy said when they looked at it with both ordinances, they actually went out to PennDOT first to see if they would have any problem doing driveways for the nine lots. They said as long as you keep doing driveways with PennDOT's configuration, it's okay. They got a very low amount of traffic on that road in 24 hours from their study. They counted three days – Thursday, Friday and Saturday. Even though the environmental area to the back was steep and had woods on it, it would be something that people in the front often enjoy to go back there with the open space. The road would help them out. They thought does this township want another road to take care of for only nine lots and pay that kind of snow plowing forever versus a state road that's not in your jurisdiction for maintenance and the lots don't really change. The only way they found a considerable alternative with the cluster was to say the road is going to cost us \$200,000 to \$300,000. Mr. Sell asked he they could get two lots to offset that cost? Mrs. deLeon said when we approved our cluster ordinance, we talked all about that. She has a problem changing that.

Mr. Maxfield said what is the proposed road with the cul-de-sac road width? Mr. Turoscy said 28 feet. Mrs. Yerger said on Jim's letter of August 9, 2006, you're looking that the designer should note the ordinance section 130-14K limited the flow application to one EDU per three acres of the primary backup for drain fields proposed to be elevated or elevated sand mound trenches. This would require an open space lot area of 21 acres for seven homes, only 12.62 of proposed? Mr. Turoscy said these are all in ground systems. The 21 acres only applies if you have elevated sand mounds and we found sizeable area in the back area for the system that were all in ground. Attorney Hacker said they were looking for guidance, under your ordinances the private system which is community system in your ordinance, the township gets first crack at owning that or your

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Authority, if you so desire. We presumed you would not be interested, but if there is an interest in that, we would need to know that. Staff led us to believe there would not be an interest in taking that. Mrs. deLeon said there are also problems with the community systems with the HOA's as she reads tons and tons of articles with major problems with HOA's. As far as she's concerned, there is a memo there, two letters from HEA and Boucher & James, and all the letters are important to her. Attorney Hacker said he understands there will be sensitivity about that system on this board and they will convince you that the system is very maintenance free and should not present a problem. They have to satisfy DEP and everybody else if that's the case. Mr. Kern said are you proposing a similar system for this configuration? Dave Sell said it would be two lots with on site septic systems. The other seven which are in the compacted area that you brought to our attention, those would use a community system, a standard in ground system. Mr. Turoscy said for the most part it's gravity. They found three areas big enough to handle the seven lots. The only thing that is a maintenance issue is the pump.

Mrs. deLeon said the regs also say to get to the community system, you have to rule out the latter approach. Have you ruled out the other ones? Mr. Birdsall said that's the alternative analysis that we talked about at our work session. It has to be a vigorous alternative analysis to determine whether this is the best type of system for this area and you have to be able to show that you can not use the other better systems or simpler systems or systems that have less of economic impact on the homeowners, i.e., individual on lot systems. Mrs. deLeon said she hears you guys are going to do everything in these letters, why couldn't this be worked out on a staff level? Attorney Treadwell said staff can't make the decision whether Council is happier with the nine lots or the cluster which is why they are here. Keep in mind that the staff's position still is that they need relief for either one. Mr. Birdsall said you've said several times that you are entitled to nine lots. That's only one method of calculations and methodology and that has to do with your site capacity analysis and things of that nature. If you just went with strict length time width ratios, divided it up into frontage lots, you might only get four lots with the proper width to length ratio. It's a little bit misleading to say you can only get nine lots. That's the maximum capacity under that section as long as you meet all the other sections of the ordinance.

Attorney Hacker said they are here looking for a consensus of a preference. Mr. Kern said his preference would be the cluster because of the look from the road. Mr. Maxfield said you can maintain the tree line along the road. He agrees, it's less exploitive to the land and would work better for the area.

Mrs. deLeon asked where the cluster system would go in the cluster of eleven lots? Mr. Sell said the same place, where the good soil is which is in the far left side. Mr. Maxfield said has a carbonate geology study been done of that undisturbed area because we have major sink hole areas. Mr. Turoscy said they hired an outside consultant and it was presented with our preliminary plan package, mostly to look at where houses would be built and would there be a problem with foundations. They haven't done anything yet to correct the requirements of the letters. Attorney Hacker said there seems to be a preference of the cluster design. Should we interpret that to mean that if we go in for a variance to get eleven lots, this body would support or oppose it? Council said they would not support it. Mr. Kern said lot count has to be worked out with the staff.

Mr. Sell said from what he is hearing, the cluster would be preferred, but the eleven lots are definitely not an option. He'll look at the numbers and feel if he can do the nine lots with a cluster and pay for the road and other storm water runoff clauses. He would obviously consider it if it's not a viable option for him. He's go to try to go with an option that is financially viable, so they may not come back with a cluster layout, but they have spent a lot of time, effort, energy and money on it.

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Mr. Maxfield said one of the regular recommendations they've been making on a regular basis is narrower roads which will cut down your infrastructure cost quite a bit. They've been recommending a 24' road for cul-de-sacs like this. Mr. Sell said the length of 400 feet, would you be willing to waive that? Mrs. deLeon said she'd like to hear from our fire companies about the length of the cul-de-sac and about servicing the cul-de-sac. Mr. Maxfield said we waived it for Long Ridge. Mr. Turoscy said it will get shorter when they go to nine lots. Mrs. deLeon said we keep going back to nine, are we absolutely sure with all the regulations, it's going to be nine? She doesn't want you walking out of here saying you guys said you want clusters at nine lots. Attorney Treadwell said they aren't here for that approval. They are here to try and get an idea of what the Township wants to see.

Mrs. deLeon asked how they are spelling Redington? They said with one "d". You also have to remember with the Fire Companies that the Narrows gets flooded out sometimes and the road is closed and there's not a lot of access to that area. Mr. Maxfield said there are questions at the PC about fire service and basically they thought we could use the figures, go right back to when the Narrows was closed and the time it took for the fire trucks to reach from Steel City. It's something to consider. Mr. Turoscy said they checked with the four fire companies and checked the time and distance, not going Redington, and it ranged from sixteen to eighteen minutes down eight minutes, dry pavement. Mr. Maxfield said your primary responder is Steel City and if that road was closed, their time is considerably longer.

Mr. Sell asked about ten lots? Attorney Treadwell said from staff's perspective, if you can convince Jim and Boucher & James that you can get nine now, period, then maybe it might be an option. Mrs. deLeon said she won't do that. We're trying to keep density down and that's just totally against her grain. Attorney Treadwell said what if they convince us that twelve as an option? Mrs. deLeon said we've been down that road before.

E. CHAFFIER/THOMPSON/FILLER – REQUEST FOR EDU ALLOCATION AND RESERVATION

Mr. Kern said the developer is requesting Council approval of allocation and reservation of EDU's for their project.

Ms. Nina Seidel, Approvals Manager for Heritage and Attorney Raffaelli were present. Attorney Raffaelli said they are here tonight for the limited purpose of requesting Council's approval of allocation for a project, reservation EDU's. They are requesting the approval of allocation reservations of 40 EDU's for their project. The Chaffier/Thompson/Filler project is located along Friedensville, Meadows and Skibo Road. They have a preliminary plan which they are revising at this point. Two years ago, they went through the process of completing an application and the authority issued a memorandum to the township stating they have, based upon your sewer size allocation for 40 EDU's for this project. After that, in December of 2004, they came before your PC and received a recommendation to Council for the allocation for those 40 EDU's. While the project at this point is still in need of 12 EDU's and we will be investigating the process of seeing if those can be obtained, at this point, we would like to receive the recommendation for the approval of the 40 EDU's so we can enter into the reservation agreement. Mrs. deLeon said what happens if you can't get the additional twelve? Attorney Raffaelli said we have the 40. We're not at that stage yet. She just wants to have that door open. Mrs. deLeon said we are really at the limits of our EDU's. Attorney Raffaelli said they talked with your Solicitor about avenues they are going to explore and look into. At this point, we want to reserve and enter into that reservation agreement, pay them, and yes, we are going to try to find more EDU's and come back to you and get that approval for the remainders of them. This is just the first step.

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Mrs. deLeon said her understanding is the LSA gave their recommendation for 40 EDU's. Attorney Raffaelli said the PC gave their recommendation on December 13, 2004 for the 40 EDU's.

Mr. Birdsall said with the capacity of time, is there any condition that has changed? Mr. Davidson said no. Mr. Birdsall said the second issue is that request was probably based upon including the Filler house, so we have a clear understanding of what the parcel of ground is that you are asking. The parcel of ground was Filler and Chaffier and now you have two other properties. Ms. Seidel said the original request was made when we purchased the Chaffier/Thompson/Filler properties. Since then, we've obtained the Kudera and Brown properties. Attorney Raffaelli said we'd like the allocation to be referred to those two properties. They haven't investigated or applied for those yet.

Mr. Birdsall said the request this evening is for the same parcel of ground that it was two years ago, not for the new pieces which may allow you to come back for more, but it would include the Filler house. So when all is said and done, Mr. Filler's house gets one of those EDU's, you get 39 on the original parcel that you had that you are developing. Attorney Raffaelli said yes. Mrs. deLeon said we really shouldn't include the Kudera and Brown property in your request tonight. The LSA didn't review that when they made their recommendation. The PC did not include those either. Attorney Raffaelli said it's just with the Chaffier/Thompson/Filler properties to be consistent with the LSA and PC review.

MOTION BY: Mrs. deLeon moved for approval.

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

F. POLK VALLEY PARK/POPPLE CONSTRUCTION – PAY REQUEST NO. 9

Mr. Kern said the contractor has submitted pay request no. 9. HEA has done a site inspection and is recommending a release in the amount of \$81,895.90.

Mr. Birdsall said we are withholding liquidated damages. We are withholding a significant number of dollars to finish the work, so we are recommending less than what they have sought. They have sought \$129,000, we are recommending \$81,895.90.

MOTION BY: Mr. Kern moved for approval per HEA's request.

SECOND BY:

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

ROLL CALL:

G. TOLL BROS. – THE MEADOWS – UPDATE ON FLOODING

Mr. Kern said the township engineer will update Council on the request to Toll Bros. to provide information concerning the storm water problems at the discharge point of their detention basin on Meadow's Road.

No one was present representing the applicant. Mr. Birdsall said the developer was put under a deadline. They did not show any offsite improvements down across the PPL driveway or across the RR tracks. They have limited their improvement redesign to just their frontage in the pond area. The first thing they are doing which will be a help is proposing a grass swale along the south side of Meadow's Road from west of the detention basin spillway area as shown on your plan that

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you have in the packet to the edge of the PPL driveway which is on the right hand side of the drawing you have in your packet. That grassy swale will be located at the center line approximately five feet off the edge of pavement. It will provide for a good amount of flow to stay in the gutter sufficient for the 100 year storm. The spillway at this point has never been activated. That helps with the capacity of the road side swale on the frontage in case that does occur. The other thing they are proposing is an extension of the rip rap discharge apron they have at their headwall and they are proposing a series of steps down to the elevation of the road with Gavian baskets. The proposal does in their opinion have several drawbacks, one of which is water trapped underneath the Gavian baskets in a limestone area could aggravate the incidence of sinkholes and as the water lays there after the storm, could cause a sinkhole to open up within 10 or 20 feet of the right-of-way of the road. In a situation like this, it would be almost impossible to eliminate scour along the sides of the Gavian basket where soil would start to loosen away from the open stones and start to flow down towards the road. Item 6 of their letter, they are not recommending approval of this outfall structure change. What they are recommending is the engineer go back and look at more of a hard improvement system in the way of dropping the elevation of the storm water down basically by something they would call a drop manhole or a drop inlet structure placed at the outfall structure itself to make up that change in grade, and then have a concrete trough or small pipe extension and then a concrete trough that would come out towards the end of the road. They are encouraging the applicant to provide landscaping around the structure connection, but also around the trough. He talked to the engineer this afternoon about our comments. The work could start immediately and get resodded this week as the weather is perfect for this type of work. The other structure would be more of a Penn Engineering task and need to come back for Council approval could not start, but the grassy swale could start.

Mrs. deLeon said since these are significant changes to their approved plans that are recorded at the Courthouse, do they have to amend that plan? Mr. Birdsall said this detail is not shown on the recorded plan, so no, it would not. It still needs your blessing as it's a detailed change to the engineering. There have been some minor changes you have given permission for in the way of an inlet placement on the site. It would not need to be recorded.

Mr. Kern said has the engineer expressed any agreement with going along with your recommendations? Mr. Birdsall said to the degree that he could speak on behalf of his office, he felt that it was a reasonable proposal and that it wouldn't cost that much more than what he was planning in the first place.

Mr. Maxfield didn't know what a drop manhole or a drop box was. What's the structure of that that it would prohibit the scouring that would be with the structure that you are proposing? How does that function better than the Gavian baskets? Mr. Birdsall said you know how that pipe comes out of the side of the hill, at about five feet above the shoulder of the road elevation. If that structure and headwall did not exist, but instead that pipe were connected to an inlet box, that inlet box, the water would come into it and if the inlet box was five feet deep, that water would fall down inside the concrete structure and the earth could be built up around it so it would hide that structure. A pipe extension, maybe only about 10 feet long could carry the water at a slower velocity out to this apron and the apron would start up and it would have to have a 2" lip along the side of the concrete apron and that would be the lower trough where the velocity of the water would spread out instead of coming out of a circular pipe, it would sprout out over the deck of this concrete trough. The trough would be flat on the bottom and the water would meander out slowly until it gets to the grassy swale and then it would be on its way downhill.

Mr. Birdsall would ask the Council reimpose a requirement that a revision come back within seven days so that you can get it on your agenda at the next meeting. The grass swale could be started right now and completed by to the end of the week, September 15.

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MOTION BY: Mr. Kern moved per Mr. Birdsall's recommendation that the revised engineering should be resubmitted by September 13.

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

MOTION BY: Mr. Kern moved that the grass swale be installed and require that it be sod at this point, by September 15.

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

IV. TOWNSHIP BUSINESS ITEMS

A. RESOLUTION #51-2006 – AUTHORIZING EXECUTION OF DUI GRANT

Mr. Kern said DUI Coordinator, Officer Ron Jones, has prepared the application for the renewal of this grant in the amount of \$41,054 for the Sobriety Checkpoint and Expanded DUI/Underage Drinking Enforcement Program which is run in conjunction with Hellertown and Freemansburg Boroughs. He is requesting authorization to submit the grant and have it signed by Council President.

Mr. Cahalan said a copy is included in our packet. It's an annual renewal that Ron Jones puts together. It's an increase in funds from last year. They do sobriety checkpoints, roving patrols and the Cops and Shops program. They are asking for Council authorization for the President to sign the application.

MOTION BY: Mr. Horiszny moved for approval of Resolution 51-2006.

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

V. MISCELLANEOUS BUSINESS ITEMS

A. APPROVAL OF AUGUST 16, 2006 MINUTES

Mr. Horiszny said page 8, line 2, eluded should be "alluded". Page 9, line 18, it should be RECOMMENDATION. Page 20, line 46, instead of "They'll" it should be "There will".

MOTION BY: Mr. Maxfield moved for approval of the August 16, 2006 minutes, wit corrections.

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

VII. PUBLIC COMMENT/CITIZEN NON-AGENDA ITEMS

Allan Johnson, Martins Lane, said earlier, Rep. Karen Beyer talked about the cable providers having some kind of agreement with the township. Is the relationship or business agreement between the township and the communications providers, open for discussion? Mr. Kern said its an annual cable franchise

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agreement. Attorney Treadwell said it's not an agreement, we have an ordinance that requires the cable providers to pay the township 3% of their gross revenues for certain services. It could change, it may change, it may change depending on the legislation that Ms. Beyer talked about. It generates about \$50,000 a year. Mr. Birdsall said if the township will be negotiating any type of service agreement in the future, that they specify that ALL residents of the township are given the service of 2A high speed internet access and also that the township specifies a communication speed in terms of megabits per second, that each channel should provide. For example, you might want to specify that the down channel is four megabits per second and the up channel is for megabits per second. You'd probably want to do some research in what kind of use the township residents may be making of the communication services and what kind of services are provided in order to determine what speeds would be required to provide a good, fast service.

Mrs. deLeon said she's been talking about this for years. What are we missing out on when it comes to the cable companies. PSATS lists all kinds of services. Are they pay us 3% on all the areas they could be paying us? We don't know that answer. We are getting 3% of gross terminal revenue. It's not clear to her if we are getting our due money. Mr. Johnson said some areas of the township have two way high speed internet connections and other areas don't. Now-a-days, two way high speed connections are almost necessary for any modern family.

Mrs. deLeon said she attended the PSATS conference on that and they used the word "cherry picking" and they predetermine who they want to serve and who they don't. That's not fair. On the Internet, the governor is asking for a survey of what our municipality gets. Mr. Allan, said please negotiate these types of things. Mr. Horiszny asked if RCN and Service Electric have it? Mr. Johnson said RCN and Service Electric, the technology is available. Also, if you negotiate, negotiate a deadline as they always tell you that you will have it soon and you never get it.

Mrs. Yerger said to make their money, they need certain density of houses. It requires more expensive lines. Mr. Johnson said every township resident should be offered the same service. Mrs. Yerger said most likely will force the small cable companies out of business and be stuck with Verizon and they can do what they want. Mr. Johnson said Service or RCN is not a small company. Mrs. Yerger said they are by cable standards. They are already having financial difficulties. Mr. Allan Johnson said that he has a hard time believing that. Mr. Kern said your main point is that if we have the possibility to negotiate, to do so.

VIII. COUNCIL AND STAFF REPORTS

A. COUNCIL/JR. COUNCIL

Mrs. Yerger

- Everybody should have gotten a copy of the LV Watershed Conference. It's October 6. It's dealing with the Saucon Creek as part of it. It's \$25 a day per person. Mrs. Yerger will contact the Manager about paying for the EAC members. Mrs. deLeon said that should be in the budget for next year.
- There is going to be a Stephen Small workshop for Financial Benefits Land Preservation on Tuesday, September 19 at the Hotel Bethlehem.
- She asked Mr. Cahalan if we followed up with this memo from Chris when they walked part of the tributary out at the Saucon. Have we made any determination on how we are going to address this problem? It does need to be addressed. The recommendation from Kate was to have a geo-morphologist look at this. Mr. Maxfield knows of someone and he was going to give them a proposal to do the work. It's Rich Sichler.
- One of our goals over the past year was converting to a lot of our paper to digital. She wanted to know how we were making out with that? Mr. Cahalan said that's something they are looking into with next year's budget. They are looking at disc and in the future you could get it on the Internet and get into the server with proper security and look at a folder with each development. They will ask the Developers to start sending things in a

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digital format. Mrs. Yerger said there are some things we get on a regular basis that we don't need. She will go over this with Jack and Leslie and see what is not needed and give Council recommendations of what is needed and what is not needed.

Mr. Maxfield

- He said there are three or four drafts with the EAC members regarding the open space plan. Rick Tralies has been working his tail. They hope to have it done before the referendum comes up for a vote so they can use it as a supporting document for the referendum. They'd like to schedule a public meeting to discuss it so it serves both purposes.
- Sandy had mentioned the watershed conference that is coming up. He'd like to ask, per the EAC, to sponsor in \$500 in the EAC's name? Mrs. deLeon said Council's name should be added also.

MOTION BY: Mr. Maxfield moved for \$500 sponsorship for the Watershed Conference from the Township and the EAC.

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

- He said for next meeting under Reports, Add E. Planner.

Mr. Horiszny

- He attended the Livable Community Seminar last week and he hopes to attend the cable franchising meeting this Friday and the Designing Streets for Pedestrian and Bicycle Safety program next week.

Mr. Kern

- Going back to the Sherry Hill Tower, AT&T removed an assembly. They posted a bond originally. Did they get the bond back? Attorney Treadwell said no. Mr. Kern said should we pursue the adding to the agreement? Attorney Treadwell said there's an agreement they sign when they post the bond and we can add another paragraph saying they need a note on it. He's pretty sure it's in there they need to give us notification.

Mrs. deLeon

- She said thank you for the annual report for 2003. The only thing that was missing was a list of the township personnel that worked that year and salary. Please include that in the futures ones.
- A while ago, the Steckle's came before us for a lot development in Steel City. She got a letter that there is something with the septic system. Does anyone have an update on that? Mr. Cahalan said Mr. Garges said they are not ready to come before Council and are still working on it.
- Next Wednesday, September 13 at 6:00 PM is our partnership meeting and 6:30 PM, Neal Kinsey is coming to speak on "Planning Beyond Boundaries" for the multi-municipal plan. It's a public meeting and will be at the school district. Mr. Cahalan will invite all other boards to this meeting.
- We got date stamped by the Township, August 30, 2006, from DEP, three stapled inspection reports – June 20 – July 20 – August 23. She finds it odd they all came together. The June 20 is very late and that is unacceptable. There were things in here and they never got to see it. Someone should call DEP to see why we aren't getting these on a monthly basis.
- They got a letter dated August 16 from Northampton County Conservation District regarding Norfolk Southern and the LS culvert on Riverside Drive. It's a plan completeness

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review – it does not meet the requirements. As she was going through other packets, she found a letter from Fayette Engineering dated May 17 regarding this outfall structure on Riverside Drive referring to Act 67 and 68 and we had 30 days to respond. Is there any reason Council wasn't presented with this request and why we weren't asked to comment? This is regarding a 36" outfall pipe. Attorney Treadwell said he looked at the MPC today and there is no 30 day response requirement. They made that up. The two sections they site in that letter talk about county comprehensive plans and combined municipal comprehensive plans and that's all they talk about. They don't talk about 30 days. They made that up. Mrs. deLeon's concern goes back to the letter being that they are going to put a pipe under the RR tracks. They might need a site plan. This might be tied into the landfill. A response if required. Mr. Maxfield said do we know exactly where this outfall pipe is? Mrs. deLeon said there is a map with the May 17 letter. Mr. Kern said what would you like to see happen? Mrs. deLeon said she wants to know what we are going to do about it. Mr. Birdsall said he agrees with Linc that we didn't need to send a response letter and we are going to have plenty of time to comment. When he sees the NCCD letter, he says someone is putting together an engineer package and we need to see this to see what it is. Our SALDO ordinance right now says that any storm pipe is subject to land development or Council approval. They have an obligation to get us an engineering study eventually. He doesn't see any problem with writing the NCCD letter and just reminding them they'd better touch base here before they start any earth work. Attorney Treadwell said they need township approval. Mr. Birdsall will handle this. Mrs. deLeon said they are meeting with Sam Donato and they want to take the detention piping downhill. Now we're meeting with Sam to go over this and it's just coincidental they want to put this 3' culvert under the RR track. We need to follow up on that.

- The Governor is asking us to answer a whole bunch of questions. She'd like the township to fill that out and provide Council with copies then.

B. TOWNSHIP MANAGER

- He said he has to ask for approval for some money also. The Northampton County Association of Township Supervisors will be holding their annual conference on October 6 at the Pomfret Club in Easton. Any council members interested, let Leslie know. The deadline is September 20. It's from 4PM to 9 PM. Council usually pays for a half page add in the program. The cost is \$70.

MOTION BY: Mrs. deLeon moved for approval to authorize the ad.

SECOND BY: Mrs. Yerger

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

ROLL CALL:

- Harry Roth, the consultant for the Joint Plan with Upper Saucon Township is still trying to arrange a joint meeting of this Council and Upper Saucon Township Supervisors. He had suggested October 24, 2006 at Upper Saucon Township. Tom indicated he would be available. Anyone else available, let Mr. Cahalan know. Mrs. deLeon said she can go, but in the future, on the 4th Tuesday of the month, she has a conflict with. Mrs. Yerger can go.
- He is still working with Charlie Luthar and the principal Todd Gombos to come up with candidates for Jr. Council representatives and will interview them and come back to Council with some recommendations.
- Council asked him to check with Chief Lesser and Roger Rasich about striping Meadow's Road They both recommended it would be a good idea. The cost would be \$600. It can be done by A1 contractors. It will be done within the next two months.

MOTION BY: Mr. Kern moved for approval of lines painted on Meadow's Road.

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SECOND BY: Mrs. deLeon
Mr. Kern asked if anyone in the audience had any questions or comments? Keri Maxfield said wasn't there a decision to wait until Toll Bros. was finished? Mr. Kern said it was, but they reconsidered that decision because of safety and because of residents input.

ROLL CALL: 5-0

C. SOLICITOR
Nothing to report.

D. ENGINEER
➤ He'd like to turn over the annual report for MS4 to the Manager for signature and sending it in. Each of the outfall structures have been inspected. Each of the detention basins have been inspected. Those are the two tasks on the schedule for this year.

E. PLANNER
Nothing to report.

III. ADJOURNMENT

MOTION BY: Mr. Horiszny moved to adjourn. The time was 11:16 PM.

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

Submitted by:

Mr. Jack Cahalan
Township Manager

Glenn Kern
President of Council