

I. OPENING

CALL TO ORDER: The General Business & Developer meeting of Lower Saucon Township Council was called to order on Wednesday, September 16, 2009 at 7:00 P.M., at 3700 Old Philadelphia Pike, Bethlehem, PA, with Mr. Glenn Kern, Council President, presiding.

ROLL CALL: Present – Glenn Kern, President; Tom Maxfield, Vice President; Priscilla deLeon and Ron Horiszny, Council members; Leslie Huhn, Assistant Township Manager; Kevin Kochanski, Township Planner; Linc Treadwell, Township Solicitor and Jr. Council Member, Kimberly Kelly. Absent: Jack Cahalan, Township Manager and Sandra Yerger, Council member. Dan Miller, Township Engineer arrived at 7:02 PM.

PLEDGE OF ALLEGIANCE

ANNOUNCEMENT OF ANY EXECUTIVE SESSION (IF APPLICABLE)

Mr. Kern said Council met in Executive Session prior to this evening's meeting to discuss personnel issues and a potential land acquisition.

II. PUBLIC COMMENT/CITIZEN AGENDA ITEMS

Mr. Kern said for citizen agenda items – Council operates under Robert's Rules. What that means is during agenda items, Council will talk amongst themselves and amongst staff and the interested parties. At the conclusion of that, we open it up to the public for public comment. There is an opportunity for non-agenda items at the end of the meeting to discuss whatever your business might be. We do have a microphone and there are microphones up at the table. There is a sign-in sheet in the back of the room. Please print your name and address and email address. It is very helpful in transcribing the minutes. For those who want to receive emailed agendas, please give your email address to Leslie or Jack or call the Township office. Please state your name and address. If you can't hear, please let us know. You can check the minutes on the website, which is www.lowersaucontownship.org.

III. PRESENTATIONS/HEARINGS

A. RESOLUTION #67-2009 – RECOGNIZING MARY ELIZABETH ANTHONY FOR HER WORK ON THE NATIVE PLANT GARDEN AT TOWN HALL

Mr. Kern said Resolution #67-2009 has been prepared recognizing Mary Elizabeth Anthony for her work and coordination with volunteers to enhance the native plant garden at Town Hall.

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

WHEREAS, Mary Elizabeth Anthony, a resident of Fountain Hill Borough and a member of the Girl Scouts, approached the Township this year looking for volunteer projects; and

WHEREAS, Mary Elizabeth chose to work on finalizing the Native Plant Garden at the Town Hall complex as her Girl Scout Silver Award project; and

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WHEREAS, Mary Elizabeth met with Hans Reiman, Jr. from Laughing Springs Farm, who drew up the plan for the garden and installed the first plantings in 2004, and came up with a work plan to finalize the original garden design; and

WHEREAS, utilizing friends and family members as volunteers, Mary Elizabeth mobilized her crew on several work days during this past summer to work on clearing weeds, laying down mulch and putting in wood chip pathways in the garden; and

WHEREAS, due to Mary Elizabeth's hard work and dedication to this task, the Town Hall Native Plant Garden has finally reached its full potential and will provide residents and visitors with both enjoyment and awareness of the benefits of native plantings for many years to come.

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

MOTION BY: Mrs. deLeon moved for approval of Resolution #67-2009.

SECOND BY: Mr. Maxfield

Mr. Kern asked if anyone had any questions? Mrs. deLeon said Mary Elizabeth has been very active at the Heller Homestead in dressing up with period clothing and helping them with their reenactments and their holiday gatherings. She is a role model to kids her age, and she is the future, so we look up to you.

ROLL CALL: 4-0 (Mrs. Yerger – Absent)

B. RESOLUTION #68-2009 – RECOGNIZING HANS REIMANN FOR HIS WORK ON THE NATIVE PLANT GARDEN AT TOWN HALL

Mr. Kern said Resolution #68-2009 has been prepared recognizing Hans Reimann, Jr. for his work and coordination with volunteers to enhance the native plant garden at Town Hall.

**A RESOLUTION RECOGNIZING
HANS REIMANN JR. FOR HIS WORK ON THE NATIVE PLANT GARDEN**

WHEREAS, in 2004 Hans Reimann from Laughing Springs Farm in Springfield Township volunteered his services to the Township Environmental Advisory Council (EAC) to design and install a Native Plant Garden adjacent to Town Hall; and

WHEREAS, Hans, whose farm specializes in native plants and who espouses himself as a wildlife habitat steward, designed the garden and did most of the preparatory groundwork himself; and

WHEREAS, with the help of volunteers, Hans oversaw the planting of native plants and wildflowers such as flowering dogwoods, river birch, wild ginger, blue stem, purple coneflower, black-eyed susans, goldenrod and blue wood asters; and

WHEREAS, in addition to beautifying the garden with the plantings, Hans designed garden walkways and seating areas to provide areas for quiet meditation and enjoyment; and

WHEREAS, after an initial growing-in period, Hans, with the help of a local Girl Scout and a group of volunteers, has worked in the last few months to finalize the garden project and present it to the Township; and

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WHEREAS, Lower Saucon Township would like to recognize and commend Hans Reimann Jr. for his volunteer efforts to design and oversee the installation of the Native Plant Garden which will provide both education and enjoyment to Township residents for many years to come; and

NOW, THEREFORE, BE IT RESOLVED, that the Council of Lower Saucon Township, Glenn Kern, President; Thomas Maxfield, Vice President; Priscilla deLeon, Council Member; Sandra Yerger, Council Member; and Ronald Horiszny, Council Member; wishes to commend Hans Reimann Jr. for his hard work and dedication to Lower Saucon Township.

MOTION BY: Mr. Maxfield moved for approval of Resolution #68-2009.

SECOND BY: Mr. Horiszny

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

ROLL CALL: 4-0 (Mrs. Yerger – Absent)

Mr. Reimann said the garden looks beautiful and he will submit to the EAC recommendations for future planning for this garden.

C. RESOLUTION #69-2009 – HONORING SOUTHEASTERN FIRE CO. CELEBRATING THEIR 50TH ANNIVERSARY

Mr. Kern said Resolution #69-2009 has been prepared to honor Southeastern Fire Co. who is celebrating their 50th anniversary.

A RESOLUTION RECOGNIZING SOUTHEASTERN VOLUNTEER FIRE COMPANY FOR 50 YEARS OF SERVICE TO THE COMMUNITY

WHEREAS, in April 1959, a group of civic-minded individuals in the Wassergass area determined to form a volunteer fire company to improve fire services in the southeastern portion of Lower Saucon Township; and

WHEREAS, sixty-one (61) individuals became charter members of the organization, named the Southeastern Volunteer Fire Company, which was officially incorporated on August 24, 1959; and

WHEREAS, the fire company was located in the former Southeastern School, to which the fire company added a three-bay garage to house their fire equipment and serve as a social gathering place; and

WHEREAS, a Ladies Auxiliary was formed in 1963 to assist the fire company and throughout the past fifty (50) years this group has worked tirelessly on bingo games, weddings, dinners, parties and auction sales in the old hall to raise money to support the fire company; and

WHEREAS, over the past fifty (50) years the Southeastern Fire Company volunteers have responded to thousands of fire calls in Lower Saucon Township and have spent many more hours training and maintaining their equipment to keep themselves at a high state of readiness; and

WHEREAS, on September 19, 2009, Southeastern Volunteer Fire Company will be hosting an anniversary banquet to mark their anniversary, honor their founders and celebrate their history.

NOW, THEREFORE, BE IT RESOLVED, that the Council of Lower Saucon Township, Glenn Kern, President; Thomas Maxfield, Vice President; Priscilla deLeon, Council Member; Sandra Yerger, Council Member; and Ronald Horiszny, Council Member; hereby recognize and commend the Southeastern Volunteer Fire Company for their unwavering devotion and service to the residents of Lower Saucon Township over the past fifty (50) years.

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MOTION BY: Mr. Horiszny moved for approval of Resolution #69-2009.
SECOND BY: Mrs. deLeon
Mr. Kern asked if anyone had any questions? Mrs. deLeon said she can't be there on Saturday, but her heart will be there. She has the most respect for all they do and it's a great thing to get to that milestone.
ROLL CALL: 4-0 (Mrs. Yerger – Absent)

D. ORDINANCE NO. 2009-09 – NO PARKING RESTRICTIONS AT EMERGENCY ACCESS GATES LOCATED ON W. RADER’S LN., COUNTRYSIDE LN., AND STOVER ROAD – PUBLIC HEARING & CONSIDERATION OF ADOPTION

Mr. Kern said Ordinance No. 2009-09 has been advertised for a public hearing and consideration of adoption to provide for no parking signs at emergency access gates within the Township at the request of emergency responders.

MOTION BY: Mr. Maxfield moved to open the hearing.
SECOND BY: Mr. Horiszny
Mr. Kern asked if anyone had any questions? No one raised their hand.
ROLL CALL: 4-0 (Mrs. Yerger – Absent)

Attorney Treadwell said this ordinance will prohibit parking at the emergency access gates on West Raders Lane, Countryside Lane and Stover Road. If Council doesn't have any questions, you can open it up to the public.

Mrs. deLeon asked if there was an issue with people blocking the access roads? Attorney Treadwell said yes. Mr. Kern asked if there were any questions from the audience? No one raised their hand.

MOTION BY: Mr. Maxfield moved to close the hearing.
SECOND BY: Mr. Horiszny
Mr. Kern asked if anyone had any questions? No one raised their hand.
ROLL CALL: 4-0 (Mrs. Yerger – Absent)

MOTION BY: Mr. Maxfield moved for adoption of Ordinance No. 2009-09.
SECOND BY: Mr. Horiszny
Mr. Kern asked if anyone had any questions? No one raised their hand.
ROLL CALL: 4-0 (Mrs. Yerger – Absent)

IV. DEVELOPER ITEMS

A. SADDLE RIDGE PHASE III & PHASE IV – FLINT HILL ROAD – REQUEST EXTENSION TO COMPLETE IMPROVEMENTS

Mr. Kern said the applicant is requesting a one year extension to complete the improvements in this subdivision.

SADDLE RIDGE – PHASE III & PHASE IV EXTENSION

The Lower Saucon Township staff recommends that Township Council approve an extension until September 18, 2010 for completion of improvements at the Saddle Ridge Subdivision. This approval is subject to the following conditions:

1. The owner/developer shall enter into an Extension Agreements for Phase III and Phase IV with the Township satisfactory to the Township Solicitor and Township Council.

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2. The Improvements Security shall remain in full force and effect until project completion or October 18, 2010, to the satisfaction of the Township Solicitor.
3. The owner shall pay any outstanding plans and appeals account invoices owed to the Township.
4. The Township Engineer is hereby directed to inspect the erosion and sedimentation controls for the project and notify the developer of any deficiencies. The developer must correct any deficiencies noted by the Township Engineer within 60 days of receipt of his report.

Mrs. deLeon asked if anyone was here from Saddle Ridge? Ms. Huhn said there was no one here from Saddle Ridge, but there was a resident who had a concern regarding the stormwater drainage associated with the detention basin. Hanover Engineering did an inspection of the area and issued a report in 2005. The Township requested Hanover take another look at the basin. Mr. Miller said they went out there a few days ago and it is as designed. There were different requirements back when it was approved, but it was approved by all agencies and it's still that way. Mr. Kern said you are referring to the detention basin? Mr. Miller said the detention basin in Saddle Ridge, there are two in question. They are both constructed the way they were supposed to be. Mr. Kern said designed as per spec and there is nothing impeding the flow? Mr. Miller said that is correct.

Mrs. deLeon said we have residents complaining about the stormwater coming out of the basins on Rt. 412. Back in 2005, the word was it was designed according to the regs in place. Everybody signed off on it, and we still have issues with it. She knows from other developments if something is approved, there is really not much we can do, but this is eventually going to be a township problem. It's not going away, so what can we do to fix this problem? Mr. Miller said it's important to know that Saddle Ridge is only a portion of the entire watershed draining into the area where the problems are being noted. There are 248 acres draining to that low point. Obviously, the development didn't make it any better. It isn't the sole cause of the problem either. It's his understanding that historically there have been drainage problems in that area that well preceded Saddle Ridge.

Mr. Kern said he reviewed the 2005 document from Hanover Engineering which was a thorough report of the conditions at the time and it was very clear in the report, that with or without Saddle Ridge, with or without the detention basin, there would be a flooding problem on Rt. 412 in the Leithsville area. No matter what, there's a flooding problem there when there's high volumes of rain water coming down. In the report, it said there were two options and one was to potentially fix the drainage basins at the top, and in the report it said there was no guarantee that was going to do anything, but clearly, the solution was to handle the inadequate drainage along Rt. 412 on Leithsville Road, which is a PennDOT issue. Mrs. deLeon said we brought that up at the recent PennDOT meeting. Mr. Kern said the report clearly said if that were enhanced and improved, that would remedy the situation. How do we get PennDOT to act on it and to understand there is a flooding problem that's not being created by Saddle Ridge, not by the detention basins, but because there is a poor drainage swale system in the PennDOT jurisdiction?

Mr. Maxfield said before you answer that, he doesn't agree it's all of PennDOT problems. Even though the detention ponds were designed and built as designed, there was discussion back in 2005 about limiting the size of the exit hole from the detention ponds to slow the water down. If you've been there during a storm, that water gushes out of the detention pond and sheet flows across Flint Hill Road. There may have been drainage problems and flood problems there before, but this is concentrated and it is pouring out and making flood conditions on Flint Hill Road even before it gets to Rt. 412. It gathers down at the bottom. He would put forth that there are many reasons for this occurring. We've heard about drainage problems on Rt. 412, culverts that aren't draining

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properly. He would say if we took it from the detention pond all the way down to where it's no longer a problem, where that flood area drains away, then that would really be addressing the problem. He's been there when it's flooding and it's scary. When that freezes in the winter, last year we had a problem on Flint Hill Road, with people not being able to get up the hill because there was ice all over the road. We are going to have to address the entire thing from start to finish. Mr. Kern said there was discussion in 2005 that limiting the flow from the detention basin was a potential assist to the problem. That sounds like an engineering issue. Mr. Maxfield said it sounds simple, but now we have detention ponds that are under private ownership. Going in and altering the detention pond isn't something that you can do. You have to have the agreement of the homeowner, and that's part of the problem as the residents don't want anything touched. Whether it was built to design or not, it's a problem. We've had reports of the detention pond further down Rt. 412 closer to Springfield overflowing - the pond itself overflowing and going onto the road. It's too bad the regs weren't in place at that time to really make the detention pond act the way it should. A detention pond that sits 15 or 20 feet away from the road, is a problem waiting to happen. That's just bad design whether it was approved or not.

Mrs. deLeon said when was this subdivision approved? Mr. Miller said he thinks it was the late 90's. Mr. Maxfield said it was five phases and approved over a period of time. Mr. Miller said it was grandfathered. When they got their first subdivision approved, they got the right to go for five years. Mr. Kern said what he's trying to look for is the easiest, quickest, simplest thing to do. Mr. Maxfield said the problem is we have no control over that water process of the water going from the detention pond down to the culvert down on Rt. 412. We can't address it so we are asking for the cooperation of other people and that's going to be tough to do. Maybe we want to start with talking to PennDOT. Mr. Kern said regardless of the sheet flow, it comes down to those culverts and they can't handle the water. A good starting point would be improving the culverts. Mr. Maxfield said he would agree that any start would be good.

Mrs. deLeon said No. 4 where it says developer must correct any deficiencies, were there any deficiencies? Mr. Miller said that's with erosion and sediment control. What we are referring to here is the permanent post construction stormwater management. That really wouldn't be covered by this. There are deficiencies that they haven't completed, associated with their improvements. They are not stormwater related and they are not erosion control related. This refers to a standard thing that requires, after we get the extension approved, our office goes out to make sure there isn't anything erosion control related and no sediment running off the property, or at least excessive sediment running off the property. We notify the developer and they have to resolve that. It's more of a timely issue. It's per the design, we don't have the power. Mrs. deLeon said if the thing was approved in 1989 or 1990, and it went over stages, the five years protecting the developer, when does that five years end, after each stage? Attorney Treadwell said he'll have to go back and look when the preliminary plan was approved and how they posted security, whether they posted security and the stages where they posted security. He doesn't know all those facts. Mrs. deLeon said isn't there something we can get from the developer at this stage like we did with another one? Attorney Treadwell said we can certainly look at that and try and figure it out, but the other question that has been discussed already is if the developer agrees that something needs to be done, we have two private land owners and we have PennDOT who need to somehow go along with it. Mrs. deLeon said would the private property owner be liable if something happens? Mr. Maxfield said probably not with an approved design. Mr. Birdsall told him a few years ago that the one owner is a lawyer, so he probably knows that very well and knows what he is responsible for and what he's not responsible for. It is our problem. It's a safety and welfare problem. Ultimately, we have to figure out how to correct this problem. Whoever it is we have to start tapping to get this fixed, we should start soon. He's sure Priscilla remembers that during the last hurricane at Rt. 412 you couldn't get through and it was all coming down off that hill. If we had to get emergency vehicles out there, we'd never get them there.

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Mr. Kern said how do we get PennDOT on board? Mrs. deLeon said she and Tom were at that meeting with PennDOT. That was on their list to look at. Mr. Kern said would a petition from the residents along Rt. 412 help assist in getting PennDOT to act on this? Attorney Treadwell said he's sure it would help to get their attention, but he would suggest that he send a letter to PennDOT so the Township is officially on record saying we believe that there is a problem there and if something happens this winter with ice, we're on record as saying to PennDOT there is something wrong. Mr. Kern asked Attorney Treadwell to please do that. Mr. Maxfield said that's a good start and at the same time is there any communication we can send to the individual property owners saying we are looking into this. Mrs. deLeon said it might be premature at this time. Attorney Treadwell said he doesn't know what we would ask them to do. If, in fact, the basins are built as designed, the only thing that we could ask the property owners in the future would be to come on their property and rebuild them somehow to try and handle more of the stormwater that's being handled now. Mr. Maxfield asked do we currently have permission now to inspect the detention ponds? Mr. Miller said we do have an easement to go on the property and we would have the right to go and inspect, but to modify it to make the ponding different is a different story. Mrs. deLeon said when you were out the other day, did you go on these easements? Mr. Miller said yes. Mr. Maxfield said asked if the soccer net was still inside the detention pond? Mr. Miller said he was not personally there. Bob Grim from their office did the inspection. He has some photos and can look at them. Mr. Maxfield said when he saw the soccer net, he thought what a shame it's not retaining rain and the kids are using it as a soccer field. Mr. Miller said there's not a soccer net in his pictures. Mr. Maxfield said maybe they took it out. Mr. Kern said they'll have Attorney Treadwell forward that letter to PennDOT.

MOTION BY: Mr. Horiszny moved for approval of the extension per the staff recommendations.
SECOND BY: Mrs. deLeon

Mrs. deLeon said it's a shame the residents aren't here so they could understand we are approving this, but it's a different part to what the complaints are about. It's hard to understand when you're in that situation. Mr. Miller said the basins that are being referred to are in Phase III and IV, but they were actually constructed as a result of Phase I. The basins are not a Phase III and IV improvement. Mr. Maxfield said in the near future, when the development gets totally built out, is there any more water planned to empty into those basins than it is currently emptying in? Mr. Miller said he's not sure, he was under the impression that the development had the phases completed, but it has not. Mr. Maxfield said we should find that out. He'd hate to make it worse before we can make it better. Mr. Kern asked if anyone had any questions? No one raised their hand.

ROLL CALL: 4-0 (Mrs. Yerger – Absent)

B. HIDDEN MEADOWS – LOWER SAUCON ROAD – REQUEST FOR SECURITY REDUCTION FOR IMPROVEMENTS COMPLETED TO DATE

Mr. Kern said the applicant is requesting a reduction in security for improvements that have been completed to date. Hanover Engineering has done an inspection and is recommending a reduction in the amount of \$6,170.54

MOTION BY: Mr. Maxfield moved for approval of Hidden Meadows – Lower Saucon Road – request for security reduction for improvements completed to date, per HEA's recommendation.
SECOND BY: Mr. Horiszny
Mr. Kern asked if anyone had any questions? No one raised their hand.
ROLL CALL: 4-0 (Mrs. Yerger – Absent)

C. FRANCIS PINTER – WELL ISOLATION DISTANCE WAIVER

Mr. Kern said this agenda item was just added as it was necessitated by a time issue. It's a waiver request that the Township just received regarding a failed septic system. Hanover has done replacement testing and due to the lack of suitable soils on the property, it's not possible to keep the septic system 100 feet away from the well. The property owner is requesting to place the new disposal area 67 feet from the well which will require Council's approval. If Council approves the waiver, the property owner should enter into an indemnification agreement to be prepared by the Township Solicitor.

Mr. Pinter was present. He said it's a health issue also. There's not much else he could do. He only has a limited amount of land. His parcel is one acre. Mr. Kern said this is what staff has suggested as far as the solution.

Attorney Treadwell said the indemnification agreement that is referenced in Hanover's letter will provide protection for the Township in case Mr. Pinter's well or somebody else's somehow becomes contaminated somehow as a result of moving it to this location. Mrs. deLeon said right now his well is the only one within 100 feet? Mr. Miller said yes. Mrs. deLeon said in the agreement will it state that he should have his well tested for whatever the parameters would be on a regular basis? Attorney Treadwell said he can put that in if it's something Council wants. The agreement in its regular form would say Mr. Pinter recognizes that the location of his new onlot system within 100 feet of his well could in the future provide problems, but he has asked the Township to waive the minimum distance requirement and understand and agrees that any problems with his well will be his responsibility and not the Township's. He can put in that paragraph. Mrs. deLeon said there should be someone that gets the report. Mr. Pinter said the parcel is for sale. Mrs. deLeon said that was her next question, how would future owners know this is an issue? Attorney Treadwell said the indemnification agreement can be recorded and be part of any of the standard PA agreements of sale which require the existing owner to notify the potential owner of how sewer is treated on that property whether it's a public system, onlot system, which he's guessing is why this is coming up now. Mr. Maxfield asked if he's been told that this is the only place on the site that a septic system could be? We have a small map here, is it going up slope or are there trees there? There's seems to be a large area on the map, isn't that accessible? Mr. Pinter said no.

Mr. Pinter's realtor from Patt White stated that they will do whatever they need to do and that she would make sure the purchaser is aware of this agreement that Mr. Pinter is entering into.

- MOTION BY:** Mrs. deLeon moved for approval, per the letter from Hanover Engineering dated September 14, 2009.
SECOND BY: Mr. Maxfield
Mr. Kern asked if anyone had any questions? No one raised their hand.
ROLL CALL: 4-0 (Mrs. Yerger – Absent)

V. TOWNSHIP BUSINESS ITEMS

A. SEPTA RAIL TRAIL – APPROVAL OF LEASE AGREEMENT

Mr. Kern said the solicitor has been working with representatives from SEPTA to develop a lease agreement for the use of the rail trail for Lower Saucon Township, Upper Saucon Township, Hellertown Borough and Coopersburg Borough. Council has the draft of the final agreement with the last of the revisions requested on our behalf. If Council is comfortable with the lease agreement they should authorize the Township Manager to execute the agreement.

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Attorney Treadwell said this is the agreement that he's been working on with SEPTA for awhile. This is a copy of Draft No. 9. This draft is ready to go. On September 8, he had some final revisions that he sent to SEPTA. He talked to the attorney for SEPTA since then and the SEPTA attorney needed to check with his boss and get back to Attorney Treadwell, which he didn't as of yet. Attorney Treadwell doesn't want to delay the process any further because SEPTA needs to act on this at one of their meetings as do the other three municipalities. He's asking if you are in agreement, and if so, authorize the Manager to execute this agreement when the revisions contained in his correspondence to SETPA of September 8 have been adequately addressed. That way he doesn't have to bring it back to your next meeting. If they don't adequately address those issues, then he will be back at your next meeting. Mrs. deLeon said shouldn't Council President sign it, not the Manager? Attorney Treadwell said he'll have both sign. Mrs. deLeon said Glenn should sign and Jack should attest it. Attorney Treadwell said that's fine.

MOTION BY: Mr. Horiszny moved for approval as stated above by the Solicitor.
SECOND BY: Mr. Maxfield
Mr. Kern asked if anyone had any questions? No one raised their hand.
ROLL CALL: 4-0 (Mrs. Yerger – Absent)

B. APPROVAL OF 2010 MINIMUM MUNICIPAL OBLIGATION

Mr. Kern said Act 205 requires that the Township Manager, who is the Chief Administrative Officer of the two pension plans, annually determine the Minimum Obligation of the Township for those plans for the coming plan year. The Township actuary has prepared Minimum Municipal Obligation (MMO's) for both plans for Council's review and approval.

Mrs. deLeon said the Pension Committee recommends this. We also have an opening on the board if anyone is interested.

MOTION BY: Mrs. deLeon moved for approval of the 2010 MMO.
SECOND BY: Mr. Maxfield
Mr. Kern asked if anyone had any questions? No one raised their hand.
ROLL CALL: 4-0 (Mrs. Yerger – Absent)

C. APPROVAL OF ADDITIONAL TESTING BY GEOSERVICES WORK ON SITE CHARACTERIZATION FOR PADEP RE: SPILL FROM PUBLIC WORKS FUEL DISPENSER

Mr. Kern said GeoServices, Ltd., who has been approved to prepare a characterization for DEP on the Public Works fuel dispenser leak, has indicated that additional wells and testing are necessary at an additional cost of \$23,770.00 in order to satisfy DEP requirements and close this matter out.

Mrs. Huhn said according to GeoServices, excavation of the site is not warranted based on the studies to date. However, in their opinion, to have DEP close the case, we will be required to do remedial steps which include additional ground water monitoring wells, collection of additional ground water samples, preparation of the DEP report of the site closure, which would include logs and maps and recording fees and the total for these additional requirements is \$23,770.00. Mrs. deLeon said it will be like it is done at the landfill. How often do they get sampled? Mrs. Huhn said she doesn't know what the requirement is on how they will be sampled. When they drill the wells, they will do initial sampling. She will look into that to see how often they will do additional sampling. Mrs. deLeon said they need to submit the data to DEP then? Mrs. Huhn said they do the analysis and send it in. Mrs. deLeon said do they come up with a conclusion? Mrs. Huhn said they send it to DEP for that. Mr. Maxfield said he doesn't understand why they would consider unwarranted and additional testing in the amount of \$23,770.00? That seems like a lot of money. Mrs. deLeon said how many wells are they drilling? Mrs. Huhn said three. Mr. Maxfield said why

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is there such asperity to which DEP wants and to what they think is warranted. That's quite a difference. Mr. Kern said there is no Township insurance that covers the cost of this? Mrs. Huhn said the Township has insurance coverage and they have reported it to the carrier, but they haven't heard back from the insurance company. Mrs. deLeon said this has been going on for awhile. Mrs. Huhn said the spill actually occurred in 1993. Mrs. deLeon said how did we know this was leaking? Mrs. Huhn said she believes the tanks were alarmed for leaks. Mrs. deLeon said there's nothing we can do. Mr. Maxfield said we ask people to do the right environmental thing, so he thinks we should do it also and make sure we do it the best we can.

MOTION BY: Mrs. deLeon moved for approval on additional testing by GeoServices work on the site characterization for PADEP, regarding the spill at the PW fuel dispenser.
SECOND BY: Mr. Maxfield
Mr. Kern asked if anyone had any questions? No one raised their hand.
ROLL CALL: 4-0 (Mrs. Yerger – Absent)

D. ORDINANCE NO. 2009-10- INTERMUNICIPAL AGREEMENT WITH PA LEAGUE OF CITIES AND MUNICIPALITIES APPOINTING THE MUNICIPAL UTILITY ALLIANCE AS CONSULTANT FOR THE PURCHASE OF UTILITY PRODUCTS – AUTHORIZE ADVERTISEMENT FOR PUBLIC HEARING

Mr. Kern said with electric rate caps expiring, PLCM through its Municipal Utility Alliance (MUA) Electricity Procurement Program, will enable the Township to join in a pool with other local governments in Pennsylvania to purchase electricity.

Mrs. Huhn said this will come back for a public hearing. This is just for advertisement to enter into the intermunicipal agreement for the purchase of energy prior to deregulation. Attorney Treadwell said whenever you do an intermunicipal agreement, you need to do it by ordinance as a Second Class Township whether you are home rule or not. You need to advertise the ordinance. The intermunicipal agreement will make the Township a party to the MUA which is basically a pool of municipalities that get together to purchase electricity, hopefully at a better rate.

MOTION BY: Mr. Horiszny moved for authorization of the advertisement of Ordinance 2009-10.
SECOND BY: Mr. Maxfield
Mr. Kern asked if anyone had any questions? No one raised their hand.
ROLL CALL: 4-0 (Mrs. Yerger – Absent)

E. REQUEST FROM NORTHAMPTON COUNTY FOR PARTICIPATION IN THE SAUCON VALLEY PARTNERSHIP

Mr. Kern said Northampton County has made a request to the Saucon Valley Partnership to join the organization as an associate, non-voting member. In order to accomplish this, the Saucon Valley Partnership Agreement, created in 2005, would have to be amended to provide for associate membership, and the three (3) charter governing bodies would have to vote on their admission. Prior to doing this, the Partnership would like to know if the charter members support or oppose such a change.

Mrs. deLeon said this was brought up at their SVP meeting last Wednesday and Tom Harp from the County was present. The County has been very supportive of the COGs and they attend the various COG meetings around the County. They made the offer and we thought before any time was spent drafting any amendments, we should take it back to our respective boards. Mr. Kern said what was the consensus of the Partnership? Mrs. deLeon said they all supported it. They thought it would be a great idea.

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Mr. Maxfield said he's reading the last paragraph of the memo and it says the SVP members voted to support this request and ask that each of the members governing bodies be informed of the request and be given an opportunity to support or oppose this request. Mrs. deLeon said that didn't come out that way, it should be the other way around. We're making recommendations. She caught that also. It should say the Partnership should support the concept and wanted to take it back to the respective boards for their approval. Mr. Maxfield said the way it's worded it almost sounds like we would oppose or support in the same way as a zoning issue. If this is going into the record, we should probably reword it. It's contradicted by the two paragraphs up where it says you must have municipal approval. Mrs. Huhn said they will revise it.

MOTION BY: Mr. Maxfield moved to support the request.
SECOND BY: Mr. Horiszny
Mr. Kern asked if anyone had any questions? No one raised their hand.
ROLL CALL: 4-0 (Mrs. Yerger – Absent)

F. 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.

Mrs. Huhn said this is based on the administrative code. Every September the Finance Department is required to submit a capital plan. This is being given to you tonight and will be discussed in more detail at the budget hearing, which is scheduled for October 28. Mr. Kern said it's not for approval, it's for discussion.

Mrs. deLeon said this isn't anything final. The Heller Homestead with the kitchen floor repairs, we don't know when any of that is going to be done yet. Since we're not approving this, we are just talking about it, she'll wait until we talk about it at the budget meeting.

G. CONTRIBUTION FROM FIRE EQUIPMENT REPLACEMENT FUND TO SE-WY-CO FIRE COMPANY FOR PURCHASE OF NEW RESCUE TRUCK

Mr. Kern said per the established rotation policy, the Se-Wy-Co Fire Company is due next to replace its rescue truck and has prepared specifications which have been reviewed and approved by the Township Fire Consultant and have been submitted through PA COSTARS. The total cost of the rescue truck will be \$725,000 and Se-Wy-Co is requesting a 70% contribution from the Township or \$507,500 toward this cost with Se-Wy-Co Fire Company contributing 30% toward this cost or \$217,500.

Mr. Kern said Tom Barndt who is representing Se-Wy-Co is on his way, so we'll hold off until he arrives. Fire Chief Barndt arrived.

Fire Chief Barndt said they would like to replace their rescue truck. Mr. Maxfield asked if there were plans to sell the old truck? Fire Chief Barndt said yes. Mrs. deLeon said the proceeds of the sale will go to your end of the sale. Fire Chief Barndt said it will be used to outfit the new truck. They already have the money needed for their balance of the purchase. Mrs. deLeon said how much do you anticipate getting for that truck? Fire Chief Barndt said if we get \$75,000.00 we will be happy. Mrs. deLeon said she's in favor of the percent, as from our prior meetings, but her next question is what is in the budget? We need to know it's budgeted. Mrs. Huhn said she doesn't know what the exact budget figure is, but she did talk to Mrs. Gorman today and there is enough in the budget to fund the \$507,500, but it will take it down to about nothing. Mrs. deLeon said what's our next plan? Mr. Kern said at budget time we allocate money. Mrs. deLeon said we should have a set percent so everybody knows how to plan their budgets. She just wants to make sure if we are committed to our 70%, we have money to pay it out. Fire Chief Barndt said after their last

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meeting, the four fire chief's left with the impression that it would be a 70-30% split for future apparatus purchases. Mrs. deLeon said there is a list, what is the plan for the next vehicle? Fire Chief Barndt said this was the last truck on the old list. Mrs. deLeon said we don't have an official list anymore. Fire Chief Barndt said next I believe it would be Southeastern for a brush truck unless they get one through a grant. Dave Edge and Fire Chief Barndt agreed it would their engine for Southeastern. Mrs. deLeon said what's the approximate cost of a brush truck? Fire Chief Barndt said it's approximately \$95,000.00. Mrs. deLeon said if they would request that for next year, it's not like they are asking for a \$700,000 piece of equipment. We're kind of down at the bottom of the barrel with the money now. Mr. Maxfield said is there a plan to put together a new list of equipment? Fire Chief Barndt said they are in the process of developing a new replacement list. Mrs. deLeon said we talked about that at the last meeting.

- MOTION BY:** Mr. Horiszny moved for approval for Se-Wy-Co to purchase a new rescue truck which they will use the contribution from the fire equipment replacement fund.
- SECOND BY:** Mr. Maxfield
- Mr. Kern asked if anyone had any questions? No one raised their hand.
- ROLL CALL:** 4-0 (Mrs. Yerger – Absent)

H. POLK VALLEY PARK – PHASE II LANDSCAPING PROJECT BID

Mr. Kern said bids were opened for the PVP Phase II Landscape Improvements on Friday, September 11th at 2:15 PM. Only one bid was received and it is currently being reviewed by the Solicitor and Planner for a recommendation.

Attorney Treadwell said you have a memo today from Boucher & James and they are recommending you go ahead and award the bid. He doesn't have any problems with it. Mr. Kochanski said the amount was \$192,316.97 which came in right in between what their estimate was for the part you had previously seen and approved. They did contact all five references and there was positive input for the contractor and Boucher feels confident that he is qualified to perform the necessary improvements. Mr. Kern said he's surprised there was only one bid response. Mr. Kochanski said yes, you do have the option of rebidding it, but there's a lot of other costs and expenses that would go into that and you're delaying the project another year and there's no guarantee that in a year the costs wouldn't go up within a year and you would be in a worse position. They were a little surprised also that they didn't get more bids. Mr. Maxfield asked if there are advantages for it occurring this fall rather than in the spring? Mr. Kochanski said yes, when you plant a native plant from all the research they've been doing, the seed manufacturer told them if you were to plant a meadow in the spring versus the fall, come a year later, the meadow that was planted six months later in the fall would actually look better the following spring. It has a lot to do with the germination as to when it's done. The specification calls for it to be done after the first big frost which we don't get that in the spring. The manufacturer actually recommends seeding in the fall.

Mr. Kern asked if this was money allocated? Is it part of the park fund? Mrs. Huhn said it's part of the Polk Valley Park fund.

- MOTION BY:** Mr. Maxfield moved for approval for the project bid to go to All Seasons Landscaping Company at a price of \$192,316.97.
- SECOND BY:** Mr. Horiszny
- Mr. Kern asked if anyone had any questions? No one raised their hand.
- ROLL CALL:** 4-0 (Mrs. Yerger – Absent)

IV. MISCELLANEOUS BUSINESS ITEMS

A. APPROVAL OF SEPTEMBER 2, 2009 MINUTES

Mr. Kern said the minutes of the September 2, 2009 Council meeting have been prepared and are ready for Council's review and approval.

MOTION BY: Mr. Maxfield moved for approval of the minutes.

SECOND BY: Mr. Kern

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

ROLL CALL: 2-0-2 (Mrs. Yerger – Absent; Mr. Horiszny and Mrs. deLeon abstained). Motion did not pass.

Mr. Kern said we are going to have to table this until the October 7 meeting.

B. APPROVAL OF AUGUST 2009 FINANCIAL REPORTS

Mr. Kern said the August 2009 Financial Reports have been prepared and are ready for Council's review and approval.

Mr. Horiszny asked what is Isobunkers? Mrs. Huhn said she will look into it and get back to Council.

MOTION BY: Mr. Horiszny moved for approval of the August 2009 Financial reports.

SECOND BY: Mr. Maxfield

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

ROLL CALL: 4-0 (Mrs. Yerger – Absent)

V. PUBLIC COMMENT/CITIZEN NON-AGENDA ITEMS

- Mr. Grys asked if there was an update on Kipp and Williamson? Attorney Treadwell said Mr. Kipp was issued a Notice of Violation (NOV) on September 11, 2009. He has thirty days to comply and remove the violation or appeal the NOV to the Zoning Hearing Board. At the last meeting, we also discussed Mr. Williamson, and he has been issued a letter about some things he's done in the riparian buffer. It's not at the NOV stage yet, but if he doesn't respond to this letter, he'll probably get that by the next meeting. The way the procedure is in the Township zoning ordinance is the Township initially sends a letter saying we believe they are in violation and please address it. If we don't get a response, then a NOV goes out saying you are in violation and then the process proceeds from there. Mr. Williamson is in the first stage. Mr. Kipp is in the second stage. The Kipp violation is the parking lot and the riparian buffer area which is the 100 feet from the water course. The remedy is to remove the parking lot and revegetate the area in a manner appropriate and approved by the Township.

Sandy Mort-Backauskas said who is going to oversee that? Mr. Kern said that's a good question. Who oversees the restoration process? Attorney Treadwell said the ordinance states that it needs to be revegetated in a manner approved by the Township. Eventually, that will be something we will have Boucher & James look at and say it's appropriate for that area or it's not. You can't put it back to the way it was before, but it's got to be restored to a state that is approved by the Township. The Township experts will look at that. Mr. Kern said the Township Planner has a large amount of expertise in native plantings and restoration practices. Attorney Treadwell said Boucher & James will not advise the property owner. The way it will proceed will be the owner will have to present a plan to the Township on how he is going to remedy and revegetate it. Boucher & James will look at it and say it's a good plan or not a good plan. We have questions, suggestions. Mr. Kochanski said as they would do with any other request, whether it's a land development or request for substitution, it's something they look at and require the use of native plantings in situations like this. They would not be advising Mr. Kipp or Mr. Williamson. They would be reviewing what

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their consultant would provide to the Township. They would advise the Township whether or not it's an appropriate plant. Mr. Kern said our Zoning Officer and staff would then follow up and just make sure the actual plan was followed. Attorney Treadwell said there will be an inspection to make sure he planted what he said he was going to plant.

- Mr. Roger Jurczak asked about the sign at the park, would there be an address on the sign, so if someone is using GPS they could find it? Mr. Kern said it says 2068 Polk Valley Park. Mrs. deLeon said you raise a very good point. One of the things raised at the barn tour was the program we handed out had street addresses, but we didn't follow it through with Hellertown or Bethlehem. Would that make a difference with just the street address? Mr. Jurczak said when he put in the address for one of the barn locations, the GPS didn't pick it up. He asked if the white line could be moved to allow more room for bike riders. He said the barn tour was great. Mrs. deLeon said the volunteers did a lot of hard work and she gives them credit.
- Mr. Roger Jurczak asked if Council would consider putting up signs for bikes, like "Share the Road", on roads that have a lot of curves or are not that wide. It was mentioned that we are getting a lot of signs along the roads and we should be practical.

VI. COUNCIL AND STAFF REPORTS

A. ASSISTANT TOWNSHIP MANAGER

- Mrs. Huhn said on the Lower Saucon Bridge repair, we have contacted the PennDOT Project Manager and they have advised us that they are hoping to finish work this week. They do not want to put it out in a press release yet so we will follow up before the next Council meeting to find out if it was completed.
- Mrs. Huhn said the EAC will be conducting an electronic recycling day on Saturday, October 10th from 9 AM to noon. Items can be dropped off at the PW garage. They will advertise the event in the Valley Voice and post it on the website.
- Mrs. Huhn said they would like to hold a dedication ceremony for the Dog Park located at Polk Valley Park. They would like to have members of Council attend and ask that you let us know your availability for any Friday in October for roughly a 4:00 PM ceremony. We will then contact the members of the P&R committee to see if they would like to attend, and we would notify the Animal Food Bank to see if they would like to participate. Please get back to her on this. The one Friday in October you may not be able to do is October 2nd if you are going to the County Convention. We need to know this Friday if you are going to that convention. We would need to get you registered. In the past, we put an ad in their program. The deadline has passed, but they said they would extend it if you still want to place an ad. Mrs. deLeon said we should support the County organization and she'd like a motion for attendance as the second class code authorizes attendance two times, one for the County conference and one for our state conference.

MOTION BY: Mr. Horiszny moved for approval as stated above by Mrs. deLeon
SECOND BY: Mr. Maxfield
ROLL CALL: 4-0 (Mrs. Yerger – Absent)

MOTION BY: Mrs. deLeon moved to authorize the Township to place a quarter page ad in the Conference brochure.
SECOND BY: Mr. Horiszny
Mrs. deLeon said we should officially put the Northampton County Association of Township officials.
ROLL CALL: 4-0 (Mrs. Yerger – Absent)

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- Mrs. Huhn said there is a sign proposed at the entrance of Polk Valley Park. We received two quotes on the sign. The sign design is very similar to our other park signs here at Town Hall, Steel City, Southeastern and Heller Homestead. We have had some of the athletic clubs comment that it's hard to find the park at times, so we would like to initialize the work for this sign. If Council would like to order the sign, we would recommend the lower quote from G&L Sign Factory in the amount of \$2,220.00. This does not include installation. PW will be able to do the installation. Mrs. deLeon said is this the same person who did the other signs? Mrs. Huhn said no, this firm was lower in price. This firm is doing the Embassy Bank 'Welcome to Lower Saucon Township' sign. Mr. Kern said it will match the colors of the existing signs? Mrs. Huhn said yes. Mrs. deLeon said on the Heller Homestead sign, the green is starting to fade a little bit. It's the side facing up the hill. Mr. Maxfield said we can probably repaint it. Mrs. Huhn said this would come out of the Polk Valley Park fund major equipment line item.

MOTION BY: Mr. Maxfield moved for approval of the Polk Valley Park sign as stated above by the Assistant Manager.

SECOND BY: Mr. Horiszny

ROLL CALL: 4-0 (Mrs. Yerger – Absent)

- Mrs. Huhn said we received a high importance request, a quick response request from Tom Hough of Hough Associates, our recycling grant coordinator. He would like for us to send a letter to our State Senator and representatives requesting approval of Senate Bill 866, which reauthorizes the recycling fee until 2020 in the state budget. He's concerned that the state budget will pass in the next couple of days and this Senate bill would extend the \$2.00 recycling fee on each ton of municipal waste disposed of in PA landfills. He went on to say recycling fees fund all of DEP's Act 101 recycling programs and the grants we rely on. He did give us a draft letter which you have and what he would request the Township to send. Mr. Horiszny said could we do it by email so it's faster? Mrs. Huhn said we could do it both ways. Send it email, and then send a hard copy.

MOTION BY: Mr. Horiszny moved for approval to send the letter by email and by regular postal mail as stated above by Mrs. Huhn.

SECOND BY: Mr. Maxfield

ROLL CALL: 4-0 (Mrs. Yerger – Absent)

B. COUNCIL/JR. COUNCIL PERSON

Kimberly Kelly

Nothing

Mr. Maxfield

- He said one other Friday you might not want to schedule is October 9th as that's the Watershed Conference at DeSales and a few of us are going.
- He said one more reminder that the household hazardous waste at Northampton Community College is also on October 10th the same day as LST's recycling day. Load up your cars both ways.
- He said he noticed on his way over tonight how many illegal signs were posted on corners he went past. Everything from consignment shops to reality establishments to earn extra cash. He's pretty sure that per our sign ordinance, those are not allowed. He also noticed at the end of Meadows Road Bridge, there is a huge amount of Meadows Tolls Bros. signs posted there. He knows Chris goes around periodically, and checks this out, so maybe we have to send some letters to these people and remind them we have a sign ordinance. They are using the Township as a marketing tool. We shouldn't be permitting that. Mr. Kern said does anyone know what the ordinance states, even for a political sign. When can you

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put a political sign out prior to an election? Attorney Treadwell said political ones are different as they are a first amendment issue. He doesn't have an answer on the political signs, but the other signs should not be there. Mr. Maxfield said he thinks you are allowed a "For Sale" sign or a realty sign posted on the property that is for sale. We wouldn't complain if there was a sign on the corner saying "For Sale - House This Way", but to constantly have things posted over and over again, it's ugly and makes our Township look a little trashy.

Mrs. Yerger - Absent

Mr. Horiszny

- He said on his Eastern Europe fact finding mission recently, he found a stone bridge that was completed in 1146 and it's still being used, so there is still hope for the Meadows Bridge.

Mr. Kern

- He said he received an email letter from Matt Peizel, from Four Seasons, and he suggested we post signs on particularly dangerous roads to share the road with bikes. He specifically mentioned Bingen, Lower Saucon Road, Black River Road and Easton Road. Mr. Kern doesn't know how we would accomplish that. Mr. Maxfield said the only one that sounds odd is Easton Road as it's a 55 MPH road. Anybody risks their life going on that road. Mr. Kern said that was a suggestion from a resident who is a bike rider and rides on very narrow roads with cars buzzing by. Mr. Maxfield said we should seek the opinion of the PD on that. Mr. Horiszny said do the signs come from PennDOT or do we have to pay for them and put them up? Mrs. Huhn said they will look into that. Mr. Kern did point out to Mr. Peizel that the Rails to Trail would be open very soon. Mr. Maxfield said Easton Road scares him sometimes as PennDOT has paved the berms and it makes it dangerous. People just drift back and forth in the lane and with the berm, it's really scary. It would be nice to have an off road place for bikes.

Mrs. deLeon

- She said the SV Conservancy held a wonderful barn tour on Saturday. They were beautiful barns. The barn owners graciously opened their doors and it was just wonderful. The next barn tour is the second Saturday of next year and hopefully they'll do their fourth barn tour. They will have more great barns to show you.

E. ENGINEER – None

F. SOLICITOR – None

G. PLANNER – None

VII. ADJOURNMENT

MOTION BY: Mr. Horiszny moved for adjournment. The time was 8:31 PM.

SECOND BY: Mr. Maxfield

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

ROLL CALL: 4-0 (Mrs. Yerger – Absent)

Submitted by:

Jack Cahalan
Township Manager

Glenn Kern
President of Council