

REVISED

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. Introduction of Candidates for Jr. Council Person Program
- B. Resolution #64-2010 – Recognizing Eric Brueningesen for Receiving the Eagle Scout Award
- C. Ordinance No. 2010-05 – Public Hearing & Consideration of Adoption – Revisions to Riparian Buffer Ordinance

IV. DEVELOPER ITEMS

None

V. TOWNSHIP BUSINESS ITEMS

- A. L & P Holdings (Meadows Banquet Facility) – 1770 Meadows Rd. – Special Exception Request for Expansion of Pre-Existing Non-Conforming Use
- B. Approval of 2011 Minimum Municipal Obligation (MMO)
- C. Recommendation to Adopt PSAB Act 44 Disclosure Form
- D. Recommendations from Library Committee Regarding Hellertown Area Library Proposal
- E. Award of Rail Trail Fence Bid
- F. Resolution #63-2010 – Authorizing the Submission of Northampton County Park Acquisition and Development Program Funding Grant Application
- G. Submission of Draft 5-Year Capital Plan
- H. Resolution #65-2010 – Authorizing the Submission of a Grant Application to the Pennsylvania Community Transportation Initiative (PCTI)

VI. MISCELLANEOUS BUSINESS ITEMS

- A. Approval of September 1, 2010 Minutes
- B. Approval of August 2010 Financial Reports

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 Planning Commission Meeting: September 16, 2010
Next Zoning Hearing Board Meeting: September 20, 2010
Next Park & Rec Meeting: October 4, 2010
Next Council Meeting: October 6, 2010
Next EAC Meeting: October 12, 2010

I. OPENING

CALL TO ORDER: The General Business & Developer meeting of Lower Saucon Township Council was called to order on Wednesday, September 15, 2010 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; Sandra Yerger, Priscilla deLeon and Ron Horiszny, Council members; Jack Cahalan, Township Manager; Leslie Huhn, Assistant Township Manager; Brien Kocher, Township Engineer; Linc Treadwell, Township Solicitor; and Kevin Kochanski, Township Planner.

PLEDGE OF ALLEGIANCE

ANNOUNCEMENT OF ANY EXECUTIVE SESSION (IF APPLICABLE)

<p>Mr. Kern said Council has not met in Executive Session between the last meeting and this meeting.</p>

II. PUBLIC COMMENT/CITIZEN AGENDA ITEMS

Mr. Kern said if you are on the agenda, you have Council and Staff's undivided attention and discuss the agenda item with you thoroughly. At the conclusion of the discussion, they 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 and 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. He asked if anything has been taken off the agenda? Mr. Cahalan said no, but there is a revised agenda with two items agenda added which are III.B. and V.H.

III. PRESENTATION/HEARINGS

A. INTRODUCTION OF CANDIDATES FOR JR. COUNCIL PROGRAM

Mr. Kern said three (3) candidates who are interested in being appointed by Council to Junior Council Person positions are being presented tonight to Council for appointments to Council, Boards and Commissions.

Mr. Cahalan said we have three candidates for Jr. Council persons - Eubin Hahn, Jameson Packer and Tara Jain. Eubin was a Jr. Council member on the Planning Commission. She's a senior at Moravian Academy. James was also with us last year on the Planning Commission. He's a junior this year at Saucon Valley High School. Tara is new. She is also a senior at Moravian Academy.

Mr. Kern said do we know which positions each of you are interested in this year? Eubin said she's interested in Township Council. Tara said she is also interested in Township Council. Jameson said he's interested in the Planning Commission again as he wants to pursue a career in architecture and urban planning and the Planning Commission is most relevant to his interest and how he can best contribute to the community. Mr. Kern said Jameson is very active at all the different meetings and very interested in local government. Mrs. deLeon said when we started this program in 2004, she was Council President and Tony Branco was Council President in

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Hellertown. He was made aware of this program in some borough magazine and she wasn't aware of it. We were just starting to get involved with the COG, so we thought why don't we present this to the students out there in the Township and Borough and that's when it got started. It's been a great success and Sunday morning she was at the diner having breakfast and Jaclyn Rasich waited on her. Mrs. deLeon asked her how college was going and Jaclyn said she graduated. Jaclyn sat on Council for a year. Every once in a while Mrs. deLeon runs into someone whose been part of this and it's a great experience. On your resume, not too many people are going to have that down. Mr. Maxfield said Jaclyn got a job at Freedom High School teaching. Mr. Kern said we have a slight dilemma with two persons interested in the Council position. What's the best way to handle that? Mr. Cahalan said he's recommending that Eubin be appointed to Jr. Council representative to the Township Council. He's recommending Jameson to the Planning Commission. Tara has her choice of being on the Environmental Advisory Council or Parks and Recreation. Tara said she'd like to be on the Environmental Advisory Council. Mrs. Yerger said the EAC meetings are the second Tuesday of the month at 7:00 PM.

- MOTION BY:** Mrs. deLeon moved for approval of the Manager's recommendation for the positions for Jr. Council members as stated above.
- SECOND BY:** Mr. Horiszny
- Mr. Kern asked if there were any comments or questions? No one raised their hand.
- ROLL CALL:** 5-0

B. RESOLUTION #64-2010 RECOGNIZING ERIC BRUENINGSSEN FOR RECEIVING THE EAGLE SCOUT AWARD

Mr. Kern said Resolution #64-2010 has been prepared recognizing Eric Brueningsen, Eagle Scout.

**RESOLUTION #64-2010
A RESOLUTION RECOGNIZING ERIC BRUENINGSSEN FOR RECEIVING
THE EAGLE SCOUT AWARD**

WHEREAS, Eric Brueningsen having been a member of Boy Scouts of America since 1998 and a member of Boy Scout Troop #318 where he has served as a Patrol Leader, Troop Guide and as an Order of the Arrow Troop Representative; and

WHEREAS, Eric has earned 22 merit badges and awards during his service with the Boy Scouts; and

WHEREAS, Eric worked with his pastor earning the God and Church medal for the St. Stephen's Evangelical Lutheran Church, where he continues to be a part of the Youth Group; and

WHEREAS, Eric, who also attained membership in the prestigious Order of the Arrow, attended National Leadership Seminars and, in 2008, helped build a new multi-use trail at the George Washington and Thomas Jefferson National Forests as part of his Arrow Corps service project; and

WHEREAS, Eric's project for the Eagle Scout Award was the completion of a full asset inventory of all church assets, which included photographing, tagging and posting the assets on a spreadsheet which he created; and

WHEREAS, for his efforts Eric has earned the Eagle Scout Award, the highest honor in Boy 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

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Yerger, Council Member; and Ronald Horiszny, Council Member; wishes to recognize and commend Eric for receiving his Eagle Scout Award.

MOTION BY: Mr. Maxfield moved for approval Resolution #64-2010.

SECOND BY: Mrs. deLeon

Mr. Kern asked if there were any comments or questions? No one raised their hand.

ROLL CALL: 5-0

C. ORDINANCE NO. 2010-05 – PUBLIC HEARING & CONSIDERATION OF ADOPTION – REVISIONS TO RIPARIAN BUFFER ORDINANCE

Mr. Kern said Ordinance No. 2010-05 has been prepared and advertised for a public hearing at the direction of Council. This revision has been sent to the Lehigh Valley Planning Commission and the Township Planning Commission for their review.

MOTION BY: Mr. Maxfield moved to open the public hearing.

SECOND BY: Mr. Horiszny

Mr. Kern asked if there were any comments or questions? No one raised their hand.

ROLL CALL: 5-0

Attorney Treadwell said this is Ordinance No. 2010-05. It amends the natural resource and protection Section 180 of your zoning ordinance by adding some additional regulations and definitions regarding the riparian buffer area. It has been advertised. It has been sent to your Planning Commission. Your Planning Commission made some recommendations and they have been incorporated into this amendment. The LVPC received it and had no comment and this is the public hearing to take comment on the proposed amendment.

Mr. Kochanski said this is what the initial draft looked like and what they had changed since the last meeting with the recommendations coming from the Planning Commission, on the riparian buffer section. The first was to define what types of activities could be permitted by right within the riparian buffer. The second was to better define and list the activities that were permitted within the riparian area by conditional use. The third was to specifically note the items and activities that were prohibited within the riparian buffer and the fourth was to set standards for re-vegetation for disturbances to the riparian buffer, which would otherwise not be permitted. That's where we were when we brought it to you last month. Coming out of the Planning Commission, there were three main recommendations for changes and those were fairly simple, but required them to go back and make a few other modifications and re-advertise it and bring it back in front of you tonight. The first one was to define what a riparian area was and we have done that in the ordinance. One of the complications was with the definition that came from the Planning Commission. We had three similar terms with also a different meaning so we went back to further define each one of those and clarify it so we had one term that universally applied throughout the ordinance and it wasn't going to create confusion for three different terms that were in actuality referencing the same item. The second change was to remove the word woodland from riparian corridor as the woodland already had its own protection standard. We didn't want duplication of standards in there when they were both, in essence, the same exact protection right. The third change was to add pedestrian trails as a permitted activity within the riparian corridor. This is what is in front of you.

Mrs. deLeon asked how wide was the protection? Mr. Kochanski said that depends on the buffer that it is coming off of. Mrs. deLeon said how would people looking at this ordinance know that? Mr. Kochanski said the wetlands have a buffer protection separate from the riparian buffer. The riparian buffer would be 100 feet. The wetlands buffer is 50 feet. There are 75 foot buffers. Those are all together, so if you had a wetlands, you would have a wetlands protection buffer, which has a certain ratio, and then on top of that you have riparian buffer which also has a 80%

protection rate so you are permitted some disturbance in there which is where you get into those permitted activities. Mrs. deLeon said would that include the wetland area or does the buffer start past the wetland area. Mr. Kochanski said it would be from the edge of the wetlands. Mrs. deLeon said it would be more restrictive. Mr. Kochanski said right. You would have an overlap of the two. Mrs. deLeon said she's on V.E., page 3 of 5. She keeps thinking if she had an existing house, would she be grandfathered. Would this apply to driveways? Would she be allowed to park her car in her driveway over night, like five consecutive days? Attorney Treadwell said if you have an existing house, which is a residential use, it's a non-conforming structure in the riparian buffer and your zoning ordinance has protections for non-conforming structures, so you would not have to move your house or take down your house. Mrs. deLeon said you'd be allowed to park your car outside of your garage? Attorney Treadwell said yes, because it was a use that's been there before. We need to differentiate between the uses and certain activities. Just because you did certain activities prior to the adoption of this amendment if it's adopted, in the riparian buffer, doesn't mean that those activities become non-conforming. There's a use, there's a structure and there's certain activities you could do. For example, if this ordinance said you couldn't play baseball in the riparian buffer, and you used to play baseball, just because you used to, doesn't mean you get to do it now. You would be restricted from doing it. He wants to make a distinction between activities and use of a structure that may become non-conforming as a result of this ordinance. Mrs. deLeon said what happens if you are doing some kind of improved maintenance and it starts to rain and you are exceeding the five days. Who is going to approve an extension? It says such trailer not be permitted within the riparian area for more than five consecutive days. Her husband has been in the construction business for 22 years and sometimes the weather doesn't cooperate, so what happens then? Attorney Treadwell said your Zoning Officer is charged with the administration and enforcement of your zoning ordinance. By adopting this amendment, which is Council's authority to do, we can't cover every single situation that would come up. Your Zoning Officer has some latitude with regard to enforcement just like with your police department has some latitude in certain situations with regard to enforcement of the other Township code provision. In that situation you described, the property owner could go to the Zoning Officer and say we just had five days of hurricane weather, and he would expect the Zoning Officer use his discretion in that area. Mrs. deLeon said what if he doesn't, then it's kind of not fair to the person as it's subjective. Attorney Treadwell said because this is an amendment to your zoning ordinance, the procedure that the Zoning Officer would follow if he felt that person was violating the zoning ordinance would be to issue an NOV. The NOV, the property owner has the right to appeal to the Zoning Hearing Board and that's why you have a Zoning Hearing Board so the property owner and the Township can present each of their positions to the Zoning Hearing Board and the Zoning Hearing Board then makes a determination.

Mr. Maxfield said he thinks the things that are allowed in there that involve a trailer are pretty specific and pretty well defined. Mrs. deLeon said where did five consecutive days come from? She understands what hurricane Ivan did to our creeks, so she's very sensitive to making sure there's nothing in the wetlands and riparian corridor. Mr. Kern said the section refers to normal routine maintenance so he's guessing that the five days was selected because it probably doesn't take more than a week to do normal routine maintenance. Mrs. deLeon said if she was a resident reading this, she's trying to make it understandable to a resident. Mr. Kern said he finds that understandable as routine maintenance shouldn't take more than a week to routinely maintain the riparian buffer so it's saying if a trailer is there longer than a week, then it may not be there because of routine maintenance. That's when the Zoning Officer would investigate and find out whether or not it was really routine maintenance. Mr. Maxfield said the rest of the ordinance talks about those activities. It talks about re-vegetation, removal of invasives, it's pretty specific. Mrs. deLeon said she doesn't have a problem with that part. Mr. Kern said it's pretty straight forward and well defined. Mr. Maxfield said he thinks so too. We worked it over as well as we could and knocked out all the kinks.

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Mrs. Yerger said it's filled some of the minor holes in our previous ordinance. It's going to be very beneficial as we move forward.

Mr. Allan Gross, Black River Road, said he wants to comment on the issue Mrs. deLeon brought it up about driveways. There are really two issues here. An existing driveway, if it's the only driveway to a residence and it happens to be in a riparian buffer is one issue. The second issue is the zoning ordinance says normally there is only one driveway permitted for one residence, so if there's a second driveway in the riparian driveway, that is normally not permitted anyway. Mrs. deLeon said we had issues two years ago with a looped driveway coming out, so they fixed that. There should only be one driveway. Mrs. deLeon said she's just trying to make it easier so it's enforced. People have to understand it.

Nancy Polak, resident, said supposing you've had a business you've had there for years and you have equipment and you've been parking these trailers there for ten years and all of a sudden now there's this riparian buffer. Isn't that contractor protected? What do they have to do – get rid of their trailers? Is there no grandfathering there for this riparian buffer? Attorney Treadwell said that was the distinction that he was trying to explain earlier - a distinction between storage of trailers that are part of a use that are an integral part of that use and cannot be changed versus some activities that may or may not be able to be changed. Ms. Polak said you mentioned something about removal of invasive vegetation. What exactly is the law here in this Township about invasive vegetation? She remembers 30 years ago when she was called up to get out and cut down a pasture because it has thistles. Thistles can travel 50 miles, and they are invasive. When she called up, the township ordinance only says you have to cut down your invasive vegetation 20' from your neighboring property. The invasive vegetation in this area of the wetlands, what about the invasive vegetation throughout this Township? She's picking up thistles all the time now on her property and they are pretty darn nasty, but 20'. Do you have anything or does the State have anything on that? Mr. Maxfield said the 20' that you are talking about is for the establishment of meadows and maintenance of roadways along property lines to, not just invasives, but for any high growing plant. We don't want line of sight problems or any of those kinds of things. The Township generally encourages the removal of all invasives, if possible. In the riparian corridor ordinance, you have to basically submit a plan, detailing how you intend to do that and we also have many, many resources detailing what invasive plants are – specific species, visual identification, all of that. Ms. Polak said she brought to the attention to the Zoning Officer across from the Giant parking lot where all those bison are, they absolutely have no pasture. They are living in a field of thistles, which is darn right cruel. She went to the State and the State said they have a permit to do that, but she thinks our Township has to start thinking about invasive plants. There are a lot of invasive plants that have become a pest in this area. Mr. Kern said this ordinance does not say you must remove invasive species from your property. It just says there are permitted uses if you are happening to be removing invasive species from the property. Mr. Kochanski said that is correct. That is one of the main improvements we've incorporated into the draft ordinance. Before you had to get special approval to do proper management of a buffer area and it was very tedious for a property owner to go through that process. Now that is considered an ecological restoration and be permitted by right within the riparian corridor. This helps property owners to be able to go in there and they are not going to be hearing from the Zoning Officer and be issued a violation. It does not require a property owner, but it just makes it easier for a property owner to go in and maintain it. Mrs. deLeon said if a place like Ms. Polak is referring to does exist, how is that property owner protected under being grandfathered? Do they have to come forward and be identified or we'll be able to tell by it just being there? Attorney Treadwell said it's complaint-driven. The Zoning Officer doesn't drive around looking for issues. If a complaint is received, generally what happens is the Zoning Officer goes out and investigates it. It's also been the practice of the Zoning Officer that the zoning office does not issue a NOV immediately. They talk to the property owner first. They may send one letter first saying they've seen this issue and could the property owner please call the zoning office and discuss it. The NOV doesn't come until two or three steps down the road. Mrs. deLeon said we know that's what our current Zoning Officer

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does, but we have no knowledge of what the future Zoning Officer is going to do. She still doesn't know the answer. Attorney Treadwell said he thinks the answer is when you are talking about the enforcement of the zoning ordinance, there is certain discretion with the Zoning Officer and each property and each circumstance has a different set of facts which is why when a property owner appeals to the Zoning Hearing Board or applies for a variance to the Zoning Hearing Board, the Zoning Hearing Board looks at the unique facts and circumstances surrounding that particular property. There is not one answer for everyone. Mrs. deLeon said if you are saying that pre-existing use is grandfathered, how do you explain that to the Zoning Officer? Attorney Treadwell said what he tried to differentiate from earlier was the difference from a use and an activity. There are certain activities that you can change. If the use is there and you have a restaurant in a residential neighborhood and it's been there before the Zoning Ordinance was adopted, then it is a non-conforming use and it gets to remain there. If you have somebody conducting an activity in an area that you have adopted an ordinance that now prohibits that activity, then it's not a non-conforming activity. The center focus is on, is it on a central part of the use of that property or not. Again, it's on a case-by-case basis. Mrs. deLeon said the activity before in five days if this is approved, and you were doing it, now in five days you aren't able to do it. Attorney Treadwell said this ordinance on page 3 prohibits sod farming in the riparian buffer. Mrs. deLeon said what if there was a previous sod farming operation going on? Attorney Treadwell said if that was the principal use of the property, then there's a different way of looking at it than if you just had eight square feet of sod farming in your side yard that isn't integral to the use of your property as a residential property. That's the best way he can explain it. Mr. Maxfield said he was thinking of this example. If you had a business and a trailer is associated with the business. If there were storage trailers outside for the business to happen, then that would be a grandfathered situation. If you had trailers that as a business owner, you said to your buddy, Sam, you can park your trailers here if you don't have any other place to go with them, and they are not integral to the business or not associated with the actual defined use of the property, those would probably not be covered. What our solicitor was trying to say is important and tied to use and grandfathering go together.

Nancy Polak said she thinks right now what you've given your Zoning Officer is a little bit too much power. The power should be with you, the Council, not the Zoning Officer. The Zoning Officer can have his own personal feelings and maybe he's angry. Mr. Kern said if the Zoning Officer does behave in that manner, it will come to Council's attention. If there are frivolous occurrences of zoning hearing variances occurring, it will come to Council's attention. It would be Council's option to fire the Zoning Officer. Mrs. deLeon said it would be the Manager's option. Ms. Polak said she sent a letter to Mrs. deLeon and to Mr. Cahalan which said the Zoning Officer came on their property and went and saw that in Springfield Township he thought we were doing something that wasn't allowed. He then went to Springfield Township, and said do you know the Polak's who do Brickote are running a business (which they weren't). When it was all said and done, it cost them thousands of dollars because of Lower Saucon's Zoning Officer. There were police officers going up their driveway once a week, circling around and coming back down. Was that police officer there to see what the Polak's are doing up there. She thinks the Zoning Officer has too much power. The power should be with all of you. You should make the decision. If he goes to Priscilla's property, and maybe he likes Priscilla, good for Priscilla, but what if he doesn't like Priscilla. Now it's a personal thing and it shouldn't be left with one person, it should be left with the Council. Attorney Treadwell said because the PA Municipalities Planning Code, which allows this Township to adopt a zoning ordinance, it actually says the exact opposite. It says the administration and enforcement of the zoning ordinance must rest with an independent Zoning Officer as opposed to the members of Council. It specifically says an elected official cannot serve as the Zoning Officer and he thinks the intent behind that is to prevent the type of situation you are talking about coming from elected officials, who may or may not decide to take certain positions with regards to people's properties, which is why the Zoning Officer is supposed to be the independent person who administers and forces the zoning ordinance that Council, as the governing body, and adopts the zoning ordinance regulations. It's a separation of powers issue. Mrs. deLeon said that's why the Zoning Hearing Board is quasi-judicial, so that they are

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independent. Ms. Polak said in the job description of the Zoning Officer, is it his job to go and report a citizen of Lower Saucon Township to a Zoning Council of Springfield Township. This property is acres and acres of property and he came in there and went right to Springfield Township. He gave Springfield Township misinformation, which cost them a lot of money. She believes it is finally straightened out. Where does the power of the Zoning Officer go? Does he go around to every Township, every resident and say they are running a kennel here, you might want to check into that. When that came up about Priscilla with the discretion of the code enforcement, that's okay if the code enforcement officer can be unbiased. Attorney Treadwell said it's the same thing with anybody who has that discretion, with Police Officers, with Zoning Officers.

Mr. Kochanski said the uses that are permitted within the riparian corridor buffer, are primarily conditional use so they do come in front of Council. They are very limited, just those that are to improve the ecological condition of the stream that are permitted that Council would not see. Anybody who is coming in for a use that's permitted in the riparian area that is otherwise different from an ecological restoration will be in front of you for a conditional use application. At that point, you would have the ability to weigh in on that application. Mrs. deLeon said it's a hearing and public input.

MOTION BY: Mr. Horiszny moved to close the public hearing.
SECOND BY: Mr. Maxfield
Mr. Kern asked if there were any comments or questions? No one raised their hand.
ROLL CALL: 5-0

MOTION BY: Mr. Maxfield moved to adopt Ordinance #2010-05, Riparian Buffer Ordinance.
SECOND BY: Mr. Horiszny
Mr. Kern asked if there were any comments or questions? No one raised their hand.
ROLL CALL: 5-0

IV. DEVELOPER ITEMS – None

V. TOWNSHIP BUSINESS ITEMS

A. L&P HOLDINGS (MEADOWS BANQUET FACILITY) – 1770 MEADOWS ROAD – SPECIAL EXCEPTION REQUEST FOR EXPANSION OF PRE-EXISTING NON-CONFORMING USE

Mr. Kern said the applicant is seeking a special exception and several variances to allow improvements which were done without proper approvals to remain in place.

Attorney Dennis Benner said he's here to represent L&P Holdings and he's here in regard to a number of different variances that are before the Zoning Hearing Board on Monday night. It came to his attention that the Council may want to discuss this tonight. Attorney Treadwell said he asked for this to be put on the agenda because the Zoning Officer issued a NOV to the Meadows back in October of last year and that NOV was appealed by the property owner to the Zoning Hearing Board. That hearing has been rescheduled and rescheduled, and after some discussion with the Zoning Officer, they determined it was time to move the process along so it is now on Monday night's Zoning Hearing Board agenda relative to the NOV. The applicant has also filed applications for a special exception and special variances. He does know if the applicant does intend to proceed with that on Monday night or whether we're just going to do the NOV. Attorney Benner said after the last time he was before Council, he had lengthy discussions with his client, and subsequent to that, there was a request on behalf of the Township to bring their plans and appeals account current in excess of \$4,000.00. The Council needs to understand that the client has deposited over \$17,000.00 with the Township for review of this in terms of the Council to decide whether they want to participate at the Zoning Hearing level or not, an additional \$4,000.00 pushes

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it over \$20,000.00. This is not a particular pleasant climate for any business. His clients did not have the additional monies to put down with this Township to get additional professional review and so when he got a note from Attorney Treadwell he wasn't exactly sure where they were heading on Monday. If it can be contained to that violation, that would be one thing. He needs to speak to his client in that regard. They are really at an impasse right now in terms of where they are going with this whole process. The Meadows has been doing business well over 20 years and substantially similar ways, yes, he's made some additions to those facilities without permits. The Council had the opportunity to whip his client any way they deemed appropriate and perhaps rightly so, but at the end of the day when you strip it all away, the Meadows has contributed well over \$1 million to this community over the last 18 years in community benefit things like a community foundation, lights to the football field, and there's a whole list of other things the applicant has provided for this community. The Township can certainly take whatever position they deem appropriate. This means that they want to participate in the Zoning Hearing Board, object the application in any manner they deem appropriate, they certainly can do that. This particular application is right at a threshold point here. With regard to Monday evening, he wants to think in terms of what's going to occur with regard to the violation, and then advise his client appropriately. At the end of the day it comes full circle, they still need relief at the Zoning Hearing Board. If the Council has something they want to request of the Meadows not to do or to rip their facilities down, it would be appropriate at this point in time to tell them what it is so they can make a business decision if they can do that or if they can't do that. To sit here and constantly make contributions for review purposes to determine what facilities are there, when at the end of the day, for you capacity analysis, it says nothing should be there. It seems it's a lot to do about nothing because at the end of the day there is supposed to be nothing there based on your existing codes, and so he doesn't think it's fair for his client to be spending all this money to try to advance a cause here that your rules say shouldn't be there. The Meadows has been here and operating for 20 years. Yes, there's been a haunted house, but you got to really sit down and think what that is. That's a business, but is there a community benefit to that haunted house where the little kids come there, do they have fun coming there. Has there been any real problems with that? There was a flea market. They can't have a flea market. Okay, you can't have a flea market. What is wrong with some of these businesses? Are we all micro-managing every little business, every little entity, every little everything that goes on in a community because if you are, you might as well just say that and the business people can move out and you can do whatever you think you want to do. We're pretty much at the end of the rope with this. His client made some mistakes and he told the Council in open forum that those mistakes were made. He can't change that. They are tired of sitting here and people yelling at him. He deserves what he gets, so you be the judge of what that is. If there is something the Council would like to tell his client what to do in regard with the Meadow's, they'd love to hear it and certainly consider it. It's time to get it over. He can't make any decisions on where his business goes. If you want him to rip a tent down, for god's sake, it's a tent on a deck. Give them a break. It's \$200,000.00 worth of revenue to him and part of that \$200,000.00 goes to the community.

Mrs. deLeon said is \$17,000.00 paid to date for review, that seems awfully high, her point from the other agenda item. Mr. Maxfield said it's for the review, not the appeal. Mrs. deLeon said the Township would still have to review whatever is applied for and the applicant or the person who got the NOV would have to pay for. Just like somebody was not grandfathered or grandfathered and the Zoning Officer made that decision and issued an NOV and they'd have to appeal it which was what he just did. Attorney Treadwell said the property owner appealed the NOV. The review that the staff was doing with the plans and appeals account was with the site plan and the special exception and variance applications, not the appeal. He doesn't know about the \$17,000.00 number, he doesn't know what the number is. Attorney Benner said that's what he was told by his client and they want an additional \$4,000.00 and he doesn't have another \$4,000.00. Attorney Treadwell said does that \$17,000.00 include the amount of money he paid to his own engineer or just the Township? Attorney Benner said just the Township. It's not like he got some windfall sitting here as he's behind the eight ball like everyone else here. He's here because he thinks his

client does good work and he's trying to help the guy out. Mr. Kern said he's sure he does good work, and we all do good work, and he's a business man in the Township and he could not do what was done at the Meadows and get away with it in his own yard. He'd love to turn his barn into a business, but he can't do it. We have zoning ordinances in the Township. His barn is not in a floodplain which would affect downstream property owners. Attorney Benner said Mr. President, by way of suggestion only, since you are the President of this legislative body, if you think that the rules that apply, you folks are the ones that made them, change them. Bad laws make bad results. Change them to make them so they work for the community. You are in charge. Change them. Mr. Maxfield said he is really interested in the characterization of structures in the floodplain as bad law. That's a little grandstanding. He just wants to say publicly we never yelled at your client and dealt with him respectfully. Did we bring up points where we did not agree with what he did? Yes. Did we catalog what has been done over a 20 year period? Yes. Do we have substantial structures on that property that were built without permits over a 20 year period? Yes, those all take review. It took us review to establish a timeline when these things occurred. He understands your client does wonderful things for the community, but he keeps thinking back to when we had some financial problems with traders on Wall Street and some of these people that lost or that gave millions of dollars to charities also broke the law and went to prison. They don't balance out. He's broken the law. The law is the law. He thinks flood plain laws are fine and they are there for a reason. There may have been some facility there, but that thing has grown for 20 years. That affects downstream to the people who have to put up with the floodwaters of this structure. Attorney Benner said this property has been in existence and operating for 20 years. Your law came to the property. The property did not come to the law. With regard to commentary that was provided at the last hearing, you were very vocal in that regard and said "well, we don't need to whip you any longer". Attorney Benner doesn't think you need to whip him any longer and those were your exact words. You can't distance yourself from the facts as they are. Even though it's an unpopular thing to do, your law came to the property. The property did not come to the law. Mr. Maxfield said if you want to characterize bringing forth the facts to the public in a respectful manner as whipping, that's fine, then he will say he whipped your client, but in reality, all we did was talk about the things that occurred and expressed their displeasure at the things that occurred. If your client feels that we dealt him dishonor, disservice, then he should say so. He doesn't think that occurred and we can check the minutes. Attorney Benner said that's the way he heard it. Mr. Maxfield said floodplain is about public safety. Safety should be expressed strongly. Safety of everybody that is downstream from this facility, their safety is in danger because of this facility. Attorney Benner said you also heard that his consulting engineer suggested that some of the structures that he used helped the dangers that you think that are there. That is falling on deaf ears. Mr. Maxfield said he didn't hear helped. Attorney Benner said did you hear about lifting the deck off the ground so the water could run under it? Mr. Maxfield said he heard that was recommendation from the flood insurance people. He did hear that. Attorney Benner said those are the kinds of things he's talking about. Mr. Maxfield said he also said earlier we are not trying to shut the Meadows down. That is nobody's goal on Council to do that, he knows it's not. We want to mitigate and need to mitigate it. Attorney Benner said his client is not sure if any kind of business he can do there without being fined and the litany goes on and on and on. If Council wants them to do something, please tell them. Mr. Horiszny said he seems to know he can run an illegal restaurant without permits and he keeps on doing that. Mr. Maxfield said part of our recommendations would have depended on review by our consultants, which is unpaid for at this time. They are our recommending body to us. Attorney Benner said because at the end of the day, there's a basic common sense to this whole thing. At the end of the day when his client spends this kind of money at this level, then he has to do it again at a planning process review, when you're rules are going to say that nothing should be there, well, there's nothing that any engineer can say that is going to mitigate that. Mr. Maxfield said that is true. Attorney Benner said so your law came to the property. Mr. Maxfield said he's not sure what you mean by that. Attorney Benner said this Meadows was in operation for well over 20 years. Mr. Kern said operating legally in the beginning. Attorney Benner said it's been in operation in one fashion or other for over 20 years. Your flood plain ordinance is not 20 years old. Mr. Maxfield said our particular floodplain

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ordinance the way it is right now? Attorney Benner said is not 20 years old. Mr. Maxfield said however, there were restrictions about floodplains, FEMA, all those sort of things. Attorney Benner said we're talking about your laws. That company, whatever form was operating, operated long before your floodplain ordinance came into existence. That property was there. Your laws then came to that property to control or to regulate it. That's what the means by that. Attorney Treadwell said how many structures did your client put up on that property after the floodplain ordinance was adopted? That's part of the issue we are talking about as well as the bigger use question, which is evidently, a restaurant there. It's not just a catering facility. Evidently, you can go in there on Wednesday and have lunch like you can at any other restaurant. There's no permit anywhere for that. That was never approved in Lower Saucon Township. It's not an appropriate spot for a restaurant. The way the Meadows was 20 years ago, as a catering facility where you could go for a banquet or a wedding is completely different than anyone off the street going in there for lunch.

Mr. Russell Lebkuecher said he's saying that Casey Lynn's restaurant rents the Meadows. They had a letter they gave Charlie Senick when they first opened up the Meadows that said they were a private picnic grove. He came to the Council back then and said can I fix my picnic grove and put nice windows in. If I put nice windows in a shed, is it still a shed? They said yes. He said can he put new floors in the shed, is it still a shed? They said yes. He said can he make it beautiful and have picnics and nice parties? They said yes, so he went on and it was still a picnic grove. He had letters from Charles Olcheck from L&I which were given to Charlie Senick and it's on record here that he didn't have to be L&I approved. On December 5th, the Township closed him down and he was on a cruise. He got 51 emergency lights in his building, and it cost him \$27,000.00 and the Township closed him down and he spent \$800.00 on phone bills on a cruise ship where he and his wife sat in the bedroom and then they got approved Friday night by the inspector. They said he's the only business they've seen in Northampton County with 51 emergency lights where you put a candle on the floor, there can't be a shadow. He said okay, he did the panic bars which were \$13,000.00. They are out \$100,000.00 this year. He's been told he's guilty, he built things without permits. Every time FEMA gave him \$25,000.00 insurance check, they came down and said get everything off the ground. Don't put port-a-johns here; they are floating down the creek. The only thing that goes down the creek is mulch. Like the engineer told you last time, everything is raised up. They added 30,000 feet flood capacity to this capacity, so they didn't hurt anyone downtown. They helped Hellertown. They donate money every week to someone. He just did another fundraiser. Where can you get a funeral for \$10.00? Where can you get a school lunch for \$6.00? All he did was help the community. He remembers the different restaurants saying don't donate because if you keep donating money, one day they are going to want more and more, and he keeps giving more and more. Now he can't give anymore. He said whatever you want him to tear down, he'll tear down. He can't afford to go any further. You want him to tear down the deck, the trellis where people get married that's in his back yard, he'll do whatever has to be done. If you want to fine him \$50,000.00 it would be cheaper than what's he's doing. He apologizes for building the Meadows. He was a cook, and he was a truck driver. He didn't go to college. He made a lot of mistakes and he apologizes. He needs to keep this business going. He depends on it. His wife depends on it. His children depend on it. He has created over 70 jobs and they are not cheap jobs. They are \$15 to \$17 to \$20 an hour jobs. His employees are scared to death. He hasn't taken any deposits for weddings for next year as he's afraid to book it. Now he's losing \$1,000.00 to \$2,000.00 a week income, and he has people calling him for money. He's trying to do his best. He just wants to know what he has to do to make it right. Attorney Treadwell said his original question was about whether or not the Meadows is operating as a restaurant? He knows the Township believes that the catering and the wedding things have been going on for awhile. We now see advertisements in the Penny Power for September at the Meadows for all you can eat buffets, "Monday and Tuesday 11:00 AM to 2:00 PM, all your favorites, \$6.00 per person. You can buy TV dinners at the Meadows. New starting September 22, 2010, Wednesday's from 4:00 PM to 8:00 PM, all you can eat chicken and ribs with our Atlantic City style buffet". That appears to Attorney Treadwell and other people who read this ad, that you are operating a restaurant. Mr.

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Lebkuecher said if you read it, it says catered by Casey Lynn's. The Meadows is a private banquet hall where Casey Lynn's pays rent through the books, through the Meadows business. We wrote a letter to Chris and we were allowed to open Monday's Tuesday's and Wednesday night. We used to do seafood buffets and people couldn't afford \$19.95, so we moved it to \$7.00 on a Wednesday night for chicken and ribs only as he needs income to pay all these bills. If you look at it, it's not a restaurant. Casey Lynn's runs it and sells the tickets. When you come in, you get a ticket, that's Casey Lynn's Catering who rents the Meadows. It's not a restaurant; it's a private picnic grove. It's closed Wednesday's and Thursday's and they do weddings on Friday, Saturday and Sunday nights. If he was a restaurant, he could turn the seats over 10 to 20 times a week. Monday's and Tuesday's allow the people in the town to take his vegetables and fruit and things that are not going to last until the next week. He makes soups and puts it out. He doesn't want to throw away thousands of dollars of produce. It was rented by Casey Lynn's, the Meadows is a private banquet facility. He was told years ago that was legal as long as someone was renting it. In the newspaper, he always had to say "Catered by Casey Lynn's". Mr. Maxfield said aren't you Casey Lynn's? Mr. Lebkuecher said he's part of Casey Lynn's but it's two separate businesses. Mr. Maxfield said if you are selling TV dinners as he saw an ad that said now take home a frozen dinner and taste the Meadows food - that's retail. Mr. Lebkuecher said people can buy food to go. They can buy dinners to go anywhere they go. He doesn't see what the TV dinners hurt. You are only hurting the senior citizens. He can sell 400 to 500 meals and he's giving the people real meals, chicken, turkey, real food, for \$2.50. If you want him to, he can stop it.

Mr. Maxfield said he respects Mr. Lebkuecher's creativity as a business man. You're doing some cool things. What he thinks and anyone can disagree with him, he feels as Council, what we want to do is establish a point that we can call zero and we can go ahead from. Maybe that definition of that point zero for you is slightly different for you than it is for us, but we need to establish that point. From there on, everything has got to be upfront and we know exactly what's going on there and it has to be all permitted, whatever happens there. Mr. Kern said he can tell Russ is a great guy and a go-getter. What you are doing is great and you are doing wonderful things. You did things along the way that Mr. Kern couldn't have done on his property. You didn't get permits to do it. That's all they are saying. We love everything you are doing. We love how you are benefiting the community, it's fantastic. You did things along the way you weren't aware of or whatever. As Mr. Maxfield says, we need to get a handle on what you are doing as you are doing a lot. That shows the go-getter in you. Mr. Lebkuecher said if he was open on Friday, Saturday or Sunday's, he couldn't hire a Chef one day a week or two days a week. The reason he did Monday, Tuesday and Wednesday was to create full time jobs. He doesn't make any money on those days. All it does is pay the full-time workers so they have full time jobs. It's a lot. They are \$50,000.00 a year jobs and nobody pays cooks \$20.00 what he pays them. They take care of the employees. He said if they work for him for \$5.00 an hour, he tells them to stick with him and they will make it. He needs this to be resolved and needs to know what he needs to do to go on. Like his wife said, are my kids going to have a job? Are we going to have a house? They are just generating enough money now to pay payroll. There's no profit right now. People are cancelling liquor and desserts. They can only afford to pay for the food for a wedding. They don't have the money right now. People are losing their jobs.

Mrs. deLeon said let's go through a scenario. She feels that Russ made mistakes and we should try to come up with some kind of plan to save his business. We are here to save businesses. We depend on businesses for our tax base and we are going to be noticing that when we go through the budget. We don't have a lot of businesses in the Township who generate a lot of taxes. We have to think County, State and Local. Mr. Lebkuecher said with his illegal decks, they did come down and measure the decks. Northampton County raised his taxes \$10,500.00 and the school raised his taxes \$13,000.00. That's \$23,000.00 he's been paying for the last three to four years on an illegal deck. That's a lot of income for the Township. If he tears down it, he could move it back down in the house. He'd have to lay off seven employees, and two full time employees. He just laid off two full time employees and now as he has no deposits coming in so he can pay them. That's what

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scares him. It all comes down to him, he's the bad guy, he did everything. \$23,000.00 a year in taxes - if we tear down the deck, if we tear down the trellis, will they re-measure his property and stop charging him \$23,000.00 a year in taxes, then he can afford to survive too. Mrs. Yerger said that's up to the County. Mr. Lebkuecher said he doesn't know if they'll do that. Mrs. Yerger said the County did it. Mr. Lebkuecher said the tents only there three months out of the year. Mrs. deLeon said let's go through a scenario. This Council should be making either a support or rejection type motion for the Zoning Hearing Board by Monday. If we say we are not supporting this, we are not going to have a business for him. We need to come up with some kind of a compromise that is going to be a win for him and a win for us. When hurricane Ivan happened, places on the river had to be put up on stilt's. People do that according to FEMA to try to take care of a pre-existing structure that's been there and try to protect downstream property owners. We need to be fair and she said this at the last meeting, we don't want to plan people's developments or applications, but this is an unusual situation. All the year's she's been here, this is the worst. We need to comprise and come up with something. If we say we aren't going to support this, we know the consequences. We need to give some kind of direction tonight on what we can live with and what he can live with and move forward.

Mrs. Yerger said we thought we were very clear for him to come forward and she thought it was understood that we were looking for him to do some reconfiguring of his property to limit the amount that he's created in the last couple of years. We said that time and time again, and have been waiting for him to come forward with some real positive suggestions, not just move a dumpster. How is he going to mitigate what he constructed and create a balance and allow this Council to have something substantial to review and say yes, he's going in the right direction, these are the kinds of concessions we are looking for. He's basically conceded nothing, so she doesn't know what to say at this point.

Mr. Maxfield said he has one suggestion. We now understand each other after tonight a lot better and he thinks we have an idea of where we could go. He knows you are scheduled for Monday night Zoning Hearing Board meeting. He'd like Mr. Lebkuecher to sit down with our staff and work into a situation that we can all accept as base zero and go from there. Can you do that? Attorney Benner said they'd be happy to do that. They are certainly willing to request a continuance on both matters at the Zoning Hearing Board. As part of that process, it would be incumbent on his client in writing to deliver at that meeting, exactly what it is he's doing it, exactly where he's doing it, exactly why he's doing what he's doing, for your review, and that might be a point of departure into a discussion point that's an acceptable process, and at least we know where we're going. He can tell you that Mr. Lebkuecher will have that letter. Mrs. Yerger said can we put some kind of timeframe. Attorney Benner said he doesn't have another \$4,000.00 for review things. Attorney Treadwell said we understand that. Both attorneys' will discuss that. The reason he had asked it be put back on the agenda tonight as the NOV was almost a year ago. We have continued and continued, so it would be helpful for everyone involved if we put a timeframe on it whether it be the October or November Zoning Hearing Board meeting. We need to have a date so everybody works as quickly and seriously as possible before that date gets here. Mr. Maxfield said let's make it one month. We're clear now what we want. Attorney Benner said he will have a letter to Attorney Treadwell and the Council in terms of exactly what they are doing, why they are doing it and where they are doing it to this Township by not later than Tuesday of next week. He would then request, once you look at that, he'd like to schedule, at your convenience, a meeting with the staff to discuss what might make sense, what you can live with and what you can't live with. Attorney Treadwell said the next staff meeting is September 28th, so if Attorney Benner can get him a letter by September 21st, then that is plenty of time to digest the letter. Mrs. deLeon said do we need an extension? Attorney Treadwell said yes. He can take the NOV off the Zoning Hearing Board because that's the Township's burden of proof and we're the ones that have to move it forward. He asked that Attorney Benner send him a letter that the variance and special exception applications you've agreed to continue until the October Zoning Hearing Board meeting. You do not need to take action tonight. Attorney Benner asked if they will be participating in the

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September 28th staff meeting? Attorney Treadwell said he will call him tomorrow and figure out the best way to do it as far as scheduling. Mr. Lebkuecher said just so you know, and he doesn't want to get in trouble, but since you said mitigate things, he didn't get an application for a permit to move the shed off the property and then he was told he was going to get in trouble as he tore down on of the decks without a permit. He took down the deck by the creek, now he found out that he has to get a permit to tear down things too. Mr. Maxfield said he's sure the Zoning Officer will have the discretion to let that one go. Mr. Lebkuecher said he is trying to move ahead.

Mrs. Yerger said she only hears what she hears here. What you have done in-between is something she is not aware of. It's good that you are meeting with staff and we get it in writing and have a starting point and we need to move this forward for everyone's sake and bring it to a conclusion soon.

Ms. Nancy Polak said listening to the conversation, when you talk about the floodplain and the dangers, but none of you know that her grandfather who owned the Meadows in 1950 closed off a waterway. The waterway ran from the top of the Meadows property line all the way down the gully you see right through the concrete wall, through the mill and back to the creek. That was probably one of the main reasons we have that flooding problem now because the creek was divided in two. Her grandfather said he's closing this one up; otherwise, we are going to end up as an island. So he did that. If you ask Russ to tear down any buildings as they are in the floodplain, are you setting a precedent that says every building that now is in the floodplain also has to go down. Mrs. Yerger said not if they are grandfathered. Ms. Polak said they are not grandfathered. Dennis Reypneck's property is not grandfathered. It is right behind the Belmont. He built it on the floodplain in the sewer easement and that house remains standing. Mrs. Yerger said how long ago? Ms. Polak said probably about ten years ago. Mrs. Yerger said did he get permits? Ms. Polak said she has no idea. Mrs. Yerger said that's the issue. Russ did all of this without permits. Ms. Polak said she's on the Council's side with that. It was wrong and there's no excuse for that. Sometimes it's ignorance, but ignorance is no excuse for the law. In the same token, if he was ignorant of it and you say tear down this building, then somebody might just say what about Reypneck over there. He's not only in the floodplain, but he's in a sewer easement. Mrs. Yerger said he might have received the proper permits and variances and went through the proper procedure. Ms. Polak said the Township was at fault on that. Mrs. Yerger said she doesn't know the building. Ms. Polak said she knows it's a fact as she spoke to the Township about it. Mrs. Yerger said she doesn't doubt her. If the Council at one point or whoever deemed it okay and gave them permission for the variance or special exception, then it's grandfathered as he's in. Ms. Polak said that's where we come back to the discretion of the Zoning Officer. Watch that.

B. APPROVAL OF 2011 MINIMUM MUNICIPAL OBLIGATION (MMO)

Mr. Kern said Act 205 requires the Township Manager as the Chief Administrative Officer for the two employee pension plans to annually determine the Minimum Obligation of the Township for those plans for the coming year.

Mr. Cahalan said we listed this as approval, but it's really the time of the year to present it to Council. The MMO is the cost of the Township's pension obligations for the coming year. These reports were prepared by the Township Actuary and he based that on the 2009 valuation that he did on the two Township pension plans. There's one for the non-uniform employees and a second one for the police employees. These MMO obligations were reviewed by the Township Pension Advisory Committee at their last meeting on September 8, 2010. They anticipate receiving \$150,144.00 in State aid in 2011. That's not sufficient to offset the total obligations for both of the plans which is \$274,751.00. That leaves a shortfall of \$124,607.00. That's 96,355.00 for the police plan and \$28,252.00 for the non-uniformed plan. That amount has to be placed into the Township budget for 2011. That amount is actually only \$4,006.00 higher than the 2010 MMO. The police and the salaried department heads currently contribute towards these pension plans.

Township Council doesn't have to vote on this. It's just being presented to you. It will be discussed during the budget hearing on October 28th.

C. RECOMMENDATION TO ADOPT PSAB ACT 44 DISCLOSURE FORM

Mr. Kern said Act 44, which was signed into law on September 18, 2009, included disclosure compliance requirements that require contractors, subcontractors or advisors to municipal pension funds in the Commonwealth of Pennsylvania to provide each municipality with full disclosure of all information mandated by the Act by December 17, 2010. PSAB has created a Disclosure Form for the Township's use that will meet Act 44 requirements and the Pension Advisory Committee having reviewed the form at its meeting on September 8, 2010 recommends that it be adopted for use by the Township.

Mr. Cahalan said that says it all. It is mandated as required by the Act. We'd have to create a form. Our Pension Administrator, PSAB. It's free for our use and the Pension Advisory Committee is recommending that we use that form for this purpose.

MOTION BY: Mrs. Yerger moved for approval to adopt the form for our use.

SECOND BY: Mr. Maxfield

Mr. Kern asked if there were any comments or questions? No one raised their hand.

ROLL CALL: 5-0

D. RECOMMENDATIONS FROM LIBRARY COMMITTEE REGARDING HELLERTOWN AREA LIBRARY PROPOSAL

Mr. Kern said the Library Committee was directed in 2009 to explore alternatives for library services for Township residents. This exploration resulted in a proposal from the Hellertown Area Library which has been reviewed by the Library Committee who is making a recommendation for further study.

Mr. Cahalan said to carry this out, the Library Committee reached out to the Southern Lehigh Library down in Coopersburg and the Hellertown Library to obtain information on their services and costs for library services. Due to state library district restrictions, the Southern Lehigh Library advised them they could not accommodate the Township's request for a meeting to discuss the services. The Library Committee did meet with the Director and Board Members from the Hellertown Library on two occasions during 2010 to obtain information on the services at their facility. At the last meeting with Hellertown in June, Hellertown presented us with information about those services, which have been reviewed by the Township Library Committee. They want to make a recommendation to Council and that would be consider, in conjunction with Hellertown Borough and the Hellertown Area Library Board of Trustees, establishing a task force or a study committee with representatives of the three entities to further study the Hellertown Area Library proposal and to determine the feasibility of consolidating Hellertown Borough and Lower Saucon Township library services at the Hellertown Area Library. He's given you a memo from the Library Committee that if Council does consider that request and adopt it, they have made some other recommendations for the composition and duties and responsibilities of that committee or task force.

Mr. Kern said in reviewing the information that was provided to them, he needs some clarification. It looks like the proposal or what they are estimating what the Township would have to pay the Hellertown Library if this were to proceed, is \$15.00 per capita. Mr. Cahalan said that was just for discussion purposes, but yes, that is what they proposed as a starting point of cost. Mr. Kern said that doesn't differ substantially from what the per capita is at the Bethlehem Area Public Library. Mr. Cahalan said it would be less than in this example they gave us. Mr. Kern said not substantially less. Mr. Cahalan said that was just the first shot at it. It was done for the purpose of

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discussion and if we do want to look into this proposal, it's going to require further study and crunching of those numbers to see what the overall cost would be. Mr. Kern said the point would be, even though if the savings aren't more substantial than that, it seems fruitless to even pursue the effort.

Mr. Maxfield said he would normally agree with Mr. Kern, but the library budget has been leveled for the last couple of years and he imagines we're going to get hit with a big increase one of these days soon. If we didn't raise a little bit of a stink in the last year or so, it would have been up considerably higher. It's \$17.55 a head now. We could get more bang for our buck with local, but the study would show that. It could also be a substantial difference.

Mr. Cahalan said all costs for library services are going up as State aid is going down and they have fixed costs that are increasing. This proposal and the study would be free. There would be no cost to the Township. It would answer the questions. If it's revealed during the study that the cost would be higher, then that is something Council would be aware of. At the same time, in two years, the cost at the Bethlehem Area Library is going to be substantially higher as we are basing it on per capita and we're going to have the census figures and that is going to be recalibrated in a couple of years. Mr. Kern said it would be interesting to see what the study shows. Mr. Cahalan said if the Council wants to proceed with a further study, we'd like a vote. We did recommend that this be an activity that is public so everyone knows what is going on. There has been some press that we are leaving the Bethlehem Area Library, and he wants it to be clear that Council makes that decision every year by November 15th. You'll be able to make that decision in several months to renew that agreement. This does not mean we are leaving the Bethlehem Area Library. If there's any discussion about us consolidating with the Hellertown Library, he wanted that to be out in the open also so the people don't think there's something going on behind the scenes that we are going to change the library services without looking at all the facts and bringing that back to Council. If Council votes to move ahead, he would request that Hellertown and the Hellertown Area Library take a similar action and then they'll come back to Council with a resolution that would establish this study committee and it would have all the nuts and bolts of what would go into that similar to other committees that Council has established.

Mrs. Yerger said as long as they are going into it knowing it's not 100% guaranteed, and it's a work in progress. Mr. Cahalan said in the memo he gave Council, there was suggested direction to the committee and the direction is to explore all of these issues about library services and to come back with a report to the entities at the end of that and that would give everybody full disclosure on what the costs are, what the services are, and what the impact will be on the Township and on Hellertown Borough.

Mrs. deLeon said they will look into all the internet services and compare them to what Hellertown has to offer? Mr. Cahalan said yes.

MOTION BY: Mr. Maxfield moved for approval for the Library Committee to proceed with the recommendation/feasibility study.

SECOND BY: Mr. Horiszny
Mr. Kern asked if there were any comments or questions? No one raised their hand.

ROLL CALL: 5-0

E. AWARD OF RAIL TRAIL RENCE BID

Mr. Kern said a bid opening was held on September 3, 2010 for the Saucon Rail Trail Fencing. The Township Manager will review the bid results with Council.

Mr. Cahalan said we had previously come to Council with the recommendations for the safety features that are needed to proceed with the development of the rail trail. Lower Saucon has two

bridges, one down at the Old Mill Road crossing and a second bridge that's up north of Meadows Road that is shared with Hellertown Borough. Those need railings on them for safety of the users on the trail. We put together some specifications for the fencing and brought those to Council. They had discussed having wood rail fencing. They would be three rails. There's a top angled hand railing. It's pressure treated, No. 2 Southern Pine or better. It would all be anchored into the rail bed so that they would be secure as safety barriers. They advertised the bids for 690 linear feet of the fencing, and the bids were opened on September 3, 2010 and we received three bids. One bid from Anchor Fence, \$24,250.00; a second bid from Arbor Fence, \$20,550.00; and the third bid, which was the low bid of \$17,757.00 from Pro Max Fence Systems out of Reading, PA. Pro Max documents were in order. They sent us an extensive list of references. We feel it's a good bid and recommend that Council approve that this evening.

Mrs. Yerger said can you give us the timeline of the installation of this as opposed to the trail surface and where we are? Mr. Cahalan said we're ready to move ahead with this. This would be the first step to put the railings up, primarily because people are using the rail anyway. It's not open but these bridges have railings that were probably put up in 1917. We need to put safety railings on there and then we will proceed with the road crossings. We had a previous discussion with Meadows Road and we had a traffic study on that. Stop signs were recommended and they will come back with drawings of what has to be put there with Old Mill Road and the Meadows Road crossing, the road markings, signage, gates with bollards. When all of that is in place, we will go and put down a surface. Mrs. Yerger said do we have a full budget for all of this? Mr. Cahalan said yes, we put \$50,000.00 in the budget and this will cover everything. We are working with Hellertown as they have a couple of crossings and there is an issue with the flashing lights. We are working on that on Water Street. That is proceeding. Their main issue is the crossing on Water Street and when we get together with them on the surface material, we will have Public Works from both municipalities put that down fairly quickly. The trail will then be opened. We also understand that Upper Saucon Township is putting out bids for the section of trail for surfacing that connects with Lower Saucon's southern end and runs down to Preston Road to their community park. We are waiting to hear what is happening. They do have plans to proceed on that.

Mr. Horiszny said could you comment on the installation of mounting materials? Mr. Cahalan said it had to come down to the cost of the wood. Mr. Horiszny said mounting materials is only \$750.00 on one and \$5,000.00 and \$4,000.00 on the other two. Their labor was way higher. Mr. Cahalan said the specifications were very clear on how it was supposed to be mounted.

- MOTION BY:** Mr. Horiszny moved for approval of the award for the rail fence bid to Pro Max Systems for \$17,757.00.
- SECOND BY:** Mr. Maxfield
- Mr. Kern asked if there were any comments or questions? No one raised their hand.
- ROLL CALL:** 5-0

F. RESOLUTION #63-2010 – AUTHORIZING THE SUBMISSION OF NORTHAMPTON COUNTY PARK ACQUISITION AND DEVELOPMENT PROGRAM FUNDING GRANT APPLICATION

Mr. Kern said Resolution #63-2010 authorizes the submission of a grant application to Northampton County for the balance of remaining funds (\$127,771.00) allocated to the Township from the Northampton County Open Space Initiative – Municipal Park Acquisition and Development Program by the deadline of September 30, 2010.

**RESOLUTION #63-2010
NORTHAMPTON COUNTY PARK ACQUISITION AND DEVELOPMENT
PROGRAM FUNDING**

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WHEREAS, the Township Council of Lower Saucon Township recognizes that the Township needs to provide park and recreational facilities that contribute to the quality of life and economic health of our community; and

WHEREAS, the County Council of Northampton County has established the Northampton County Open Space Initiative supported by a referendum overwhelmingly passed by Northampton County voters on November 5, 2002; and

WHEREAS, the program provides for funding grants that may be used by the municipality to acquire land for park purposes and for park development; and

WHEREAS, Lower Saucon Township, Northampton County, Pennsylvania wishes to participate in the Municipal Park and Acquisition and Development Program; and

WHEREAS, the municipality will have available its required match.

NOW, THEREFORE, the Council of Lower Saucon Township, Northampton County, Pennsylvania, Glenn Kern, President; Tom Maxfield, Vice President; Priscilla deLeon; Sandy Yerger; and Ron Horiszny do hereby resolve:

1. That Lower Saucon Township hereby approves the filing of an application for the remaining funds of \$127,771.00 under the Park Acquisition and Development Program.
2. That Council President Glenn Kern is hereby authorized and directed to execute and file the appropriate forms with the Northampton County Open Space Advisory Board.

Mr. Cahalan said it was brought to their attention by the Press that Northampton County was sending out letters to municipalities in the County saying that they needed to earmark the funds that had been allocated to them in the open space and park allocation that had been adopted several years ago. They did have grants previously for Polk Valley Park and were awarded funds. There was a balance of \$127,771.00 and the indication that was received, we did communicate with Northampton County Open Space, Marie Bentzoni, and she indicated it would be a good idea to submit something so that the balance would be earmarked for a specific purposes. We are submitting this grant and putting it in for the improvements that Council has approved for the Steel City Park. We hope to receive those funds to have it available next year when we start those improvements.

MOTION BY: Mr. Maxfield moved for approval of Resolution #63-2010.

SECOND BY: Mr. Horiszny

Mr. Kern asked if there were any comments or questions? No one raised their hand.

ROLL CALL: 5-0

G. SUBMISSION OF DRAFT 5-YEAR CAPITAL PLAN

Mr. Kern said the Director of Finance has prepared a final draft of a 5-year Capital Plan for Council's review and input.

Mr. Cahalan said the Finance Director puts this together on a year basis in September just to give you an update on progress on capital projects and also status. It's for your information, no action is required.

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Mrs. deLeon said was this updated for the budget coming up? Mr. Cahalan said this is updated for capital projects that have been previously listed in the capital budget. It's not updated for the upcoming budget. Mrs. deLeon said under Historic Sites, it needs to be reworded for the Heller Homestead. Mr. Cahalan said okay.

H. RESOLUTION #65-2010 – AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE PENNSYLVANIA COMMUNITY TRANSPORTATION INITIATIVE (PCTI)

Mr. Kern said Resolution #65-2010 authorizes the submission of a grant application for \$110,000.00 in funding from the Pennsylvania Community Transportation Initiative for a Walkable Communities Initiative project. The project proposes to use the funding to develop bicycle/walking paths that would link the Township with Hellertown Borough and the City of Bethlehem.

Mr. Cahalan said this is something that we worked on with Hellertown Borough. They are submitting a similar project and the City of Bethlehem is also submitted one dealing with bicycle walking paths and coming up with a plan that would have linkages between the three communities. The rail trail is an example of the main one, but we're looking for other linkages. This will provide funding for the study and the development of those trails. Mrs. Yerger said this is a joint grant? Mr. Cahalan said Hellertown is submitting their own grant, but in the plan, there are linkages between the communities. This is a stand-alone and there is no match required from the Township.

MOTION BY: Mr. Horiszny moved for approval of Resolution #65-2010.

SECOND BY: Mr. Maxfield

Mr. Kern asked if there were any comments or questions? No one raised their hand.

ROLL CALL: 4-0

Mrs. deLeon stepped out, so we will ask how she votes when she gets back. Mrs. deLeon returned and said she voted yes, the roll call was:

ROLL CALL: 5-0

VI. MISCELLAENEOUS BUSINESS ITEMS

A. APPROVAL OF SEPTEMBER 1, 2010 MINUTES

Mr. Kern said the minutes of the September 1, 2010 Council meeting have been prepared and are ready for Council's review and approval.

MOTION BY: Mrs. Yerger moved for approval of the September 1, 2010 minutes.

SECOND BY: Mr. Maxfield

ROLL CALL: 2-1 (Mr. Horiszny – No)

Mr. Cahalan said Mrs. deLeon stepped out, so we will ask how she votes when she gets back. Mrs. deLeon returned and said she abstained from the minutes as she was absent. The roll call was:

ROLL CALL: 3-1 (Mr. Horiszny – No; Mrs. deLeon abstained as she was absent.)

B. APPROVAL OF AUGUST 2010 FINANCIAL REPORTS

Mr. Kern said the August 2010 financial reports have been prepared and are ready for Council's review and approval.

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MOTION BY: Mrs. Yerger moved for approval of the August 2010 financial report.
SECOND BY: Mr. Horiszny
ROLL CALL : 4-0

Mr. Cahalan said Mrs. deLeon stepped out, so we will ask how she votes when she gets back. Mrs. deLeon returned and voted yes. The roll call was:

ROLL CALL: 5-0

VII. PUBLIC COMMENT/CITIZEN NON-AGENDA ITEMS

- Mr. Alan Gross from 2050 Black River Road said last Council meeting we spoke about the safety issues on Black River Road. At that time, he was told that Mr. Cahalan would get back to him on sight line on Mr. Kipp's driveway. Do you have status on that? Attorney Treadwell said the Zoning Officer discussed the incident Mr. Gross brought up at the last meeting with the Police Department, so they are aware of it and they will look at it in the future for any possible violations of the vehicle code. He does not have a report on the sight line from the Zoning Officer. Mr. Gross said the vehicle code is an incident happens and until the Police get there, the incident is over, so they were looking for an answer as to why this driveway is permitted to be used. We're sitting here with violations from Mr. Kipp totaling six violations that were issued on September 9, 2009. To date, nothing has really happened. He's operating a business in a residential area. Parking his excavating equipment in that area which is not permitted. Use is not accessory or conditional use in a residential area. Therefore, he has a driveway to access in and out of that equipment storage area. Has there been a permit issued for that? He doesn't think so. Attorney Treadwell said he knows we've had this discussion before. It's your opinion that he is operating a business there. You were here earlier tonight when he was discussing with Ms. Polak the idea, that Council does not enforce the zoning ordinance. The Zoning Officer enforces the zoning ordinance. The Zoning Officer has been to this property and this has been going on well over a year. He has been to the property and has been to the property on September 7, September 8, September 9 and September 13. On none of those occasions did he see any evidence of a business being operated. In addition, we have had this discussion before that. Mr. Kipp's house is in Salisbury Township. If there is a business being operated from his house, that is not an issue for the Lower Saucon Township Zoning Officer. As he was discussing earlier, this Council does not have the authority to tell the Zoning Officer what to do with regards to notices of violation. The Zoning Officer has looked at this. He's been out there many times. Attorney Treadwell has looked at the legal issues revolving around the facts that the Zoning Officer reports are out there, and currently today, they have not found a violation of the zoning ordinance. He has not looked at the driveway issue. Mr. Kipp said what is happening with the six violations that your Zoning Officer issued back in September 2009? Attorney Treadwell said he doesn't have that in front of him, so he cannot answer that. Call him tomorrow and he can answer that question. He believes that was a NOV and those violations were rectified. Mr. Gross said no. 1 violation constructing a parking lot without a permit. No. 2 all yards shall remain unoccupied and unobstructed by any structure or use and you constructed a parking lot within a required side yard and the application of a subdivision, land division or building permit shall be required to identify all natural resources. It goes on and on, floodplain, wetlands, riparian buffers, etc., etc. Engineering studies that would had to have been done before he did this work without a permit. No. 4, specifically prohibited within a buffer associated with a wetland, riparian area or lake or pond, parking lots. No. 5, without securing a permit, to remove vegetated ground cover or approved ground cover, to cut, fill or change the existing grade of any land. No. 6, if the applicant proposes to increase the impervious coverage more than 2500 square feet, the grading plans shall provide stormwater volume control. That's per your Zoning Officer. People talked here a little earlier about the consistency here. Mr. Kern said you have a barn and you can't put a business in that barn. The violations are not occurring in Salisbury Township. The violations are occurring in Lower Saucon Township. That's where the parking lot is and that's where the equipment is being stored. That's where he is in and out on a

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constant basis. Attorney Treadwell said you are asking questions of this Council that they do not have answers for tonight. If you want to sit down with he and Chris Garges, and go through the entire file, he would be happy to do that. Council does not have the knowledge to answer those questions you are asking. They didn't know you were going to bring up the six or seven violations and ask them questions about it. The Council is the legislative body. They enact the ordinances as they did earlier tonight when they enacted the amendment for the riparian buffer. They are not authorized to enforce or administer the provisions of the zoning ordinance. Mr. Gross said he understands that, but it was mentioned earlier that it is the Council's responsibility to make sure the Zoning Officer consistently applies the zoning laws. In this case, it hasn't been consistently applied, not even close. Attorney Treadwell said maybe Mrs. Polak suggested that would be a good idea, but he thinks he pretty clearly stated the Zoning Officer acts as independent enforcement officer. That's the way the system was set up by the municipality planning code. The question is, what are you asking this Council to do? Mr. Gross to make sure zoning laws are consistently applied. Attorney Treadwell said okay. That's an enforcement and administrative issue. Mr. Maxfield said he has a feeling what we might be talking about is someone who might be aware of our ordinance and is riding the line knowing exactly how far they can go and how far they can't go. Per the strict interpretation of our ordinance, a parking lot does not exist there. Yet, it's being used as a parking lot, in a way. Yet, that can also fall under parking a vehicle in a yard which might be permitted. He doesn't know if Mr. Kipp is getting advice from someone or how far he can go, but that's where it's at right now. With voting of the riparian corridor amendment, a lot of those problems are going to go away. He doesn't think we have any holes left, so hopefully it will change soon. Mr. Horiszny said on the NOV's, the taking out of the parking lot resolved those, supposedly. They took out the parking lot that the NOV's were about, now he parks on the grass. Mrs. Yerger said he took out the gravel. Attorney Treadwell said maybe what Mr. Gross is referring to as a parking lot is the fact that vehicles are parked on a certain spot in the yard. If there was grass growing under those vehicles, he doesn't think that would change anybody's opinion tonight to express their concerns about it that it's a parking lot. Their interpreting a parking lot as a place where vehicles are parked all the time. The zoning ordinance definition of a parking lot requires you to have some kind of structure that supports the parking of vehicles on it. It's a difference on how you look at it. Mr. Gross said what is the zoning interpretation of a driveway? Attorney Treadwell said he has the zoning ordinance here and they can read the definition of a driveway. He doesn't know it off the top of his head. Mr. Gross said obviously he has to get that equipment in and out of there. He's accessing Black River Road. Mr. Maxfield said earlier you mentioned two driveways on one property. The other driveway is in Salisbury, so as it stands right now, we have one driveway in Lower Saucon. We can't enforce what happens in Salisbury. Mr. Kern said what about approved driveway, is it a driveway? Mr. Maxfield said there was something about the driveway having existed before. Mr. Maxfield said a Public Works employee said it was a turnaround from way back. Attorney Treadwell said he doesn't have the file in front of him. He thinks Roger said it had always been some type of plow turnaround. The point he is trying to make is for well over a year, the he and the Zoning Officer have been looking at this issue and have been looking at all the zoning ordinance provisions and what has taken place out there. It's kind of unfair to the Zoning Officer who is not here tonight to say that he's not doing his job or is administering the zoning regulations in an unfair fashion as he spent a lot of time on this. The simple fact of the matter is when we look at the fact of what's going on out there and the zoning ordinance violation; there is not a violation right now. Mr. Gross said we happen to know quite a few people who have had work done by him. Is the Township interested in that? Mr. Kern said sure. Attorney Treadwell said we're having this discussion in a public Council meeting and he's assuming where you are going with that question is, is he operating a business or not. When you get to the enforcement proceeding, the question will then be for a magistrate, a judge or a Zoning Hearing Board to decide, if he's operating a business, is he operating it out of the house or can you say he's operating a business merely because he has a Bobcat and a mini-excavator parked in an area in Lower Saucon Township. Mr. Gross said and a dump truck and a commercial trailer and various other things. Mr. Maxfield said what do our ordinances say about storage areas? He doesn't have an office established right there. Attorney Treadwell said when you say storage areas,

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there are different sections of the ordinance that talk about storage areas, but they've look at that, and they don't apply to this specific situation. Mr. Gross said what is the status of the Williamson violations that were also issued back in September 2009? He understands title to that property has transferred two months ago. Mr. Horiszny said the Williamson caretaker, is now the caretaker whoever owns that property and has agreed to let the Watershed Group come in and help remediate that area. What they are going to do is plant some grasses and trees, which is going to resolve the issue or will resolve the issue. It hasn't been done yet, but it's tree planting season soon. It will reduce the width of the driveway, but because it's there, it has to stay there, but now you have a good point, are there one or two driveways for that property. It's an area they access with a tractor. Mr. Gross said it's referenced on the violation as a driveway, although it's constructed of wood chips. Mr. Horiszny said the wood chips were not going to be damaging to the riparian buffer and the riparian buffer was the main concern that the Watershed Group had when they decided to help him do something about it. Mr. Maxfield said as a member of the Watershed Group he's watching members Ron Horiszny and Terry Boos and it's been progressing. It's on the way. Mr. Gross said in your opinion regarding the Kipp situation, and the new provisions, that should take care of that situation. Mr. Maxfield said the new riparian buffer amendment says that you basically cannot park a vehicle in the buffer area unless we have a grandfathered situation tied to use like Attorney Treadwell was saying earlier. There's nothing tied to use that he can see. Attorney Treadwell said as he explained earlier, Council is here as the governing body to adopt the regulations in the zoning ordinance which tonight you have done. It's a little unfair to ask a Council member whether or not this will solve the problem you have with your neighbor. The ordinance that was adopted tonight applies across the board to riparian buffers in all areas of the Township and we're not here tonight to discuss specific properties or instances that it may or may not apply to. Mr. Gross said we won't do it specifically, but he's going to ask the question, if somebody has a dump truck, a skid loader, a backhoe, a commercial trailer parked in the riparian buffer, as the ordinance tonight was adopted, is that legal or not? Attorney Treadwell said again, as he discussed earlier when Ms. Polak and Mrs. deLeon were talking about certain instances, it will depend from property to property. Have they been there? Are they an integral part of the use of that property or not? Mr. Maxfield said generally, no. Mr. Gross said he'd like to take Attorney Treadwell up on a meeting. Attorney Treadwell said okay.

- Betty Julrich from 1943 Black River Road said in reference to this driveway or parking lot, they have lived west of that property since 1962. That was a very thoroughly wooded lot with no driveway. That hasn't changed through several property owners. That stayed as a wooded lot until Mr. Kipp decided to tear all the trees down. She also witnessed that near accident about two weeks ago in which someone from Mr. Kipp's driveway pulled right out in front of two cars and about 500 feet away, she could hear the brakes squealing. In addition to the reference of not Mr. Kipp not running a business, about a week and a half ago, he ran up the street in front of their property with one of his pieces of machinery and proceeded to work a full day at another neighbor in Upper Saucon Township. Then he came down again which he has pictures in doing that. Obviously, Mr. Kipp has been unemployed for years in having a real employer, but he's making a good living doing something with those vehicles that he has parked in that parking lot.
- Sandy Backauskas from 2040 Black River Road said she lives directly across from the property in question. She has a totally unobstructed view of the activities that are going on over there. She doesn't want to know what he's doing. She doesn't have a choice. She works from home. She sees it every day. The Zoning Officer went there for five days and she understands this is an legislative body, and that's the executive body and that's who is going to uphold the ordinance; however, was he tipped off? She's not saying he was. Mrs. deLeon said how would he be tipped off? Ms. Backauskas said she doesn't know. The man seems to be one step ahead of everybody. He is one step ahead of you guys; he's always been one step ahead of us. She has lived there for ten years and he moved in four years ago. It was solid wood, natively planted lot. There was no turnaround. The mailbox of Mr. Gross was moved so it could have never been a turnaround for the municipality to turn their trucks around. They turn around in Mr. Gross's driveway and in her driveway. There were huge giant rocks the size of Volkswagens there. No one ever turned around in there. He's been running a business. You need proof. Does she need to take time out of her day

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and set up a video camera to show you he's running an excavating business off of that riparian buffer in that driveway parking lot which used to be solid woodlands. She's watching it day in and day out. Yes, there are days that those vehicles are never moved. There are days they are. He runs vehicles straight up the street. He runs them back down. It's like the business end of it is not being run out of his house. It's being run out of the Lower Saucon portion of his property. He wanted to build a garage on it. When they got wind of it, and realized he was on the riparian buffer, he realized he wasn't going to be able to build a maintenance garage there. That's the bottom line. She doesn't care if he doesn't like her. She doesn't need to get along with him. He's destroying their property values and creating a hazard. He has trucks parked on the road once or twice a week. You say the Police enforce this, she understands this. Again, the police turn around in Mr. Gross's driveway. They do not come up Black River Road any further than that. They rarely see a Salisbury and never see an Upper Saucon over there, so the only enforcement they have on that road is Lower Saucon police department. They are at wits end. Does she need to get solid proof and who does she need to turn that over to that he's running an illegitimate business out of that property? Attorney Treadwell said come to the meeting with Mr. Gross and we'll discuss it. If you have videos, bring them. Ms. Backauskas said it was like clockwork this summer. The workers would show up at 8:30 AM, pile in the truck and put their trucks in his residential driveway. They would walk across his yard and get in the dump truck. They would load up the skid loader and the excavator and they would go. About 3:30 PM they would come back when they had jobs. Attorney Treadwell said this is information he's hearing for the first time so it would be helpful if you would come to the meeting with Mr. Gross.

- Mr. Kevin Backauskas from 2040 Black River Road said he had two questions. Do you need a permit to park an excavator in his front yard? Attorney Treadwell said you are asking the wrong people. Council doesn't know off the top of their heads if you need a permit to park an excavator in your front yard. Mr. Backauskas said if we're not satisfied with the Zoning Officer, who is their boss? Mr. Cahalan said he is the Manager, who reports to Council. Mrs. deLeon said in all fairness, we need to give the system a chance to work. People would come here to complain and we'd say you have to meet with the administration and let them develop the process, and then if it doesn't work, then we say this is what happened. Mr. Backauskas said he doesn't think it's worked. Mr. Cahalan said you can come in and make an appointment and talk to him. Mr. Backauskas said you are saying Council is the top, then it's the Manager, and then the Zoning Officer. Mr. Maxfield said we have a system like all governments, there are checks and balances, and Mr. Cahalan is the Zoning Officer's immediate boss. He's the guy you should definitely talk to.
- Mrs. Patty Gross, 2050 Black River Road, said it's not a permanent driveway and it's several times a day that cars access the road from this area. There is no sight line to the point we had the six safety problems we talked about. If the Zoning Officer went out there and didn't find a problem with that, she thinks that is something to look into, on how well an unpermitted access to a road which is accessed multiple times a day with close serious accidents happening there, how it wasn't called to someone's attention. Mr. Cahalan said has anyone called the Police about this situation? You need to call the police. Mrs. Gross said bringing the safety issues to this Council would be good enough. When the Zoning Officer would have gone out there in September, if he looked, he would have seen there is no sight line. Mr. Cahalan said you are talking about the issue you need to bring to the attention of the police. Mr. Maxfield said we need to resolve this issue.

VIII. COUNCIL AND STAFF REPORTS

A. TOWNSHIP MANAGER

- Mr. Cahalan said he had no report

B. COUNCIL

Mr. Maxfield

- He said he doesn't know if it's going to apply to us or not, but he'd like staff to look into this. He's been hearing a lot of things about Marcellus Shale drilling lately. Most of it is in the angled northern tier above us in the state, but he heard there are a couple of applications down in Nockamixon and in Upper Bucks, which brings it very close to us. He would like to know if our Township or if anything in close proximity to our Township would be in danger of having an application filed? He says danger as they are perceiving with drill techniques that are horizontal and can go miles from a single drill site into other places in polluting the water and there is also legislation that's being pushed through in Harrisburg that would basically take away your rights to say to a company, no you cannot have my mineral rights. It's a law that's being proposed that if all your surrounding neighbors have sold off their rights, you can be forced to. It's kind of eminent domain. He was thinking we have other places with other different geology around like Williams Township and other places close by. Part of our water comes from Bethlehem which comes from way up north in the Poconos somewhere. Our residents are drinking that water. Are there any drills near there? There have been over 4,000 drilling applications just this year alone in the State. He just wants to make sure we're not close to that vein. Mrs. Yerger said it doesn't matter if we're near the vein or not, but it's her understanding that they tracked back contamination of Marcellus shale drilling where they found pollutants in the Susquehanna and the Delaware. We don't even have to be next to it or near it. It's coming down in our water systems. The Lehigh goes far north, so it could very well contaminate the Lehigh. Penn Future, there is a discussion tomorrow at Wildlands. It's an area of great concern. There's another one at Heritage Conservancy. Go to Penn Future and check it out. It is an area of concern for every resident of PA. There are whole communities right now with contaminated drinking water already. Mr. Maxfield said he heard on a program this morning that every resident will be affected one way or another in the state of PA. Mrs. Yerger said they were told this morning in a press release from a state official that it will probably be the biggest environmental issue and concern that any of us will see in the next hundred years. It's something you need to check out. One of the best sites right now is Penn Future. Mr. Maxfield said they say these sites that are being drilled, nobody is really pushing that information, but we're talking trillions of gallons of gas that they will be drilling at these sites for decades. Mrs. Yerger said the vote is going to take place in the House on one of the major bills on whether or not there's going to be taxation. She doesn't know if we, as a body, want to weigh in on that. It's something to think about and if Mr. Cahalan wants to do a little investigation, she doesn't know how we feel as a Council. The vote will take place on October 12th, so between now and October 2nd, she would encourage us as residents of the state to go to Penn Future and attend one of the lectures and get a little information and maybe Mr. Cahalan can pull a little bit and maybe we want to make a statement as a municipality even though we are not immediately affected by it, we know and understand that the state, as a whole and as a state resident, we need to have some of this addressed through taxation, which would go into a remediation fund. Take a look at it, there's talking points there and main issues everyone needs to look at before we make a decision. Mr. Maxfield said the taxation they are talking about not applying to the gas drilling is not just that, it is also linked to a movement to lift the taxes on all businesses in the state of PA. Maybe staff could make a recommendation if they could find out any information. Mr. Horiszny said he read that Bucks County is a different rock formation. We could consider a letter to our legislatures and PSATs. Mrs. Yerger said if we do it by our October 2nd meeting, it would be in time for the October 12th vote as some of the key issues will be settled then. Mr. Horiszny said if our legislative governor doesn't tax those people who are coming in and drilling in our state and not paying anything, it's so stupid, it's unbelievable. Mr. Maxfield said our current administration is in favor of a tax, but he believes the mood in Harrisburg is to wait for the

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new governor and see how he feels. Mrs. Yerger said she's told there is a vote on October 12th. They are pushing it. Mr. Maxfield said he heard today that may not occur. There's a very strong counter push. Mr. Cahalan said they will bring information for the October 6th meeting.

Mrs. Yerger

- She said she saw the dog park is being used very much. She went by there this weekend and there must have been 15 to 18 people up there. It's used, and used heavily. She also sees them out on the trails, they walk them either before or after.
- She said the EAC is doing an Adopt-a-Road section on October 2nd and if anyone cares to join the EAC, they'll be doing it from 9:00 AM to 10:30 AM.
- She said it was reported at the EAC meeting, the Hellertown Police Department is participating in a collection of prescription drugs that are no longer being used. They are going to collect them safely and dispose of them safely. You can go on the Hellertown website to find out the hours. It's part of a safe disposal prescription drug program that they are doing throughout the state and Hellertown Police Station is the site. If we can encourage that or put it on our website, it's a real benefit to the residents and to our water systems. The date is September 25th.

Mr. Horiszny

- He said the Historical Society, he has been the alternate liaison there, and they are concerned that the parking for Kingston Park get done by October 2nd when they have an event, so if there's any chance of getting the roadways done and the parking, they would love that. Mr. Cahalan said he talked to Sue and Karen Samuelson and told them the paving won't be done, but the gravel will be in by that time. Roger had to do some additional grading where the garden is going to go and he didn't want to do the paving or pervious pathways until that was done. They will be done, but the paving won't be done by October 2nd.
- He said he read Allan Johnson's on the EAC by-laws and he tends to agree with Mr. Johnson on a lot of the things, but he suspects it will be one of the deals where you will have to use the state information. Mr. Horiszny did like the changes. Mr. Kern said he read it to and thought it was clearer, but again, the wording may have to be the way it is for the state, but Mr. Johnson did a good job. Mr. Horiszny thanked Mr. Johnson for making the changes, and said it's appreciated.

Mr. Kern

- He said at the last SVP meeting, they had a Peer-to-Peer representative from the state, the main man, who was here to see whether or not we were a real entity or groups of entities to make this happen and he thinks we blew him away. They have this little check list of things they thought we weren't going to have done or to check if we were going to do, and we had them all done. It's almost a slam dunk we're getting the grant from them, as he was pretty impressed on the way we cooperate with Hellertown and the school district.
- He said the other thing that came of value from that meeting, he mentioned Cradle to Grave when it comes to recreational facilities. It's not all youth sports, that there's elderly involved and it could be something as simple as a park bench. He wanted to update Council that was progressing.

Mrs. deLeon

- She said she's glad the Meadows Road Bridge meeting worked out like it did. She had wanted to do this back in February, but couldn't make the date the County picked, and she didn't want to delay it anymore. She's glad it worked out.
- She said the Saucon Valley Conservancy held their 4th annual barn tour over the weekend and it was a huge success. There were 100 people that participated. The weather cooperated this year.

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- She said the Conservancy also hired our contractor to start the repairs on the arch and the Conservancy awarded the bid to Premier Building Restoration. They are located in Erdenheim, PA. They will be meeting with the Township to find out what permits they will need for the restoration and do whatever they have to do to get the ball rolling in the next couple of weeks. She has the proposal if anyone is interested in looking at it.
- She said September 21st the Hellertown-Lower Saucon Chamber is going to hold a networking event from 5:00 PM to 7:00 PM at Borough Hall in the Council chambers. It's a town hall meeting and mixer and it's free, but they want to have everyone pre-register. It's an opportunity to meet your Hellertown-Lower Saucon Chamber board and exchange ideas and network with the Police Chief, Borough Manager, Mayor and other community decision-makers.
- She said they had a gaming meeting on August 23rd. She can't wait for the September 27th meeting to find out what the impacts. Everyone has a different interpretation and she has to give Jack and Charlie credit as they did a fantastic job and please pass that along to the other people. We've got to keep an open mind.
- She said on September 28th and October 5th, here at the Township at 7:00 PM, Historian Richard Cantor, will be talking about Saucon Valley in the past and will be doing a slide presentation. There will be great pictures of old Lower Saucon and Hellertown. That's put on by the Hellertown, Lower Saucon Historical Societies and Saucon Valley Conservancy. They are looking forward to a good evening for that.
- She said she was very pleased as she drove up over South Mountain Road. That was her first time since they repaved it and she was very impressed with the grates as she entered from Hayes Street. Mr. Cahalan said that was on the road project list and something that they wanted to fix. Mrs. deLeon said tell them thank you. It was a long time coming and she really appreciates it.

D. SOLICITOR – No report

E. ENGINEER – No report

F. PLANNER – No report

IX. ADJOURNMENT

MOTION BY: Mrs. deLeon moved for adjournment. The time was 9:38 PM.

SECOND BY: Mrs. Yerger

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

ROLL CALL: 5-0

Submitted by:

Jack Cahalan
Township Manager

Glenn Kern
President of Council