

I. OPENING

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

II. PUBLIC COMMENT PROCEDURE

III. PRESENTATIONS/HEARINGS

- A. Emergency Management Coordinator – Report on Hurricane Irene
- B. Resolution #55-2011 – Recognizing Mary Elizabeth Anthony

IV. DEVELOPER ITEMS

None

V. TOWNSHIP BUSINESS ITEMS

- A. Zoning Hearing Board Variance – Michael Birk – 3716 Old Philadelphia Pk. – Variance Request of Impervious Surface for Access
- B. Discussion of Repair/Replacement of Public Works Road Sweeper
- C. Discussion Regarding DCNR Grant Awarded for Polk Valley Park Meadow Planting
- D. Discussion regarding Nursery/Tree Farm Zoning Classification
- E. Review and Approval of Saucon Rail Trail Intermunicipal Agreement
- F. Resolution #54-2011 – Appointing Liaison with Northampton Tax Collection Committee
- G. Kingston Park – Ella’s Garden – Authorize Payment to American Native Nursery and Enter Into Maintenance
- H. Applebutter Road Detour Discussion
- I. Repair of Floorboards in Heller Homestead Art Gallery
- J. Review of Police Ride-Along Policy
- K. Award of Pervious Concrete Bid
- L. Award of Track Loader Rental Bid

VI. MISCELLANEOUS BUSINESS ITEMS

- A. Approval of August 17, 2011 Minutes

VII. PUBLIC COMMENT/CITIZEN NON-AGENDA ITEMS

VIII. COUNCIL & STAFF REPORTS

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

IX. ADJOURNMENT

Next Park & Rec Meeting: September 12, 2011
Next EAC Meeting: September 13, 2011
Next Council Meeting: September 21, 2011
Next Planning Commission Meeting: September 15, 2011
Next Zoning Hearing Board Meeting: September 19, 2011

I. OPENING

CALL TO ORDER: The General Business & Developer meeting of Lower Saucon Township Council was called to order on Wednesday, September 7, 2011 at 7:00 P.M., at 3700 Old Philadelphia Pike, Bethlehem, PA, with Mr. Glenn Kern, President, presiding.

ROLL CALL: Present: Glenn Kern, President; Tom Maxfield, Vice President; Ron Horiszny and Priscilla deLeon, Council members; Jack Cahalan, Township Manager; Leslie Huhn, Assistant Township Manager; Brien Kocher, Township Engineer; Linc Treadwell, Township Solicitor; Karen Mallo, Township Planner. Absent: Sandra Yerger.

PLEDGE OF ALLEGIANCE

ANNOUNCEMENT OF ANY EXECUTIVE SESSION (IF APPLICABLE)

Mr. Kern said Council did not meet in Executive Session between this meeting and last meeting.

II. PUBLIC COMMENT/CITIZEN AGENDA ITEMS

Mr. Kern said if you are on the agenda, you have Council and staff's undivided attention and we can discuss the agenda items with you thoroughly. At the conclusion of the discussion, we do open it up to the public for public comment for each individual agenda item. If you do speak, we ask that you use one of the microphones and state your name clearly for the record. We transcribe the minutes verbatim, accurately and fully. If you go on our website, you can see that. We want to make sure we get everyone's name in there and what you've said accurately. If you do want to receive future agendas, there's a sign-up sheet in the back where if you put your email address, we'll email them or mail them to you if you don't have an email address.

III. PRESENTATION/HEARINGS

A. EMERGENCY MANAGEMENT COORDINATOR – REPORT ON HURRICANE IRENE

Mr. Kern said Township Emergency Management Coordinator Bill Csaszar will provide a report to Council on the emergency management response to Hurricane Irene.

Mr. Csaszar said we had a pretty significant event last week. Last Sunday, we had an event called Hurricane Irene. It taxed the resources of the Township significantly. On Friday, preceding the hurricane, he sent out a communication to all the Township fire departments in terms of a preparation advisory. In that advisory, he asked them to make preparations and most of them had already done that, such as reaching out to their membership to see who was available to man their stations during the height of the storm; topping off the fuel on all emergency vehicles; checking all their support equipment whether it was for generators, chain saws, water rescue equipment; topping off their reserve fuel tanks; and arranging with Dewey EMS life support unit to stage an ALS ambulance at Se-Wy-Co throughout the duration of the storm. There were other advantages you will see later on that we took use of. One department went out so far as to rent three additional large portable pumps. That was thinking outside of the box and they were all used. It was good planning.

Lower Saucon's EOC was manned by himself at 2300 hours on Saturday evening. The photos in the power point presentation are not actual photos of the Township. They started getting calls in

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shortly before midnight during the process and he decided to relocate. He relocated to Se-Wy-Co. He'll explain later why he did that.

Lower Saucon's Police Department had a total of nineteen (19) responses that were related to the hurricane. As far as EOC communications, he relied on Northampton County's format called "Knowledge Center" whereby he can communicate with them by a laptop and the Internet and speak to them and give them updates and create an incident report of all the activities that occurred in the Township whether it was road closings, power outages, anything of that nature. In addition to that, Dewey Ambulance had a life support unit at Se-Wy-Co and one of those members happened to be the EMC for Hellertown so it allowed Mr. Csaszar to have communications with them throughout the course of the event and that was very beneficial. That's the reason he located so he could have that face-to-face communication and they coordinated some of their efforts. They also had portable radio and cell phone communication. Department communication with fire departments was basically portable radios, cell phone, or face-to-face. In the event of alerts to a department, which was all transmitted through the sixteen All Call whereby any place in the Township an emergency occurs, all four stations are alerted as to what it is and where it is and they initiate the appropriate response. There was also an EMS unit located in Hellertown, which took care of the eastern part of the Township.

Mr. Csaszar said regarding Public Works responses, they had a number of road closings that were due to the flooding. There's not much you can do about that until the water subsides. All the roads were open by 8:00 PM on Sunday evening, August 28, 2011, and that was a good thing. The Public Works responses for road closures due to wires in the trees, there were several of these locations. Obviously for safety reasons, the Public Works crew could not clear wires in the trees not knowing if they were live or not. They opted correctly in not touching the wires. They were in communications with PPL throughout this whole storm. There were twenty-three (23) other roads in the Township which were closed for downed trees. All of those roads were opened by 8:00 PM on Sunday evening, August 28, 2011. The road crew really worked their tails off to get everything back in shape by the end of the storm. He can't say enough about Roger and his crew. Roger had some really good pre-planning. He had units and staff stationed on both sides of the Saucon, whether it was dump trucks, backhoes, and crew members. They were able to take care of the entire Township.

Mr. Csaszar said at one point in time during the storm, you could not cross the Saucon anywhere on this side because of all the flooding that occurred on the roads going into Hellertown. The volunteer fire fighter responses during the storm were rather significant. Se-Wy-Co, Leithsville station team had a total of fifth-three (53) responses. We're talking about from 11:00 PM Saturday night, August 27, 2011 until 5:00 PM Sunday afternoon, August 28, 2011. They probably had again another fifteen (15) on Monday, August 29, 2011. You'll note there are a number of responses that went into Hellertown. When you are going to Hellertown and the roads are closed, you only have one avenue and that is to take I-78 at Rader's Lane, go to the 412 interchange and get into Hellertown and that is exactly what they did. They were also cancelled on a bunch of those calls, and fortunately nothing materialized that required assistance. Se-Wy-Co had 15 responses and Steel City had nineteen (19) responses. Most of the departments had some water rescues.

Mr. Csaszar said initial storm damage was done rapidly, practically before the storm was over. There were three major areas of concern which were Helms Road, Black River Drive and Evergreen Drive and Meadows Ridge Court and Deer Run Road. On Helms Road and Black River Road there were damaged culverts. Meadow Ridge Road & Deer Run Road had a sinkhole which developed as a result of the storm. You can see the estimated costs for those incidences. These three were reported to the County with the total cost of Irene, and the numbers may have increased and been updated. Estimated Public Works manpower was \$7,708.83; equipment for Irene response was \$5,070.01, for a total cost of about \$27,178.84. When we gather all of this information, we knew the EMA responses (PEMA & FEMA) would all be out to visit us. They

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came out on Wednesday, August 31, 2011 and by Thursday, September 1, 2011, the PEMA DAP-19 reports were done and sent into them. They evaluated the three areas, which we talked about earlier. They have to meet a quota in order to get FEMA assistance. At this point, he doesn't know if we met the quota countywide to qualify for that assistance. We'll stay on top of that and see what the folks in Washington can do for us.

Mr. Csaszar said the good news was that no one got hurt during the storm. Roger had good planning and strategically placed his manpower and equipment to deal with the situation in the entire Township. There was an excellent response from all the agencies; it was phenomenal. When you consider the call volume, the amount of labor that it took to clear trees, they were all cleared out by the end of the day. The bad was Southeastern lost two gas powered pumps and a generator. He's not sure how they are going to go about replacing them. He doesn't know of any other departments who lost anything. The Public Works garage does not have an emergency generator to power up the building and just as important, the fuel pumps. That's a critical piece of equipment that needs to be addressed. The ugly was poor response from PennDOT during the height of the storm even with repeated calls from County and Township agencies. This resulted in delayed road closures which were Bingen Road at the Saucon and Riverside Drive. When he had communication with Chris Snyder in Steel City, he had some cars in there that were caught in the water and mud and he said can he get PennDOT. Mr. Csaszar tried, Roger tried and the County tried. In the meantime, Route 412 was closed coming out of Bethlehem, so in their infinite wisdom, people plugged in GPS routes. You know where that took them. Can you imagine a tour bus going down Riverside Drive in the Narrows? That's what happened. He doesn't know how that problem was addressed, but it did happen. There was late clearing of major fallen trees on Black Rier road and Seidersville Road by PennDOT. He's sure they were busy, but we have to call PennDOT and also PPL to figure out how we can improve their response. We're willing to help. Roger was willing to cut trees and do whatever he had to do if someone would just give him direction so he would be able to do it safely. It didn't happen. There was a supervisor from PPL in the Township early on, but they were not a clearing crew. They were an assessment crew. They figured out what lines could be cleared and turned back on, which ones needed new poles or wiring, so they just assessed it. Needless to say, all those roads listed were not opened until September 1, 2011. Some were opened the first day, some the second day and some the last day. PPL has sub-contractors who clear the trees. Have no idea where they were. Never saw a JAFLO or Asplundh truck or anyone else who PPL contracts with. They just had to wait for PPL's crew to clear it out. Obviously they have a priority, which is to restore the power to the most effective customers first. In some of our remote areas, it took several days and two of them was Fire Lane and Skyline Drive. They were the last ones to be cleared and have power restored.

Mr. Csaszar said where do we go from here and what have we learned? He did mention that we should meet with PennDOT and PPL and see what we can do about improving a response plan. Improved communications between all agencies, EMC must be apprised of all emergency situations that occur within the Township. That didn't happen 100%. He'd probably give it a 90%. The things he was not made aware were not significant enough to impact residents. He should have direct-connect with all the agencies of the Township. Roger hooked him up tonight with a direct-connect phone, so they have that taken care of. They were communicating using regular Nextel phones or radio. The problem is Roger is on a call with someone and Mr. Csaszar calls Roger and he can't get through. He leaves a message for Roger, and Roger calls him back and he's on a call. They can't get through to each other, so this direct-connect will improve the situation. Improved operational capabilities, they touched on that already for a generator for the municipal garage.

Mr. Csaszar said the last one is something they talked about a couple of years ago and they didn't get involved with it as the County was doing it. That was a call up system to all the residents notifying them of the emergency situation. In defense of the County, they can't possibly isolate our Township incidents and everybody else's which would be a monumental task. Mr. Cahalan came up one idea which is worth pursuing which is a no-cost option. Mr. Csaszar is not familiar

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with it. He did read the literature on it and it looks like it will give us at two of the three avenues to communicate with our residents, by text messaging or emailing directly to the residents. They would have to develop that call list of whoever wants us to communicate with them. Whoever doesn't, that is their choosing. We can't do the phone thing. The only caution with this is not so much with the text messaging, but the emails. If you lose the Internet, you're not communicating with them, and that did happen here. We lost Internet access in this area. Thank goodness Roger hooked him up with a small portable laptop with an air card. He never lost communication through the whole time with the County using that. He couldn't have done it without it. Those are lessons we learned and some we have to work on.

Mr. Csaszar asked if there were any questions? Mrs. deLeon said she was here during Ivan and there were issues back then. All the guys in the Township did a great job. She's so sorry they had to deal with these other issues as they should never have happened. She's very disappointed, not only with the response from PennDOT, but with the way they handled the lack of informing us of Applebutter Road coordination of whatever is going on. It's supposed to happen tomorrow and she's very disappointed. She'd like to ask our State Representatives to help us. If that's what's going on, it's not a good thing. People were asking what they, as a resident, have to do. If you would lose Internet, where is there a place to go in our area. She doesn't know where those places are. That aspect has to be looked at. Maybe routinely on our website, there should be something on for emergencies and preparedness or something like that where people can go or try to call.

Mr. Kern said what would be the best notification method for notifying residents considering that the Internet can go out? Mr. Csaszar said the best way is cell phones as long as the cell towers are operating. Mr. Kern said like a text notification system? Mr. Csaszar said yes, but it doesn't address hard line phones at home. Mr. Kern asked if Mr. Csaszar thought hard line phones would be a good approach? Mr. Csaszar said no, that's not the ideal approach. The only way you are going to reach the residents, one way or another, is the two options they are looking at plus the hard line phones. That's the only way you are going to be sure to reach every resident. Mrs. deLeon said the problem with the landline phones is if depending on how sophisticated your phone is, if it's a plug-in and you lose electric, you can't use that. Mr. Csaszar said not everyone has Internet access; not everyone has cell phone access. It's a tough situation. If you lose power, it's then the old fashioned portable battery-operated radio. They are not going to broadcast the roads that are closed due to the amount of roads closed. That's not going to happen. Realistically, we have to take some baby steps and move from there. At least we can get the majority of the Township residents between these two applications and go from there.

Mr. Cahalan said Mr. Csaszar mentioned the issues with PennDOT. You also indicated from the meetings with the County that the problem was happening with other municipalities. Isn't that going to be handled at the County level, the interaction with PennDOT? Mr. Csaszar said he's not sure when the next County meeting is, but he'll be the coordinator there and see if we can get an explanation and then some type of a plan. This one was totally ineffective.

Mrs. deLeon said can we send a thank you letter to Mark Walters for his help? Mr. Csaszar said Mark and his family took it upon themselves to clear a lot of trees off of roads voluntarily with his own equipment. He's sure that helped having someone out there to help. It was not prearranged nor contracted. He's in our plan for response if we need him. When Mr. Csaszar sends an event email to the County, he basically says we need help. There's a bunch roads closed here and can't get them open because of PPL or PennDOT. The County jumped on them and they put a little muscle behind it and then we started to see people show up. It took a little while. Mr. Kern thanked Mr. Csaszar for all he does. He's glad he's in the position he is in as it's tough. Mr. Csaszar said he just wants to help. Mr. Kern said we really appreciate it. Mrs. deLeon asked if PennDOT has to file anything with the County like the Township has to? Mr. Csaszar said he doesn't know. Mrs. deLeon said she'd like a list of their roads that were affected. Mr. Csaszar said he's sure there is something out there, and he'll try to find out the information. Mrs. deLeon said

she'd like to see some kind of a report from PennDOT on what was going on. Mr. Csaszar said he will talk to the County.

Mrs. deLeon said she has pictures of the bridges at the Saucon at different spots. She's amazed at the water banging on the Water Street Bridge. The force of the water hitting the bridge, they need to tell her that the bridge is okay and also the other bridges. We have the historic Meadows Bridge and the Old Mill Bridge. She's never seen it that bad. She thinks part of this was worse than Ivan. Mr. Csaszar said he thinks because parts of the water came up so fast and receded almost as fast. Mrs. deLeon said she was on Creek Road and you couldn't see the end, it was just all full of water. She asked Mr. Cahalan if someone was going to report to us on the bridges in our area? Mr. Cahalan said PennDOT was collecting information, on bridge scouring plans before the storm and he doesn't know if they collected afterwards. Mrs. deLeon said she'd like a response. She can forward the pictures to Mr. Cahalan. Mr. Maxfield said a couple of years ago we did a survey of the high flood prone areas in the Township and identified certain intersections. As he's been reading a little more, one of the things we should do is characterize the different kinds of events. After three or four days of rain, there are areas that are flooding that did not flood during Irene, and it builds up in different ways. We should categorize those particular areas per the type of event. That would make some sense and approach it in a more scientific way. Mr. Cahalan said possibly Mr. Garges could do mapping. Mr. Maxfield said that would work. It would be the recognition of how water builds over long events or flash floods. The Saucon in the eastern part of the Township during Irene never got close to jumping the banks. Now it's right on the edge and on Water Street, and it's right at the bottom of the bridge tonight. The Delaware is supposed to crest tomorrow between 4 PM and 6 PM so the tributaries are going to crest a few hours earlier. He heard a report from the National Weather Service out at Penn State earlier today saying there are thin bands of intense rain coming and it's shifting west and east and they don't know what we are going to get yet. We don't know how bad it's going to be for us yet. It's not over yet.

Mrs. deLeon asked if the bus that went onto Riverside Drive a tour bus for the casino? Mr. Csaszar said yes it was.

Mr. Kern said he'd like to thank Roger and the road department for all the work they did. Roger really did a great job. Mr. Maxfield said on both sides of the creek, that was a stroke of genius.

B. RESOLUTION #55-2011 – HONORING MARY ELIZABETH ANTHONY FOR HER GIRL SCOUT GOLD AWARD PROJECT

Mr. Kern said Resolution #55-2011 has been prepared recognizing Mary Elizabeth Anthony for achieving the Girl Scout Gold Award will be awarded for her work on the Native Plant Garden project.

A RESOLUTION RECOGNIZING MARY ELIZABETH ANTHONY FOR HER GIRL SCOUT GOLD AWARD PROJECT AT THE TOWN HALL NATIVE PLANT GARDEN

WHEREAS, Mary Elizabeth Anthony, a resident of Fountain Hill Borough and a member of the Girl Scouts, initially adopted the Native Plant Garden for a summer project in 2009; and

WHEREAS, during that summer Mary Elizabeth worked with a group of volunteers clearing weeds, laying down mulch and putting in wood chip pathways to re-open the garden for the first time since it was created in 2005; and

WHEREAS, for her Gold Award project, Mary Elizabeth was determined this year to finalize and enhance the design plan for the garden that was drawn up by Hans Reimann, Jr. in 2004; and

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WHEREAS, utilizing her friends and family members as volunteers, Mary Elizabeth mobilized her crew on several work days during this past summer to work on expanding the garden, adding eighty (80) additional plants and two (2) new nature paths; and

WHEREAS, through Mary Elizabeth's efforts the Native Plan Garden now includes educational signage and a solar powered water feature that is sustained by roof top rain water that is collected in a nearby water barrel; and

WHEREAS, for her efforts, Mary Elizabeth will be awarded the Gold Award, the highest girl honor in Girl Scouting.

NOW, THEREFORE, BE IT RESOLVED, that the Council of Lower Saucon Township, Glenn Kern, President; Thomas Maxfield, Vice President; Priscilla deLeon, Council Member; Sandra Yerger, Council Member; and Ronald Horiszny, Council Member; wishes to recognize Mary Elizabeth Anthony for the completion of her Gold Award project for the Native Plant Garden.

MOTION BY: Mr. Maxfield moved for approval of Resolution #55-2011.

SECOND BY: Mrs. deLeon

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

ROLL CALL: 4-0 (Mrs. Yerger – Absent)

Mr. Kern presented the resolution to Mary Elizabeth. Mrs. deLeon said we watched her grow up and it was great, thank you. Mr. Maxfield said Mrs. Yerger is not here tonight, but she sends her regrets and says she was very thankful for your work. On behalf of the EAC, he'd like to say thank you for your perseverance. It paid off and it's going to be there for years. It's a beautiful garden.

IV. DEVELOPER ITEMS – None

V. TOWNSHIP BUSINESS ITEMS

H. APPLEBUTTER ROAD DETOUR DISCUSSION

Mr. Kern said we are going to move this agenda item up. Due to planned repair and reconstruction of the Shimersville Bridge over the Saucon Creek, PennDOT and their contractor have notified the Township that Applebutter Road will be closed for approximately two (2) months beginning on or about October 1, 2011. This closure would detour traffic, including an estimated 100 – 150 trucks daily going to and from the IESI Landfill, over Easton and Lower Saucon Roads.

Mr. Cahalan said everyone is still here from Mr. Csaszar's presentation and Al Schleyer is here from the landfill. The Township was never directly informed by PennDOT about the closure. He got an email from Sam Donato on August 22nd. He had received an email notification from the City of Bethlehem. Normally, they do get notifications, but in this case, they weren't notified, so luckily Sam did notify Mr. Cahalan about this planned closure of Applebutter Road which none of us knew about beforehand. Last year the designer of this project, McCormick Taylor down south was required to post publicly a copy of the design plan for this project. They came into the Township and put something out in our hallway for about 30 days. While it was out there, he and Chief Lesser looked at it and all they saw was that the Shimersville Road bridge was going to be reduced to one lane of traffic. That's all the notice basically said. They removed that notice and they went on with the design plan. What he's assuming is at some point, they realized that the way the bridge is constructed, with one of the piers under Applebutter Road at the entrance to Shimersville Road that they needed to close the road in order to repair that. That was a surprise the way they were notified. There were no letters sent out to the businesses on Applebutter Road or the residents. The Police and Fire Rescue were never notified that this was going to be closed. The notice PennDOT just sent out in the last couple of weeks notified everybody that on the bridge itself, they are going to start repairs on that starting tomorrow and that will be reduced to one lane.

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The Applebutter Road closure they indicated that would be closed for a period of two months. They have different dates and we have to confirm that. The notice from PennDOT says that's going to start on September 16th but when Bob Mack from Hanover Engineering was at the meeting with the PennDOT engineer, they mentioned on or about October 1st. That's something that has to be clarified. When they found out about the meeting from Sam, Mr. Cahalan asked Brien Kocher to have one of his staff attend a meeting with the engineer and that was down at the trailer in Bethlehem. At that time, the information was given to the Project Engineer about the number of trucks per day using Applebutter Road going to and from the landfill. He's not sure that information was something that they were aware of. Neither was there any awareness of any idea of looking into some relocation of the Applebutter Road entrance so that vehicles could get in and out during the two month period. At the meeting, the engineer said there wasn't anything they could do about that project as it's planned to go ahead and there's been conversation from the Project Engineer from PennDOT and he basically said it's in the construction stage and they are going to go ahead with it. Based on that, Bob Mack from Hanover Engineering was contacting PennDOT to set up a meeting with all of our officials, and the emergency services people and he didn't get anyone in PennDOT to volunteer for that meeting, so Mr. Cahalan contacted representatives from Representative Simmons office, Representative Freeman's office and Senator Boscola's office. Dan is here from Representative Simmons office and he was able to get touch with someone from PennDOT. Mr. Cahalan got a call from Mr. Lepage who said he was the Supervisor. Mr. Lepage asked Mr. Cahalan to send him a draft agenda of some of the topics that they were going to discuss with them. He sent them the tentative agenda and as of right now, he has not heard from PennDOT about setting up the meeting. There's a copy of the tentative agenda in your packet. What they asked if they would be able to discuss the PennDOT notification procedures for road closures. No written notice was sent to Township businesses or residents. No public meetings were scheduled. The public information that McCormick Taylor posted last year did not mention the Applebutter Road closure. It just mentioned reducing the lanes on Shimersville Bridge. They would like to discuss the impact of the two month closure of Applebutter Road and the detour on Easton and Lower Saucon Road and on the businesses on Applebutter Road which are the landfill, Calpine Energy Plant and the Red Barn Automotive. They'd also like to discuss the impact of that closure on emergency services, the fire company at Steel City and other fire companies in the Township and Hellertown; the Dewey ambulance that comes out of Hellertown to service that part of the area, and our Police that have to access that area in the event of an emergency call. They'd like to talk about the impact of the detour, traffic on Township residents, and discuss alternative detour options for truck traffic that are coming west on Route I-78 to access the landfill. Also further discussion about opening the west end of Applebutter Road to one-way traffic.

Mrs. deLeon said this is a great start. She's looking forward to meeting and seeing what they have to say. She's just amazed in this day of technology that there was no coordination here. She's a little bit confused on where this bridge is. Is it the bridge on Shimersville Road or is it the bridge on Applebutter Road? Mr. Cahalan said the bridge on Shimersville Road. Mr. Kocher said it should be slide 52. There's a bunch of different departments in PennDOT and one is the design department, and one is the construction department. The project is now in the hands of the construction department. It's out of design. What the construction people are saying is it's a decision that had to be made during the design and if we want to do that, we have to stop the project. That's the position they've taken thus far. Mr. Kern said is it important enough to stop the project to keep one lane open so that the trucks can continue going into IESI, the regular route? Mr. Maxfield said it's not just the trucks going into IESI, it's the school buses, and other traffic. The problem is you have all that traffic on Applebutter Road and the re-route puts it into the traffic of the normal citizens who would use Applebutter Road. Everybody will be going out Easton and behind the slow line of trucks going up Lower Saucon Road and you know how steep that gets at the top and it's thin. Mrs. deLeon said we need to add the school district to this list as she doesn't know if they are aware of it. Mr. Maxfield said not only our school district, but Bethlehem uses it, private schools and busses for handicapped students. There are all kinds of people who use that road. Mrs. deLeon said if you were on Route 412 and you wanted to make your turn on

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Shimersville Road, are you going to be able to get through to the Freemansburg Bridge or is it going to be one lane? Mr. Kocher said he's sure there's work at 412 and Shimersville. Mrs. deLeon said in order to get to Freemansburg or into Steel City, you have to go past the sewage treatment plant. Mr. Kocher said Shimersville Road will be open on one side. It is now four lanes and it will be down to one lane. Mrs. deLeon said fortunately the mudslide didn't happen at the Narrows for this last storm, but it doesn't mean it isn't going to happen, so where's Plan B? The IESI's host agreement, the City of Bethlehem is supposed to provide fire coverage to the landfill, are they aware of this issue? Mr. Cahalan said the City of Bethlehem got the notification from PennDOT about this closure as the bridge is in the city. Mrs. deLeon said does that mean the city notified their fire company to tell them about this?

Mr. Kern said you are going to have 150 landfill trucks making a left at Cherry Lane. How is that even going to be possible? Mr. Cahalan said the lighting sequence would have to be changed. Mr. Maxfield said you'll have trucks across the intersection, and then if you go to the end of Cherry Lane, you'll have trucks at a three way stop. Mr. Kern said can we get a list of all the impacts to bring to this meeting with PennDOT and what's the best way to getting it back to the design stage and stopping the process? Mr. Kocher said the best approach is this direction. If we convince PennDOT officials that are here of the impact of the community, they need to take it to their superiors who will take it to the district executive. Mrs. deLeon said this is simply not right. She asked to be notified when this meeting is taking place as Landfill Liaison. She'd like to attend it. Mr. Maxfield said Route 412 is to be worked on also. That is the route that if trucks went the wrong way, they'd go the wrong way or they'd be hitting the traffic the right way. Mr. Kocher said he doesn't know about the timing of that.

Mrs. deLeon said there's PPC plan and it has if something happens to Applebutter Road, they are supposed to come in from the other way, which is Cherry Lane, Easton Road, Ringhoffer Road the back way. Al Schleyer said you have to go all the way up and around. Mrs. deLeon said is there another plan? Al said there is not another plan. Mrs. deLeon said this is unbelievable.

Mr. Rasich said something to make it work a little bit easier, and he doesn't know if it's an option at all, but instead of using the Cherry Lane corridor, is it a possibility to use the new industrial park? Mr. Cahalan said he asked that of Sam Donato and while they are working internally on that he said nothing is daylighted out to Applebutter Road at this point. Mr. Rasich said it comes out to Easton Road, which in turn would eliminate the problem with the traffic light and making that turn coming back out. In order to make that turn to head north onto Route 412 to get back on I-78, you are going to be across the street. Mr. Cahalan asked if they would go in Commerce Boulevard? Mr. Rasich said yes, which goes right out to Easton Road and they are both big wide easy made turns. Mrs. deLeon said when we were reviewing the site plan for the Majestic property, didn't they say it was supposed to go out to Applebutter Road and be an emergency road? Mr. Cahalan said out to Ringhoffer Road. Mrs. deLeon said she thought it was both of them. Mr. Maxfield said they wanted a special entrance off of Ringhoffer Road. They are moving soil there and have the whole thing blocked off. Mrs. deLeon asked Chris Garges to check that out tomorrow. Mr. Garges said previously there were two connectors there.

Mr. Maxfield said Mr. Rasich identified the problem area. Riding on those roads, the other problem road is the slope to get there is substantial and the road narrows and twists up close to the golf course. It would be very windy for a semi. It's not a good road. Mr. Kocher said that's why they chose that. PennDOT will only detour on to PennDOT roads and not onto local roads. Mr. Kern said what about Commerce Center? Mr. Kocher said that may not even be public yet.

Ms. Stephanie Brown said you may also want to consider that people who drive professionally for a living are always looking for alternative routes and will use GPS or MapQuest to find them when they know there is congestion. There will be trucks coming in from the Upper Saucon side of the township and going through those roads in the Township. Some of those roads are restricted to trucks. It may not be as a major concern, but it's still a possibility.

Mr. Kern said we have a direction. Mr. Csaszar said he doesn't know if the alternative makes sense or not, but can you divert the traffic coming from the east and get them off at the Williams Township interchange, take Industrial Drive, Island Park Road, down to Applebutter Road? Mr. Cahalan said that was one alternative suggested by Sam Donato. Mr. Maxfield said the only bad part of Island Drive would be at the bottom where it does that dog leg. That might be a little tough, but it's no worse than any of the turns on Lower Saucon Road.

Mrs. deLeon asked who would the correspondence the Township is sending out be addressed to? Mr. Cahalan said he is already in touch with PennDOT and he's just waiting for them to give him a meeting date. Mrs. deLeon said if you have to write a letter to PennDOT, we have to send it high up on the list. Find out the officials, who answers to who, so people know. We want to write to the right person. Mr. Kern said Mr. Kocher outlined the chain of command earlier. Mr. Kocher said your elected officials probably have done that. Some of the Senator's may even have gone to the district executives. Mrs. deLeon said she just wants to make sure they know what's going on here so it doesn't happen again. Mr. Kern said it was a communication issue at the design stage. If they would have discussed this with us, these issues would have surfaced on paper. They would have known about the traffic implications.

Mr. Cahalan will wait for PennDOT to get in touch with him so they can set up a meeting.

A. ZONING HEARING BOARD VARIANCES

1. MICHAEL BIRK – 3716 OLD PHILADELPHIA PIKE – VARIANCE REQUEST OF IMPERVIOUS SURFACE FOR ACCESS

Mr. Kern said the applicant is seeking relief from the maximum allowable lot coverage (25%) on his neighboring parcel so he may gain access to his parcel by constructing a driveway across the front corner of his neighbor's property. The applicant has legal access rights through an easement.

Mr. Michael Birk said he purchased the property at 1267 Seidersville. It had a plan already to have a driveway. It doesn't have a driveway right now and needs some kind of access to inhabit the building. He figured he would continue with the plan on record before he purchased the property that Base Engineering developed. He thinks part of this is the variance where some of the driveway is going to go on some of the neighbor's property. There is a right-of-way on the property and he needs permission to dig up a little more ground than he was allowed. That's why he is here. Mr. Kern said it's on the neighbor's property and by doing that you are increasing the impervious coverage allowable on the neighbor's property? Mr. Birk said yes, he thinks so, on the right-of-way area where he is allowed to have the driveway. Mr. Kern said it's less on your property or non-existent? Mr. Birk said he doesn't believe it affects his property. His property consists of two parcels that when he purchased it, they were deeded separately. Now they have been merged. He doesn't believe he needs any variances for his own property according to Mr. Garges. It's just the neighbor's property.

Mr. Maxfield said it's a reasonable request based on previous information. Before the settling of the property, there was some sort of agreement and he doesn't see that this will stand in the way at all. Mr. Kern said tonight's it's just a review before it goes to the Zoning Hearing Board. Council can offer an opinion to the Zoning Hearing Board and they can support it, oppose it or not take any action. Mr. Birk said he understands.

Council took no action.

B. DISCUSSION OF REPAIR/REPLACEMENT OF PUBLIC WORKS ROAD SWEEPER

Mr. Kern said Council asked staff to provide additional information on the Public Works road sweeper that requires repair or replacement.

Mr. Cahalan said at the last meeting, he had mentioned a replacement vehicle that he felt was more versatile than the road sweeper they currently have. It would have a feature to do the curbside pick-up of yard wastes. The reason he suggested that was he wanted to see if they could start taking some baby steps towards compliance with the DEP requirement. He didn't mean to imply that the vehicle would bring us into full compliance as that entails a lot of other requirements that they would have to meet in terms of picking up waste and banning the burning of those materials. That feature that was on the sweeper didn't affect the cost of the replacement. If the vacuum feature was reduced to just do to clean out the storm sewers, the price would still be the same, \$240,000.00.

Mr. Rasich said it's not a feature that is on there especially to pick up leaves. It's called a wandering hose and what that is, is it's on the 1999 sweeper that they are seeking to replace. What it allows you to do is clean out catch basins and things of that nature. It allows you to pick up leaves. Their existing machine is capable of doing that as well, but it is not a full leaf picker. It was not intended to be a full leaf blower. What it is intended to be is what exactly what we need, which is a street sweeper and a catch basin cleaner.

Mr. Cahalan said Mr. Rasich can fill in more details. The current sweeper is inoperable. In your packet, there is a list that says "1999 Elgin Geo-Vac Street Sweeper Repair List" and he can go over that with you. Mr. Rasich said No. 1 is repairs that would be needed to make the machine operational today. You could see the price is approximately \$16,000.00. The second are items that would need to be replaced in the very near future, prior to completing next year's spring sweeping. That's an additional \$15,000.00. Keep in mind that if we chose to do that, we still have a machine that is a 1999 model and it almost has 5,000 hours on it. To put that into perspective, that's two years worth of idling work that machine has given us since the day we purchased it. For spring cleaning, just for the roads from winter snow removal operations, we put on anywhere from 500 to 600 hours in a period of two months. Right now he desperately needed that street sweeper for several projects, and one of them was for the Hurricane Irene cleanup. They went through with a broom mounted on front of a backhoe, which is their only other means and blew it off the road, which is by no means the best case scenario. They don't want to put it back into the gutters where it just came out of. They want to get rid of it. The other thing they did was from their oil and chip summer road projects is to sweep that material up. They were able to utilize Hellertown's broom to do that. They came out and gave us the courtesy of doing that; however, Hellertown's broom is not capable of doing what our existing one normally does or what we need the new one to do which is exactly the same. The only difference is they improved the design on it slightly to allow it to pick up fluffier, lighter materials more efficiently without getting blocked. Hellertown's broom is a mechanical machine. It has no vacuum capabilities whatsoever. It cannot clean out a catch basin or inlet or pipe. Our machine is a truck mounted vacuum and fully capable of doing the legal speed limit down any road to where it needs to be. Hellertown's machine is a three wheel hydrostatic drive which has a top speed of about 20 to 25 MPH. To get it from here to Steel City, it would take forever. It's not really suited to our needs. The last one is they need the broom when we need the broom; after a storm for the clean-up. It's the same with Upper Saucon. They are more than gracious to assist us when they can, but we all need that particular machine for spring clean-up for a two to three month period, for summer road projects, for storm clean-up. That's when they need it as well. Mr. Maxfield said that's just \$30,000.00 to repair. A new truck was going to cost about \$245,000.00. He asked how long Mr. Rasich thought a new truck would last? Mr. Rasich said he would say about ten years, which is what this one was actually supposed to be replaced. It's been on the replacement rotation since 2009. Since 2009, they have put a very considerable amount of money into that machine to keep it on the road. He doesn't have that breakdown with him, but he can easily get it. They put two transmissions in it. This year was a radiator, a wandering hose, and

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these are all items which are very expensive, and it's because we need the machine, so they've been just band aiding it to keep the machine on the road to get them through another year, another year, another year. One of their most major problems with it now, on Item No. 2 D on the repair list, it says the main hopper needs silver plating. That is from the abrasiveness of the stone and cinder and debris over the years, it's actually worn right through the silver plating. They have patched it some, but in order to keep it, it would have to be much more extensive.

Mr. Kern said his main concern when it was presented at the last meeting, was the cost to repair it at \$30,000.00 versus a brand new one at \$245,000.00. What he's hearing tonight is the \$30,000.00 really isn't going to bring it up to snuff? It's just going to patch it a little bit more? Mr. Rasich said absolutely. It's still a 1999, and that machine has two engines in it. It has an engine for the truck and an equally large engine for the vacuum itself. The part that broke on this was the fluid drive coupler which takes the motor and turns the impeller and proportions that together. The motor is still a 1999 and so is the truck motor and the chassis. That would not be made new if we put the \$30,000.00 into it. It would still be a 1999. Would the motor go a year or five years? That would be a guess. Mr. Maxfield said would it be resellable at all? Mr. Rasich said going by the supplier on a state contract, which is the Grand Turk Equipment Company, they feel that as is, we would be very hard pressed to get about \$15,000.00 to \$18,000.00 for it; however if we replace just the fluid drive coupler, they think we will then bring it up and get \$35,000.00 to \$40,000.00 for it. We would get our money back and he's strongly recommending we replace the fluid drive coupler even if Council chooses to replace the machine. If we order a brand new machine right now, there's a very good chance we will not see it before May, so that would go from now until May that he wouldn't have it, and like he said, during Irene and the storm last night, today, that machine would not have shut down. It would have been out there the whole time.

Mrs. deLeon said she has a better idea of what else the machine can do rather than the last meeting. Mr. Kern said he was under the impression that the \$30,000.00 would give it a long, long life, and this was on the replacement schedule anyway. The money is in the budget for it anyway. Mrs. deLeon said you've held off for three years? Mr. Rasich said it was put in the 2009 budget and through Council and the Manager it was decided not to purchase that machine. Then it went back on to the 2010. Mr. Cahalan said we submitted a casino grant with Hellertown for this machine. Mr. Kern said the fluid couplers are what would bring it back into service. Mr. Rasich said that would be just under \$16,000.00.

Ms. Gorman said there are two different areas where you can take the money from. You can take it from the General Fund or you can take it from the State Fund. Either way, for that amount of money, we would require a resolution to take some of it out of contingency which you would see at the next Council meeting. Mrs. deLeon said how could it be in the budget and you'd have to take money from contingency? Ms. Gorman said buying the vehicle is in the budget. We budget \$25,000.00 for maintenance out of State Fund and General Fund for Mr. Rasich's vehicles and equipment. This \$15,000.00 we are running towards the end of the year and Mr. Rasich is in line with the budget for the vehicles. This expense is going to be an unanticipated expense. Mr. Rasich said the new broom they are requesting Council to purchase is covered under the budget. What isn't is to replace the fluid drive coupler. That amount would come out of their vehicle MMR accounts which are in State and General Fund and because of the large amount of it, there's not enough money in it to cover and still allow maintenance for the Township fleet for the remainder of the year. Mr. Maxfield said if we were to do the fluid coupler, replace it, sell the vehicle, that would make the profit and we could put it back into the vehicle repair fund. Mr. Rasich said whatever you would choose. You would not realize that return until the new truck comes in, which could be as late as May. He's getting conflicting information on when the machine is due. He's been told the chassis they normally use for that machine has been backordered back to May; however, they were looking at another chassis and if they do that, they would have it in earlier. He's saying the latest would be May. Selling it, his recommendation would be to go the route they sold the last dump truck to another municipality which worked out extremely well and it still will be a service to that community. Mrs. deLeon said if it's ordered in 2011, when do you cut the

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check for it – 2011 or 2012? Ms. Gorman said 2012. Mrs. deLeon said then it would be put back into the budget again and rolled over for starting funds next year. Ms. Gorman said right. Mr. Rasich said he would like to see a motion to do the repair and also order the new machine. Mr. Maxfield said if we are going to do one, we might as well do the other. Mrs. deLeon said you are going to be spending this money anyway to make it last until you get the new one. Ms. Gorman said you'll be seeing it back in return of investments. Mr. Rasich said they are saying on the sale of the vehicle, the machine's value is \$15,000.00 to \$19,000.00 and with that repair \$35,000.00 to \$40,000.00. That's what they are telling him and that's what he provided to Mr. Cahalan in writing.

MOTION BY: Mr. Horiszny moved for approval

SECOND BY: Mr. Maxfield

Mr. Kern asked if anyone had any questions or comments? Mrs. deLeon said shouldn't we do two motions?

ROLL CALL:

MOTION BY: Mr. Horiszny revised his motion for approval of the fluid drive coupler expense for the sweeper truck not to exceed \$16,000.00.

SECOND BY: Mr. Maxfield revised his second.

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

ROLL CALL: 4-0 (Mrs. Yerger - Absent)

MOTION BY: Mr. Maxfield moved for approval to purchase the new sweeper truck not to exceed \$250,000.00.

SECOND BY: Mr. Horiszny

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

ROLL CALL: 4-0 (Mrs. Yerger - Absent)

Mr. Maxfield asked Mr. Rasich to give some sort of breakdown of what it would cost for the generator for Public Works. Mrs. deLeon said that should really go into this year's budget or if there is money somewhere else, it should be looked into. Mr. Rasich said he does have a generator in the Public Works Department, but it's not large enough to run all of the Public Works, and he wouldn't even recommend getting something that size if we are going to do this. It is certainly capable of running the fuel pumps, and it did run the fuel pumps under the old system. When they did this and got through it, it was oversight to go and make this up. It's not a sophisticated generator like Town Hall. It's a portable generator that they back feed their panels through. It certainly isn't anyway as good as if we would have something that has the automatic transfer switch. It does present a little bit of a problem for them to get going on that, and the reason is, they can't open the doors. Until you get ladders up there to reach the emergency releases to get the doors open, it's a little bit trying. It certainly would be a good thing to look into. Mr. Maxfield said the existing one would make a good backup generator. He's interested in what we could do there.

C. DISCUSSION REGARDING DCNR GRANT AWARDED FOR POLK VALLEY PARK MEADOW PLANTING

Mr. Kern said in conjunction with the Heritage Conservancy, the Township applied for and was awarded a \$20,000 grant for converting the upper turf area in Polk Valley Park to a wildflower meadow. Due to DCNR rules requiring a signed and sealed design certification by an engineer/landscape architect for the project, which Heritage staff is unable to provide, we are unable to acquire the funds from DCNR to complete this project. Staff would like to discuss other options with Council.

Mr. Cahalan said Ms. Gorman has been working on this for three years to try and get the rest of the \$20,000.00 from DCNR. The standoff is because of this signed and sealed design plan. They

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found out this past February that Heritage Conservancy does not have staff who can provide that type of certification. Without that, DCNR is telling us that we can't get the rest of this grant. Ms. Gorman said we did request 50% because based on the grant application, part of it was for the work that was already contracted and done, the plantings and part of the dog park installation. She submitted those bills as the 50% to get the funding to get it started and they received the signed and sealed plans for the part that Boucher & James did, but they were waiting on the one section where Heritage was going to work on the wetland area. Mrs. deLeon asked if that was spelled out in the language in the grant, did anyone know about that from the get go? Mr. Cahalan said it's something that's in the grant application. Ms. Gorman said it is itemized in the grant application. She's not exactly sure whoever submitted the grant at the time as it was awhile ago, if they had someone who was capable of doing that. Mrs. deLeon asked if they couldn't hire someone to just do that part? We didn't do the application, they did the application. Can't we ask them to do that so it's not holding it up? Mr. Cahalan said we submitted the application, but Heritage Conservancy helped us submit the application. Heritage Conservancy was going to take the lead on doing some of the design and planting and some of the educational aspects that went with the meadow. They have done some work and they have done some components, but apparently we have learned they don't have a staff member who can seal or sign these plans. The alternative would be for them to go outside their firm to get somebody. We could do that too using Boucher & James. Mrs. deLeon said can they reimburse us then for that cost? Mr. Cahalan said we have the \$10,000.00. If we want to go forward with this, unfortunately, he doesn't think we can do it with Heritage Conservancy since they can't produce the plan. We would have to tell them we no longer need their services on this grant. They do have some costs, which is about \$3,000.00, which we would recommend that we pay as they did it as part of the award process. To go forward and complete the planting, would require a design plan which Ms. Stern Goldstein has indicated Boucher & James can do. She gave us an original memo of 08/29/2011 and it had the Phase III Meadows Restoration billing estimate. Then she also added an email dated 09/01/2011 where she indicated the project could be rolled into the design for Phase III for Polk Valley Park. They've done Phase I and are Phase II is planted. Phase III was part of the concept that Boucher & James developed for the Township for Polk Valley Park, but we haven't put together the actual bid documents or cost estimates to bring them to Council. What Ms. Goldstein is saying is this could be rolled into that project at some point in the future. What they are recommending is to notify Heritage that we can no longer work with them under the grant, and the best course is, if we get Ms. Stern Goldstein to do the signed and sealed plan, it will actually cost us almost \$20,000.00 to get \$10,000.00. Ms. Gorman said that's basically what it comes down to. Mr. Cahalan said we would also owe Heritage \$2,000.00, so that's \$20,000.00 we would have to put out, and we're only getting \$10,000.00 from DCNR. Mr. Kern said that's not a good deal.

Mr. Cahalan said what they recommend is to notify Heritage we would no longer work with them and tell DCNR we do not want the \$10,000.00 and we would have to return the \$10,000 we received back to DCNR in order to finish up this grant. Mrs. deLeon said are there report deadlines on this? Ms. Gorman said we received an extension, and the latest would be November 2012. That's when it has to be completed. Mr. Cahalan said we could move ahead, but it would involve getting Boucher & James put together a design plan. Eventually, it has to be done. Ms. Stern Goldstein is saying \$12,000.00 on the first memo and then if you agree to pay Heritage, that's \$3,000.00 for the work that they've done, so that's \$15,000.00 that we would have to put out in order to get a signed and sealed design plan to send to DCNR. Once we do that, we can keep the \$10,000.00 we've already got and we can get the second half of the grant which is \$10,000.00. You're out \$5,000.00 under that. Ms. Gorman said that's not including the actual installation and the educational components which was part of that grant application.

Mr. Kern said the end result is a meadow restoration? Mr. Cahalan said upper meadow naturalization above the parking lot. Mr. Kern said involving what? Mr. Cahalan said seeding and planting of grasses and other types of plants. Some of it around the fringes has already been taken care of by volunteers and by the Township. They removed some invasives. This would be a seed mix which would require a herbicide application to kill off some of the things that are not wanted

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and it would beautify the upper portion of the park. Mr. Kern said what if we just abandon everything and let nature naturalize the upper meadow? Mr. Maxfield said right now it's full of a lot of ragweed, multiflora. It's not going to be pretty. Mrs. deLeon said what did this cost us initially, as a Township, to do this grant? Mr. Cahalan said nothing to submit it. The long story is we submitted it and it also included the dog park and DCNR came back and said if that's part of the grant, you have to put in an ADA walkway into the dog park. We asked them to remove that from the scope as we got a reduced award of only \$20,000.00, and we wanted to focus on just the meadow planting. It hasn't cost us anything up until now. As Ms. Gorman said we actually got \$10,000.00 which we used to pay a contractor who did work in the park. Mr. Horiszny said if we don't complete the rest of the work, we have to pay the \$10,000.00 back? Mr. Cahalan said correct. Mr. Kern said if we abandon it, there is a cost involved? Mr. Cahalan said yes, it means we are terminating the grant and returning the money to DCNR. Mr. Kern said the cheapest alternative is the \$5,000.00. Mr. Cahalan said correct. Mrs. deLeon said and paying Heritage \$3,000.00. Mr. Cahalan said it's \$15,000.00 and then if you get the signed and sealed plan, we keep the \$10,000.00 we have, and we can get the second \$10,000.00 from DCNR. We're \$15,000.00 out, \$10,000.00 back. We'd lose \$5,000.00. Mr. Maxfield said if he remembers way back before Heritage got involved in this, there was a preliminary upper meadow plan already included. Not specific plantings or anything like that, but the area designated as a meadow, that sort of thing. Mr. Cahalan said they checked that with Ms. Stern Goldstein and she said she consciously avoided that area. Mr. Maxfield said wasn't there a plan for trails going through it? Mr. Cahalan said the grass trails around where the rocks are, but not the meadow.

Mr. Kern said the only outstanding thing he's uncomfortable with is paying Heritage \$3,000.00 where to him it sounds that they were responsible for creating the situation to begin with. Mr. Cahalan said they did the work in good faith. We're dealing with someone who did not put the grant together back in 2006. That person cannot do the signed and sealed plan, but they did have staff come up and they did do some work on this project in good faith expecting they would be reimbursed as part of the grant. Mrs. deLeon said she's still confused if they had an engineer working for them. Who would sign off the plan? Mr. Cahalan said either a licensed engineer or a landscape architect. We assumed we were meeting all their requirements for the DCNR grant. Mrs. deLeon said she hopes all our other grants aren't like this. Mr. Cahalan said they never had a grant like this. Mr. Maxfield said what's the least amount this is going to cost us?

Mr. Cahalan said it will cost you \$12,000.00 for Boucher & James design plan in the memo from Boucher & James dated 08-29-2011. She gave an estimated cost of \$12,000.00. If you approve that, we can send in the plan to DCNR and get \$10,000.00 back, so you are out \$2,000.00. If you agree to pay Heritage, you owe another \$3,000.00. Mr. Kern said if we do provide that plan, are we guaranteed to get that money from DCNR? Ms. Gorman said once the project is completed. The plan would have to be submitted. They would have to approve it and then the work would have to commence to get it installed and once they are done, then we would get the final payment. Mr. Kern said how much would installation be? Mr. Cahalan said what they are recommending is get the plan and hold off on the installation until we do Phase III of the park. We still already had a problem with the other contractors and their maintenance period. That's another thing we had to work around here. Ms. Gorman said that was one of the reasons why we filed for the extension to begin with as the time period was approaching. The maintenance period from the last contractor was already expiring and we didn't want other volunteers and contractors going in there and confusing and making a mess of things. When she spoke to the gentleman from DCNR, he recommended instead of just going for an extension to end the maintenance period, which is at the end of this year. He recommended filing it to the maximum amount so they don't have to go through the process again and go to the far end which is November 2012. He said any of the issues or problems, you'll have time and we won't have to go back to them asking for another extension. Mrs. deLeon asked if they always give extra extensions or just give one? Ms. Gorman said it depends on what you are asking for. Her impression from the gentleman was this was the furthest out they could go. Mr. Horiszny said if we get the \$12,000.00 work from Boucher & James, is there the possibility we could volunteer ourselves to plant this meadow? Mr. Cahalan said some of

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the other tasks were easily accomplished by volunteers, but this something you would probably bid out to a contractor who could do that type of work. Ms. Mallo said the recommendation was to allow the EAC to take over the educational components rather than hire someone, and that be the in-kind services of volunteers from the Township. Mr. Cahalan said the seeding and the planting they would need a contractor to do and the herbicide would have to be a licensed contractor. This would be required under the maintenance period to make sure that everything was in good shape. Mrs. deLeon said she wouldn't want volunteers doing that aspect of it. It needs to be a professional.

Mr. Maxfield said what kind of maintenance are we looking at, years out like at Southeastern? What is our typical maintenance period? Mr. Cahalan said 18 months, once you get final acceptance. Mr. Maxfield said would that be sufficient to establish it as a wildflower meadow? Ms. Mallo said although she is not a Landscape architect, she is a planner, 18 months should be sufficient. That allows for a minimum of two growing seasons for it to be established. Mr. Horiszny said if we do go along with the \$12,000.00 plan, then next year (**COULD NOT HEAR**). Mr. Cahalan said if you go ahead with the Phase III, there will be a lot of plantings included in that and there will be one bid document and the contractor would handle that and it would be under one maintenance period. Mrs. deLeon said it's going to be paid for by the Township, there's no grant out for that? Mr. Cahalan said no. Ms. Mallo said Phase III plans have not been fully designed. Mr. Cahalan said there's a concept plan. Ms. Mallo said before the discussion of the grant was included, the Phase III project alone was estimated to cost approximately \$11,800.00. Mr. Maxfield said can the plans be prepared as a preliminary or addendum to the Phase III plans and be incorporated later? Mr. Cahalan said she could do that which would suffice for DCNR's requirements, and yes, that could be rolled into the overall Phase III plan and execution and bidding. Ms. Mallo said that Ms. Stern Goldstein had prepared a cost estimate in an email that would combine the projects costing \$17,500.00. Mr. Cahalan said it's actually \$17,500.00 if you rolled it into Phase III, so it would be another \$5,500.00. Ms. Mallo said yes, that is correct. Mr. Maxfield said that would be something we could spread out. Mr. Horiszny said (**COULD NOT HEAR**). Mr. Cahalan said the \$12,000.00 would be for the design plan from Boucher & James to do that and then submit that to DCNR and then request a final approval of the DCNR grant. If they do that, they give us the \$10,000.00 and we're only out \$2,000.00 at that point. Then left hanging is the issue of paying Heritage.

- MOTION BY:** Mr. Horiszny moved for approval of the \$12,000.00 to Boucher & James for the certified design plan for the upper meadow of Polk Valley Park.
- SECOND BY:** Mr. Maxfield
- Mr. Kern asked if anyone had any questions or comments? No one raised their hand.
- ROLL CALL:** 3-1 (Mrs. deLeon – No; Mrs. Yerger - Absent)

D. DISCUSSION REGARDING NURSERY/TREE FARM ZONING CLASSIFICATION

Mr. Kern said Council asked staff and consultants to bring back additional information regarding the classification of nurseries and tree farms in the Township's Zoning Ordinance.

Attorney Treadwell said this comes from back in the late spring. He doesn't want to get into the specific Notice of Violation (NOV) that we discussed previously, but what came up with that discussion at the meeting was a question as to whether the way the Township zoning ordinance is written, it has a separate ordinance use which is a combination of commercial/growing of plants versus a farm use. What we wanted to do was show you why we think they should remain separate because some statements were made that we should roll the nursery use into the agricultural use and consider it all agricultural. If you recall, back during that discussion, there was an issue as to whether the Township was violating the ACRE regulations and we had a determination come from the Attorney General's office that they weren't going to take any action although their letter did leave room open for any person agreed to take action against the Township. The pictures kind of show the difference between, as a staff, why we feel the photo on the right is an agricultural use

more in the tree farm concept whereas the photo on the left is more of a nursery use as it's pretty clear from that photo that those trees weren't grown originally on that property. They appear to have come from a different location and have been placed there temporarily awaiting sale or transfer to someone else. The one on the right, your zoning ordinance would define as an agricultural/farming use, whereas the one of the left would be defined as a nursery. From his point of view and the staff's point of view, we don't think you should make any changes to your zoning ordinance because we think it's covered and the reason why we like it the way it is, is because of the difference you see in the photographs. We wanted to bring you an update and let you know staff thinks the ordinance should remain the way it is. If you want to leave it is, you don't need to take any action. If you wanted to change it, they would then need to take some action to draft an amendment to the zoning ordinance.

Mr. Kern said looking at something he researched in the past, New York state addresses this issue. It says the department considers agricultural commodities produced on a farm to include any products that may have been produced by a farmer in his or her farm operation from roots, stocks, seeds, plugs or other immature plants or mature plants that have been planted in the ground at the nursery or transplanted in the larger containers and cared for and grown on the property for one year or longer. Attorney Treadwell said he remembers from reading it that the one year longer was the phrase that stuck out in his mind as it doesn't appear that any of the stock in the picture on the left would make it a year if it remained in that state. Mr. Kern said what this is saying in New York law is that it is considered legal by saying transplanted into larger containers and cared for and grown on the property for a year or longer. Attorney Treadwell said the one on the left is not going to make it for the year. He doesn't believe that tree is going to live for a year in that state. Mrs. deLeon said the balls in the hole and they are not covered and it doesn't look like it's planted. Attorney Treadwell said the ones on the right clearly look like they were planted from an infancy stage and are currently growing and will last a year or longer on that property. Mr. Maxfield said he would not consider them not really planted at all. They are just stuck in the hole. Attorney Treadwell said he doesn't think the ones on the left are going to grown unless you take the burlap off and let the roots spread out. Mr. Kern said the consensus is let the ordinance the way it is. Attorney Treadwell said the discussion was more of a general situation. Would you want to have taken what appears to be the operation on the left and call that agricultural? The point was the one on the right looks like agricultural and the one on the left needs to have a different category and that's what your ordinance calls a nursery. Mr. Maxfield said he doesn't think the ordinance is onerous. Mr. Kern said the argument is – is a nursery agricultural, a farm? Attorney Treadwell said in your zoning ordinance, it's under your agricultural section. There are just different requirements. For a farm, you don't have to have a site plan. It's a farm. For a nursery, it's permitted in the agricultural district, but you have to meet a couple more requirements because as you see, the difference in those pictures, if you are going to bring in trees with balls on the bottom and just drop them wherever you want, you need to show how you are going to do that as opposed to the farm on the right which appeared to have a much more orderly planting type concept.

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

E. REVIEW AND APPROVAL OF SAUCON RAIL TRAIL INTERMUNICIPAL AGREEMENT

Mr. Kern said the Solicitors for the four (4) municipalities that share the Saucon Rail Trail have reached agreement on an intermunicipal agreement which will provide a framework and mechanism for the communities to supervise and maintain the Rail Trail.

Attorney Treadwell said he believes Hellertown has already adopted this. You will be the second if you do so tonight, and then Coopersburg and Upper Saucon would hopefully follow. This is the intermunicipal intergovernmental cooperation agreement which basically creates a commission to provide advice to the four municipalities for the Saucon Rail Trail. It's got the creation of the commission, the members, how they get appointed. One of the things we were stuck on for awhile

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which they finally resolved was the contribution you see on page 4 of 7 which talks about each partner contributing initially the sum of \$1,000.00. Instead of having the Rail Trail Commission having to come back to all four municipalities every time they want them to spend \$100.00 or \$200.00, this at least gives them some seed money to do some things. Larger expenditures would need to be approved by each of the four municipalities. Mrs. deLeon said did you copy off of another intermunicipal government for Rail Trails? Attorney Treadwell said this came from Upper Saucon. They drafted it. He doesn't know where it came from. Mrs. deLeon said she wonders why they call it a commission. A committee would have been better as a commission sounds like there's power and more of a Council type thing. Mr. Maxfield said the EAC pointed out that committee technically is an addendum onto an existing body. Mrs. deLeon said it would be a sub-committee. Mr. Maxfield said the term sub-committee is redundant. Mr. Cahalan said most of it came from the Ironton Rail Trail Commission. That was a commission, so the members were called Commissioners. Mrs. deLeon said did they have more power than this committee? Mr. Cahalan said no, it was the same type of structure. Mrs. deLeon said they report to a governing body? Mr. Cahalan said yes.

Mrs. deLeon said under e., it talks about meeting attendance. Is this in conflict with their administrative code because it says their failure to attend more than 50%. Our code doesn't say that. It just says consecutively scheduled meetings without good cause. Would that be a problem since we are supposed to follow our administrative code? It's kind of more restrictive. Attorney Treadwell said he thinks this said the commission may recommend the removal of any member for cause, which would then come to you, as a Council, if it was one of your appointees, to then deal with the recommendation however you wanted to at that time. They could recommend it if failure to attend more than 50% of regularly scheduled meetings during the year or three consecutive regular meetings. Mrs. deLeon said our code doesn't say the 50%. Attorney Treadwell said he did not look at this clause versus your code. Even if the commission were to make a recommendation to you as a Council, you could say thank you very much, but no, we're not going to remove that person.

Mrs. deLeon said on page 4 of 7, c. would that be binding future Councils, are we allowed to do that? Attorney Treadwell said it's a six year term, but a municipal partner can withdraw at any time by just giving sixty days notice. Mrs. deLeon said so it gives us an out. Attorney Treadwell said yes. Any future Council, newly elected people could say here's your sixty days notice, we're done.

Mrs. deLeon said on c., it talks about the expenses, and she's no talking about materials used for the rail trail, has the committee or commission spent any other monies? Mr. Cahalan said no, other than what was expended individually by each of the three municipalities. Mrs. deLeon said they really haven't recommended any expenses to be paid or reimbursed? Mr. Cahalan said they did make a recommendation. They've been hampered because this agreement was not adopted. There have been some things like the logo and some of the signage that had to be handled on an individual basis. The municipalities paid for that as part of the development of the trail. This will allow them to cover some administrative expenses. One of the big things is a website to try to get that up and running so people can get information about the trail operation and some other small items like that which could be covered through that budget.

Mrs. deLeon said this isn't part of this, but did you know there was flooding on the rail trail? Mr. Cahalan said our portion did take on some water especially at Meadow's Road.

MOTION BY: Mr. Maxfield moved for approval of the Saucon Rail Trail Intermunicipal agreement.
SECOND BY: Mr. Horiszny
Mr. Kern asked if anyone had any questions or comments? No one raised their hand.
ROLL CALL: 4-0 (Mrs. Yerger - Absent)

Attorney Treadwell said you will see this again with a brief ordinance to adopt this agreement once all the other municipalities approve it. They didn't want to put it into ordinance form if one of them says they are not going along.

F. RESOLUTION #54-2011 – APPOINTING LIAISON WITH NORTHAMPTON TAX COLLECTION COMMITTEE

Mr. Kern said Resolution #54-2011 appoints and designates the Township Manager and Finance Director as the authorized representatives to request and receive tax information records from the NTCC or the Keystone Collection Group who has been appointed as the Tax Officer for the Northampton County Tax Collection District.

A RESOLUTION OF THE COUNCIL OF THE TOWNSHIP OF LOWER SAUCON OF NORTHAMPTON COUNTY, PENNSYLVANIA, APPOINTING AND DESIGNATING A LIAISON BETWEEN IT AND NORTHAMPTON TAX COLLECTION COMMITTEE AND ITS TAX OFFICER FOR THE EXPRESS PURPOSE OF SHARING CONFIDENTIAL TAX INFORMATION WITH LOWER SAUCON TOWNSHIP FOR OFFICIAL PURPOSES

WHEREAS, the Pennsylvania Local Tax Enabling Act (LTEA), 53 P.S. Sec. 6924.101, et seq., requires and empowers the Northampton Tax Collection Committee (NTCC) to provide for local earned income tax (EIT) collection in the Northampton Tax Collection District (NTCD); and

WHEREAS, Lower Saucon Township is a constituent member of the NTCD; and

WHEREAS, NTCC has appointed, and contracted with, Keystone Collection Group (Tax Officer) as the private agency responsible for EIT collection in the NTCD; and

WHEREAS, Sec. 6924.514 of the LTEA, 53 P.S. Sec. 6924.514 provides that information gained by a tax officer, or any employee or agent of a tax officer, or of a tax collection committee as a result of any declarations, returns, investigations, hearings, or verifications shall be confidential tax information; and

WHEREAS, Sec. 6924.514 prohibits, except for official purposes or as provided by law, the Commonwealth, any political subdivision, tax collection committee member, tax officer, or employee or agent of a tax officer or tax collection committee from divulging or making known confidential tax information, inter alia; and

WHEREAS, Sec. 6924.514 further provides criminal and civil penalties, including loss of employment, in the event of violation of its confidentiality requirements; and

WHEREAS, the NTCC and Tax Officer request the passage of a Resolution by the Council of Lower Saucon Township (Township) appointing and designating the specific representative on behalf of Lower Saucon Township to request and receive confidential tax information on behalf of Lower Saucon Township for official purposes, and absolving the NTCC and Tax Officer from any liability in connection with the release of said confidential tax information to such individual.

NOW, THEREFORE, BE IT RESOLVED:

1. The Council of Lower Saucon Township hereby appoints and designates the Township Manager and the Director of Finance as the Township's authorized representative to make requests upon, and receive any and all tax information records from, the NTCC or the Tax Officer relative to Lower Saucon Township's EIT collection, as desired and deemed necessary by the Authorized Representative on behalf of the Township to be used for official purposes only, or as provided by law.

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2. The NTCC and Tax Officer are hereby authorized and directed to provide and/or transmit any and all tax information and records, or any portion thereof, relating to the collection of EIT taxes for Lower Saucon Township, upon request, to the Authorized Representative as the authorized representative for the Township. Requests by the Authorized Representative shall be considered requests for official purposes, or as provided by law.
3. The Authorized Representative is further authorized to release Township confidential tax information to the NTCC and Tax Officer for the purpose of the administration and collection of the Township's EIT.
4. Lower Saucon Township hereby agrees to save harmless, indemnify and/or absolve the NTCC and Tax Officer from and against any and all liability in connection with the release of confidential tax information to such Authorized Representative.
5. A certified copy of this Resolution shall be provided to the NTCC and Tax Officer, both of which may rely upon the Resolution and designation contained therein on an ongoing basis until they receive a written notice or certified Resolution to the contrary from Lower Saucon Township.

Mr. Cahalan said this is another piece of the combined steps that each of the municipalities and school districts have to take to be part of the district and this is just as it says, giving he and Ms. Gorman authorization to receive and to release tax information to Keystone Collection, which is the new collector of the EIT and also to the tax district.

Mr. Horiszny said should representative be plural? Mrs. deLeon said that would be more clear. Mr. Cahalan said Ms. Gorman was given this by the committee. It's the uniform resolution every municipality was asked to adopt. Ms. Gorman said this is the uniform resolution. It was actually developed by the TCC and everyone is supposed to approve it. You can have any one or a specific person listed. It could be one person, it could be two, whatever the municipality wanted. They felt it would be best not to designate anyone specifically, but the position, and that way you don't have to come back and do it every time somebody changes a position. She sees no reason why they can't modify the grammar. Mr. Cahalan said they can add an "s" to the grammar. Mr. Maxfield said an "s" in parenthesis.

MOTION BY: Mr. Horiszny moved for approval of Resolution #54-2011, with changes.
SECOND BY: Mr. Maxfield
Mr. Kern asked if anyone had any questions or comments? No one raised their hand.
ROLL CALL: 4-0 (Mrs. Yerger - Absent)

G. KINGSTON PARK – ELLA’S GARDEN – AUTHORIZE PAYMENT TO AMERICAN NATIVE NURSERY AND ENTER INTO MAINTENANCE

Mr. Kern said the Township Planner has completed a site inspection of the Ella's Garden planting and is recommending that final acceptance be granted and the 18-month maintenance period begin. Mr. Cahalan asked Ms. Mallo to go over the September 1, 2011 letter? Ms. Mallo said basically Valerie had gone out and done a site inspection, and there were three items. One was the Nyssa Sylvatica is dead and that would be for \$350.00. Another one is Myrica Pennsylvanica is dead and that would be for \$65.00; and ten of the Lindera Benzoin are dead or are in very poor health and that would be for \$650.00. Those were the three things that would be held back from the maintenance bond for a total of \$1,065.00.

Mr. Kern said what are you looking for from Council? Mr. Cahalan said to enter into the maintenance period. Mr. Kern said how much? Attorney Treadwell said the contract price minus the \$1,065.00 for the things that need to be replaced. Mr. Maxfield said will we then pay them once they redo the plantings or will we just do the plantings? Attorney Treadwell said they will do the plantings and we will pay them after they do it.

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MOTION BY: Mr. Maxfield moved for approval for payment minus the \$1,065.00.
SECOND BY: Mr. Horiszny
Mr. Kern asked if anyone had any questions or comments? No one raised their hand.
ROLL CALL: 4-0 (Mrs. Yerger - Absent)

MOTION BY: Mr. Maxfield moved for approval to enter into the maintenance period.
SECOND BY: Mrs. deLeon
Mr. Kern asked if anyone had any questions or comments? No one raised their hand.
ROLL CALL: 4-0 (Mrs. Yerger - Absent)

I. REPAIR OF FLOORBOARDS IN HELLER HOMESTEAD ART GALLERY

Mr. Kern said the Saucon Valley Conservancy notified the Township that the spacing between the plank flooring in the first floor room used as an art gallery has become a safety issue. The Township contacted the Pennsylvania Museum and Historical Commission for recommendations on the appropriate repairs to the flooring and received a response on August 17, 2011.

Mr. Cahalan said those documents are included in the packet and a letter he sent on August 5th to Karen Arnold at the PHMC and her response was received on August 17, 2011. She outlines two or three suggestions for addressing the floor boards. Mrs. deLeon said she found her letter very interesting as she had no idea that these fixes were out there for fixing a historic floor. They have put a little round table in the art gallery so people aren't walking on top of that as a temporary thing. Their next business meeting is in October, so she will bring it up to them then. What can we do here? Mr. Kern said one suggestion is to solicit cost for repair for each of the alternatives that were suggested on how to repair it. It would be good to get cost estimates what it would cost for each of the suggestions and determine which one would be most appropriate for the price.

Mrs. deLeon said before she goes into the three alternatives, she talks about making sure the floor hasn't shifted to cause this. She doesn't know how you would determine that. An engineer may have to do that. It says please check the displacement. Mr. Kern said how long have the gaps been there? Mrs. deLeon said the gaps have gotten wider. There's gaps on all of the floor in this one section. It's not every piece of wood. It's just in that one area. Mr. Kern said when did that happen? Mrs. deLeon said it just happened one day, they looked and it had looked wider. The dehumidifier is right underneath it. She doesn't know if that's making a difference. She doesn't know if they should move it to the other side of the basement because the other side of the basement there's another sub floor on top of the original floor in the art gallery room which is the original floor. You can be in the basement and look up and always see upstairs. They are afraid someone is going to wear a pair of heels and they will go through it. Mr. Kern said he wonders if you did move the dehumidifier if that would make a difference. Mr. Maxfield said we need to figure out what's going on there before we do anything. Mrs. deLeon said right now they have a table over top of it in front of the fire place. Mr. Maxfield said are there rugs over it? Mrs. deLeon said they are looking at getting a rug and putting thick cardboard or thin piece of wood between the rug and the floor. That would definitely help. Mr. Cahalan said he could look into estimates on the repair scenarios, but asked Mr. Kocher if he could give any help about the displacement, what type of engineering valuation would be necessary for that? Mr. Kocher said he doesn't know exactly as he doesn't have much of a picture. Mrs. deLeon said she could meet Mr. Kocher there. Mr. Kern said if you just have to move the dehumidifier, move it. Mrs. deLeon said Mr. Rasich could do that, and the would need a longer hose attached to it. Mr. Cahalan said sure. Mrs. deLeon said maybe they have the dehumidifier up to high. It was definitely needed for the humidity problems down there. It's been in there for a couple of years now and it's not as bad as it was.

J. REVIEW OF POLICE RIDE-ALONG POLICY

Mr. Kern said Council requested further clarification on the revisions to the Police Ride-Along Policy that was discussed at the August 17, 2011 Council meeting.

Attorney Treadwell said he looked at the minutes and he thinks Mr. Maxfield had questions on whether people were allowed to talk to other people during the ride-along and he thinks it's covered in the policy. He doesn't think it needs any further revision. It's okay the way it is. Mr. Maxfield said what about the questions about the age? Attorney Treadwell said that's up to you. Sixteen or eighteen were numbers he just threw in there as examples. He doesn't really have a position from a legal standpoint as to what the age should be. It's more of an issue for you as Council to decide. Mr. Maxfield said at first he was pushing for a higher age. A ride-along would probably have the most beneficial effect on a younger person. He would support it if the age was 16. He'll push for 16.

MOTION BY: Mr. Horiszny moved for approval of the revised policy with sixteen years as the minimum age.

SECOND BY: Mr. Maxfield

Mr. Kern asked if anyone had any questions or comments? Ms. Stephanie Brown said she wasn't here on the 17th, could you outline the guidelines? She thinks this is something that needs to go by the wayside. She feels as a victim in the Township of this bad policy and she feels her privacy was invaded as it was a domestic matter and should have stayed private. She still has no idea who the person was that was on the ride-along that day. She thinks there is better ways to introduce the world of the police to young people, people who are in college for criminal justice, not an active ride-along where anything could happen. It really needs to be changed. She doesn't think that anyone other than an officer in training should do ride-alongs.

ROLL CALL: 4-0 (Mrs. Yerger - Absent)

Mrs. deLeon said the previous policy needed to be revised. Now it's put in a level of protection and it's the best they can come up with. It's done all over the place, not that it's right or wrong, but at least they've addressed Stephanie's concerns and hopefully it won't happen again.

K. AWARD OF PERVIOUS CONCRETE BID

Mr. Kern said a bid opening was held on August 25, 2011 for Pervious Concrete material. The Township Manager will review the bid results with Council.

Mr. Cahalan said we advertised for bids for the pervious concrete that is needed to complete the pathways up at Kingston Park. They asked for a price on 200 +/- yards of the pervious concrete and asked that it be broken down into two delivery methods. One was by the triaxle truck and the other was delivered by a front discharge mixer. They got one bid, a responsible bid from Frank Casilio & Sons. He gave a price for delivered by the triaxle truck of \$14,400.00, which comes out to \$72.00 a cubic yard. By the front discharge mixer, the price was \$17,000.00 and that breaks down to \$85.00 per cubic yard. His documents are in order. The Director of Public Works indicates this is a very good competitive price, so he's recommending approval of this bid be awarded to Frank Casilio & Sons in the amount Mr. Cahalan indicated.

MOTION BY: Mr. Maxfield moved for approval as stated above by the Manager.

SECOND BY: Mr. Horiszny

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

ROLL CALL: 4-0 (Mrs. Yerger - Absent)

L. AWARD OF TRACK LOADER RENTAL BID

Mr. Kern said a bid opening was held on August 25, 2011 for the track loader rental. The Township Manager will review the bid results with Council.

Mr. Cahalan said this is for equipment needed to install the connector trail out at Polk Valley Park between the park and the school campus. They had used the track loader earlier in the year and they had to go out to bid because of the amount expended. The bids were opened August 25, 2011 and they had two responsive bids. One was from George Rasich and one from Plasterer Equipment. The George Rasich Excavating bid was for \$300.00 a day only on the actual days used and additional \$100.00 each direction if delivery pickup is required. That was the lowest responsible bid. They are recommending that Council award it to George Rasich Excavating in Hellertown, PA for the \$300.00 a day on actual days used plus \$100.00 for each direction if delivery pickup is required.

- MOTION BY:** Mr. Horiszny moved for a approval of the track loader to George Rasich Excavating as stated above by Mr. Cahalan.
SECOND BY: Mr. Maxfield
Mr. Kern asked if anyone had any questions or comments? No one raised their hand.
ROLL CALL: 4-0 (Mrs. Yerger - Absent)

VI. MISCELLANEOUS BUSINESS ITEMS

A. APPROVAL OF AUGUST 17, 2011 MINUTES

Mr. Kern said the minutes of the August 17, 2011 Council meeting have been prepared and are ready for Council's review and approval. He asked if anyone had any changes or corrections?

Mr. Horiszny said page 23, line 26, it should be Carl Martin and Adam Keller.

- MOTION BY:** Mrs. deLeon moved for approval of the August 17, 2011 minutes, with corrections.
SECOND BY: Mr. Maxfield
Mr. Kern asked if anyone had any questions or comments? No one raised their hand.
ROLL CALL: 3-1 (Mr. Horiszny – No; Mrs. Yerger – Absent)

VI. PUBLIC COMMENT/CITIZEN NON-AGENDA ITEMS – None

VII. COUNCIL AND STAFF REPORTS

A. TOWNSHIP MANAGER

- Mr. Cahalan said Council had approved the pre-emptive device bid earlier. They explained there was a long learning process involved for Cathy Gorman to get that bid out on the street. It did require some additional engineering work that had to be done. They had Jim Milot and the Engineer from Barry Isett for Hellertown had to draw up signal diagrams that had to be sent to PennDOT for approval to install the pre-emptive devices on the traffic lights. They incurred some additional costs and what he's notifying Council of is under the recent policy change of the Gaming Authority, we can request consideration of a contract amendment. He'll explain what they are asking for. They got a grant for \$128,000.00 for the pre-emptive devices. The bids came in lower than expected. They came in at \$104,630.00; \$74,710.00 was for the traffic light installation and \$29,920.00 for the emitter installation on the vehicles. That leaves \$23,370.00. Out of that, they would like to request the Gaming Authority that they be given the approval for the engineering costs that the Township and Borough incurred in putting this bid together and also to draw up the signal diagrams that had to be sent to PennDOT for approval. He's notifying you that Cathy Gorman will be putting that together in conjunction with Hellertown Borough. They

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must also approve sending this letter as it was joint application for a grant and they will be sending it to the Gaming Authority and there will be a short presentation.

- Mr. Cahalan said the Whitetail Bowman conservation easement out on Apple Street had been worked on by Laura Baird from Heritage Conservancy. The solicitors worked on it with the County. The easement was provided to the Whitetail Bowman Club and they reviewed the document. They had one minor request which was we add an 8' wide access strip and be included on the survey plan so it's recorded on the easement and then there will be no question as to where it's located on the property. In order to do that, they need to authorize Hanover Engineering to conduct an additional survey for the access strip and then once that is concluded, settlement on this open space property will be held. We don't have any cost on the survey. Mr. Kocher said it should be between \$500.00 and \$2,500.00. Attorney Treadwell said the reason for that 8' strip is to provide the public with access to the easement area without using their driveway. They didn't want people walking up their driveway all the time.

MOTION BY: Mr. Maxfield moved for approval for Hanover Engineering to do the surveying work.
SECOND BY: Mr. Horiszny
ROLL CALL: 4-0 (Mrs. Yerger – Absent)

- Mr. Cahalan said Council had asked for information on any memorial funds set up for Officer Robert Lasso from the Freemansburg Police Department. There are two funds, the Lasso Scholarship Fund in care of Sovereign Bank in Bethlehem or the Robert A. Lasso Memorial Fund which has been set up at the Heights Community Federal Credit Union in Bethlehem.

MOTION BY: Mr. Horiszny moved that the Township donate \$500.00 to the Lasso Scholarship Fund.
SECOND BY: Mr. Maxfield
ROLL CALL: 4-0 (Mrs. Yerger – Absent)

B. COUNCIL

Mr. Maxfield

- He said we asked a few months ago about some possibilities for the house at Polk Valley Park. At the next meeting, he'd like an update on where we are going with that. If we are going to do something with it, when old houses sit and sit, they just get worse. We need to figure out what we're going to do. Mr. Cahalan said we can bring that back. We gave Council the options for subdividing it. The only other thing that came up that he hasn't been able to get any information on was the answer to whether it could be moved. The other option was demolishing it. Mr. Maxfield said moving it is a serious expense. Mr. Kern said he thinks the idea was someone would buy it and move it on their own.
- He said he drove up to Polk Valley Park this weekend in the evening. He's guessing he was at the tail end of the Lou Ramos Classic. He went up to the top of the parking lot and there were vehicles overnight in there. One was a kitchen supply place box truck. Probably half of the truck was parked on the grass. It was left there for at least two nights. They had the concession stand there which makes sense. You pull it up and leave it there, and golf carts stored there. It was just a little disheartening to see that truck there in the grass. Mrs. deLeon said were the tires in the grass or just the overhang? Mr. Maxfield said the tires were on the grass. The engine was on the grass. Mr. Cahalan said they were not aware of any vehicles left there. They did not discuss vehicles being left there. The only thing that was discussed was they wanted to bring a refreshment wagon earlier. He will follow up with the people and get a response. Mr. Kern asked if overnight parking was allowed there? Mr. Cahalan said they had a meeting with the folks from the soccer classic and discussed the arrangements and we didn't discuss leaving a truck overnight, but he gave the okay for the refreshment wagon to be dropped off on Friday at dusk. Mr.

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Maxfield said the police were at a sobriety check the night before, so maybe they didn't have time to go up there to the park.

Mrs. Yerger – Absent

Mr. Horiszny

- He said there were at least six more pumps outs today from the fire companies for basements. Ms. Stephanie Brown said they had a basement that flooded one time at her father's house, but they always took care of it themselves. It's kind of odd to her that people call the fire department to get them pumped out. Is that like a routine call or high on the list when there are emergencies? A lot of people do it now and call the fire company to pump them out. She's heard reports in the media that a lot of people don't need to do that. Mr. Horiszny said all the ones they went to had a lot of water in the basement. Whether or not it's the right thing to do, he's not so sure either. They are prioritized by first-come, first-serve after more emergency-type things are taken care of. If we are pumping a basement and a fire call comes in, we stop pumping and go to the fire. Ms. Brown said that's pretty much done as a courtesy. There's no fee? Mr. Horiszny said correct.

Mr. Kern – No report

Mrs. deLeon

- She said she was asked by several residents why the Township wasn't at the Memorial Service? Is there a reason why Mr. Cahalan or Chief Lesser didn't go? Mr. Cahalan said the Chief was on vacation and twelve officers from the Township attended. Mr. Cahalan said he did not attend.
- She mentioned about the rail trail flooding. Should that be included in the damages sustained to Northampton County? Mr. Cahalan said there was no damage incurred to the rail trail. There were some trees down, and those were cleared. Mrs. deLeon said that was still an expense we incurred. Mr. Cahalan said the trees were cleared by volunteers.
- She said we had a great Community Day. The residents and whoever attended enjoyed the day. Mr. Cahalan said the new arrangement up at Dimmick Park was well received by everyone. Everybody liked that everything was concentrated at the park. The parking worked out very well. We do have some wrinkles to work out. It was the first year we did it that way. People felt that some of the booths were kind of squeezed in a little bit, so we need to work on that. The aisles need to be widened. We had a post event meeting and discussed some of the things we will be working on next year. He also recommended, and anybody who participated, should be receiving a survey form shortly and we'll be asking the participants to give us some ideas to improve the event next year. Mrs. deLeon said they talked about it at the Chamber meeting a couple of weeks ago.
- She said she noticed in our packet there's a letter to PennDOT regarding one of the issues we authorized last meeting, but she doesn't see one on the hanging branches on Riverside Drive. Mr. Cahalan said they did some research on that and Mr. Rasich, because of everything that happened in the last week, he got back to Mr. Cahalan and said that issue is parallel to what they were talking about with the storm. If there are any utility wires in those trees, PennDOT is not going to come out and cut back the brush until they get clearance from PPL. The last time was the cable company or the phone company or PPL. Mrs. deLeon said this is at the Narrows. Apparently, when the fire trucks come in, the width of their vehicle, the branches are scratching the sides of their equipment. That's how far they stick out into the road. A normal car might not experience that. This is farther into Riverside Drive. Chris had that in a memo he sent to Bill Cszaszar which said another pressing issue is a low hanging wires and now remains tree branches along Riverside Drive. He had requested cutting back of the trees. Mr. Cahalan said he can notify the PennDOT maintenance office.

**General Business & Developer Meeting
September 7, 2011**

- She said are we doing a fall newsletter? Mr. Cahalan said that is at the printer right now. We had some technical and editorial issues that we had to resolve. It should be out any day. Mrs. deLeon said that's very unfortunate as our Barn Tour was in the newsletter and it will be in after the fact. That was an opportunity they missed out on.
- She said they are having their annual Barn Tour for Saturday, September 10, 2011. They have great barns on the tour. It starts at 9:30 AM at the Waldheim.
- She said on Saturday, September 17, 2011, there is a slate roof workshop. The root cellar needed a new roof and Marcus Brandt is going to be doing a workshop on how to put on a slate roof. There is a \$20.00 fee. She asked who is paying Marcus for his materials? The Township agreed to pay \$700.00 or \$800.00. Mr. Cahalan said that was in lieu of doing the roof. They will get that information out.
- She said on Wednesday, September 28, 2011, at 7:30 AM to 9:00 AM, the Hellertown-Lower Saucon Chamber is going to have a "Meet and Greet While You Eat". It's a breakfast at the Hellertown Diner. It's \$10.00 a person. The information is on their website. If you are interested in going, give her a call.

D. SOLICITOR – No report

E. ENGINEER – No report

F. PLANNER – No report

VIII. ADJOURNMENT

MOTION BY: Mr. Horiszny moved for adjournment. The time was 9:43 PM.

SECOND BY: Mr. Maxfield

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

ROLL CALL: 4-0 (Mrs. Yerger - Absent)

Submitted by:

Jack Cahalan
Township Manager

Glenn C. Kern
President of Council