

**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. Resolution #61-2013 – Honoring Minnie Poulton on her 106<sup>th</sup> Birthday

**IV. DEVELOPER ITEMS**

- A. Green Gables – 2142 Leithsville Road – Waiver of Land Development Request
- B. Greenwood Court – Black River Road – Request of Release of Funds
- C. Saucon Valley School District – Finalization of Land Development Waiver/Deferment Request

**V. TOWNSHIP BUSINESS ITEMS**

- A. Polk Valley Road and Rt. 412 Traffic Signal Permit Application
- B. Submission of Draft 5-Year Capital Plan
- C. Presentation of 2014 Minimum Municipal Obligation (MMO)
- D. Review of 2014 Projected Budget Figures
- E. Resolution #62-2013 – Approval of Submission of Application for Monroe County Local Share Funding
- F. Township Open Space Map

**VI. MISCELLANEOUS BUSINESS ITEMS**

- A. Approval of September 4, 2013 Minutes
- B. Approval of August 2013 Financial Reports

**VII. PUBLIC COMMENT/CITIZEN NON-AGENDA ITEMS**

**VIII. COUNCIL & STAFF REPORTS**

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

**IX. ADJOURNMENT**

Next Council Meeting: September 25, 2013 @ SVSD Audion Room  
Next Planning Commission Meeting: September 26, 2013  
Next Park & Rec Meeting: October 7, 2013  
Next EAC Meeting: October 8, 2013  
Next Zoning Hearing Board Meeting: October 21, 2013  
Next Saucon Rail Trail Oversight Commission Meeting: October 28, 2013 @ Coopersburg Borough  
Next Saucon Valley Partnership Meeting: November 13, 2013 @ SVSD

**I. OPENING**

**CALL TO ORDER:** The General Business & Developer meeting of Lower Saucon Township Council was called to order on Wednesday, September 18, 2013 at 7:00 P.M., at Lower Saucon Township, 3700 Old Philadelphia Pike, Bethlehem, PA with Mr. Tom Maxfield presiding.

**ROLL CALL:** Present: Tom Maxfield, Vice President; Dave Willard, Priscilla deLeon and Ron Horiszny, Council members; Jack Cahalan, Township Manager; Leslie Huhn, Assistant Manager; Cathy Gorman, Director of Finance; Linc Treadwell, Township Solicitor; Brien Kocher, Township Engineer; Karen Mallo, Township Planner. Absent: Glenn Kern, President.

**PLEDGE OF ALLEGIANCE**

**ANNOUNCEMENT OF ANY EXECUTIVE SESSION (IF APPLICABLE)**

Mr. Maxfield said Council did meet in Executive Session tonight. Discussed were two issues involving potential litigation over the zoning ordinance.
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**II. PUBLIC COMMENT/CITIZEN AGENDA ITEMS**

Mr. Maxfield said if you are on the agenda, you have Council and Staff's undivided attention. If you chose to speak, we ask that you use one of the microphones. Everyone gets to speak. He'd ask that you give your fellow public the courtesy of the floor. We do transcribe the minutes verbatim and want to make sure the transcriptionist gets every word. We ask that you state your name for the record so the transcriptionist knows who is speaking in the minutes.

**III. PRESENTATIONS/HEARINGS**

- A. **RESOLUTION #61-2013 – HONORING MINNIE POULTON ON HER 106<sup>TH</sup> BIRTHDAY**  
Mr. Maxfield said Resolution #61-2013 has been prepared honoring Minnie Lillian Poulton, who has been a long-time resident of Lower Saucon Township on her 106<sup>th</sup> birthday.

**PROCLAMATION HONORING MINNIE LILLIAN POULTON  
ON HER 106<sup>TH</sup> BIRTHDAY**

**WHEREAS**, Minnie Poulton, who was born on September 27, 1907, has been a long-time resident of Lower Saucon Township; and

**WHEREAS**, when Minnie was attending Broughal High School in Southside Bethlehem she was run over by a car on Wyandotte Hill, during a time when there were very few cars on the roads; and

**WHEREAS**, Minnie's worked most of her life in local silk and dress mills; and

**WHEREAS**, Minnie was married to Harold C. Poulton when she was 22 years old and they were married for 59 years before Harold passed away shortly before their 60<sup>th</sup> anniversary; and

**WHEREAS**, Minnie and Harold have a daughter, Joan, born in 1930 and a son, Harold E., born in 1942; and

**WHEREAS**, Minnie, who is now a resident of the Weston Rehab & Nursing Center, likes to recite poems and stories, including a Christmas story and the story of the landing of the Pilgrims; and

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**WHEREAS**, Minnie always enjoyed traveling to visit her 6 grandchildren, 15 great-grandchildren and 2 great-great-grandchildren.

**NOW, THEREFORE**, the Council of Lower Saucon Township, Glenn Kern, President; Tom Maxfield, Vice President; Priscilla deLeon; Ron Horiszny; and David Willard do hereby honor Minnie Lillian Poulton for celebrating her 106<sup>th</sup> birthday.

Mr. Maxfield asked for any comment? No one raised their hand.

**MOTION BY:** Mr. Horiszny moved for approval of Resolution #61-2013 with heartiest congratulations.

**SECOND BY:** Mrs. deLeon

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

**ROLL CALL:** 4-0 (Mr. Kern - Absent)

**IV. DEVELOPER ITEMS**

**B. GREENWOOD COURT- BLACK RIVER ROAD – REQUEST OF RELEASE OF FUNDS**

Mr. Maxfield said the developer has requested a reduction in security being held for improvements. Hanover Engineering has completed an inspection and is recommending a reduction in the amount of \$31,293.60.

Mr. Kocher said there's not really much to add. Mr. Maxfield asked for any comment? No one raised their hand.

**MOTION BY:** Mrs. deLeon moved for approval for the request of release of funds for Green Court – Black River Road.

**SECOND BY:** Mr. Horiszny

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

**ROLL CALL:** 4-0 (Mr. Kern - Absent)

**C. SAUCON VALLEY SCHOOL DISTRICT – FINALIZATION OF LAND DEVELOPMENT WAIVER/DEFERMENT REQUEST**

Mr. Maxfield said with the installation of the Polk Valley Connector Trail, staff is requesting that Council waive the condition in the School District's 2003 land development approval that required the installation of sidewalks along Polk Valley Road. With the waiver of this condition, the proposed Environmental Center on the School District property will be within the site impervious limits.

Mr. Cahalan said Scott Mease and Dave Spirk were going to be here to discuss the environmental center. At this time, they are not present.

Mr. Kocher said the last development plan that the school district had, they were going to widen curb and sidewalk along Polk Valley Road and that's when they thought it would be better to have the trail on the other side of the street and we could get the kids safely to the park. We knocked that back and forth a few times saying let's let the school district close out of everything and they'll waive the sidewalk and curb. We kind of held it on the table, but now that they want to develop this environmental center, they really need the credits to be able to put the walkways in the environmental center. To comply with the zoning ordinance, they can do that if they don't have to put the sidewalk in.

Mr. Maxfield said when the initial idea came up, we supported that. Mr. Maxfield asked for any comment? No one raised their hand.

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**MOTION BY:** Mr. Horiszny moved for approval of the waiver for the sidewalk requirement.

**SECOND BY:** Mrs. deLeon

Mr. Maxfield asked if anyone had any questions? Attorney Treadwell said he just wants to be clear. It's the road widening and curb as well, not just the sidewalk. It's sidewalk, road widening and curb. Mrs. deLeon said when we approved the plan, that was a condition and then all the is other stuff happened afterwards. Mr. Maxfield said the sidewalk was the most substantial all the way around the school.

**ROLL CALL:** 4-0 (Mr. Kern – Absent)

**V. TOWNSHIP BUSINESS ITEMS**

**A. POLK VALLEY ROAD AND RT. 412 TRAFFIC SIGNAL PERMIT APPLICATION**

Mr. Maxfield said the Township Engineer provided an update on the permit application for the proposed Polk Valley Road and Route 412 traffic signal at the August 21, 2013 Council meeting and was asked at that meeting to come back with a report showing the costs the Township has incurred to date for this project and to also provide an estimate of what the signal installation will cost.

Mr. Cahalan said Jim Milot can address the cost estimate they put together. They did include in the packet the total of costs that have been spent by the Engineer and the Solicitor since 2005. The engineering cost total is \$83,867.86 and the legal cost is \$1,272.60.

Mr. Jim Milot, Hanover Engineering, said as a continuation of the discussion last month, they went back and looked at the design and eliminated the portion of the roadway improvements that would have entailed the additional egress along Polk Valley Road, the right turn lane which was along the shopping center side. Their original estimate for construction costs was approximately \$500,000.00. With the elimination of the right turn lane and the corresponding work to the utility manholes and things like that, you are looking at an approximate reduction of about \$100,000.00. They would still be looking at approximately \$400,000.00 as a capital improvement. Mr. Maxfield asked for any comment?

Mr. Willard asked what the standard or average range was for a traffic light installation. Mr. Milot said basically what they've been seeing is if you just look at the signal hardware itself, mast arms, control cabinet, things of that nature, because of the recently revised mast arm foundations and mast arm requirements that PennDOT has updated, the cost for just the signal itself with the related facilities is approximately \$175,000.00 installed. That's typical of a four way intersection. For a three way intersection, a T, you might be looking at \$145,000.00 to \$150,000.00, something in that area. The recent changes to the foundations and mast arm requirements are added and are close to \$10,000.00 per mast arm location.

Mr. Maxfield said how do we proceed? Mr. Cahalan said the original intent of bringing this to Council was to ask what Council's direction was for staff and consultants with this permit application that is still pending with PennDOT. They brought it to you in light of Hellertown's statement that they were no longer interested in participating in the process.

Mr. Horiszny said this cost estimate doesn't show Hellertown's cost or were there none? Mr. Cahalan said there were no costs that were charged to Hellertown. Mr. Maxfield said are we talking about an additional \$400,000.00 or subtracting the original \$83,867.86? Mr. Milot said no, the original was approximately \$500,000.00. What they have done is they have taken out the additional excavation, roadway material and things of that nature. They would still anticipate curbing, the lane and things, but this just reflects deduction in your excavation and pavement costs for an additional lane. Mr. Maxfield said he's asking about the original \$83,867.86 that was spent

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already for engineering, will that come out of the \$400,000.00 or is that in addition to? Mr. Milot said no, that's a separate tabulated cost. The unfortunate thing of that is a lot of time and effort was developed in trying to work with the adjacent property owners, even as far as they went through the burden of tabulating the zoning constraints of acquiring the right-of-way of the shopping center and everything. There was quite a bit of time and effort in bringing this whole project together with Hellertown's blessing in conjunction with the need for their adjacent property owners and things, unfortunately, we are stuck now with making modifications and incur the full cost without the benefit of what they thought was a team effort.

Mr. Horiszny said there's no grant money coming in for this light? Mr. Cahalan said no. They had indicated at a previous meeting they put in a grant for gaming funds several years ago and they were turned down by the Gaming Authority. Mr. Horiszny said now it will cost us another \$400,000.00 if we want the light? Mr. Milot said if we secure the permit and get the approval, the actual construction cost is estimated to be about \$400,000.00 which is above and beyond anything that's been spent with investigative work and plan preparation. Mr. Cahalan said that money you have in to the Capital Plan and has been in there several years. Mrs. deLeon said how much money is that, the \$400,000.00. She asked Mr. Milot if the \$400,000.00 is for all the nuts and bolts, but will there be additional engineering costs? Mr. Milot said unfortunately, because of the nature of this, they have to revise the application that is in front of PennDOT. That will require the modification of all the plans, the HOP plans, the traffic signal plan, the elimination of that portion of the right-of-way plan and things of that nature. In addition to that, documentation that's been accepted by PennDOT pertaining to the traffic signal and the timing of the signal, all the support documentation will have to be updated to reflect the single lane approach as opposed to the multiple lane approach. The good news is we're not starting from scratch as they have all the base data and everything there, but the actual plan application submission package will need to be revised extensively.

Mr. Horiszny said how much would it cost to put an application in for a three-way stop – stop signs on each corner? Mr. Milot said he would recommend to you right now don't even bother wasting the time to proceed under that route. A multi-way stop, whether it's three-way or four-way, and it would not be applicable based upon PennDOT criteria for multi-stop sign approaches because of the volumes on 412 and Polk Valley would not be equal enough. It's a factor again of meeting certain criteria.

**MOTION BY:** Mr. Horiszny moved that the project be dropped at this point.

Mr. Maxfield said really. Mr. Willard said from a pure safety point, he thinks the intersection demands it and he said that at the last meeting, but it seems we're fighting against all odds. We supported the school district. They would like it for the school buses, but with Hellertown falling out, with the spread of business in the area, the potential litigation if we go ahead, and then with the additional costs incurred, he agrees with Ron at this point. Mr. Maxfield said your main objection would be cost for both of you? Mr. Horiszny said no, lack of community support. Mr. Willard said we have the school district's support. We don't have overwhelming support. Mr. Horiszny said it doesn't cost them anything. Mr. Maxfield said they are not really contributing. He's having a hard time getting past the safety issue which has always been the thing. Mr. Horiszny said you're right, it's an unsafe thing. He said the State won't allow a three-way stop sign there. Mr. Maxfield said we can always pursue this in the future at some other time. Mr. Horiszny said it would be better not to drop it entirely, just leave it in abeyance for awhile. He would be happy to withdraw the motion. He agrees it's a safety thing, but it doesn't seem we have strong support for it, safety-wise or not. Mrs. deLeon said can we leave it in the Capital Plan and just have it there? Mr. Cahalan said you have a pending application. Do you want to explain about the application with PennDOT? Mr. Milot said basically at this point they have an open application in front of PennDOT and it's an on-going file. Depending on how you wish to proceed, he has two options. He can withdraw the application officially which takes it off of any time constraints, takes it off

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particulars and from their standpoint if we're not going to proceed with this in the immediate foreseeable future, they prefer we withdraw the application. From the standpoint of what we've already invested in the time and effort, it might be more appropriate to not withdraw the application in the immediate foreseeable future until they give us an ultimatum to either proceed with the project or not. The difficulty here, and this is where we always get into this type of situation for a public improvement like this, because they've opened the application and gotten the process this far, we're all looking at a point now why didn't we finish it up. He would say just for our own expediency if we would decide to not move forward and withdraw the application at this point as we can always do that at a future date. Even if we do withdraw the application, the design and the layout of the information for the intersection, so-called putting it on the shelf, it's still there for our future needs. At this point right now, unless Council feels very strongly about it, he would prefer not to withdraw the application and leave it as an open matter until we have potential in the future. Mr. Maxfield said he is more comfortable with that than just dropping the whole thing. The safety issue is not going to go away. It's always going to be there. Having it shelved, we can revisit it again. He'd hate to see that money that was spent be spent in vain. Maybe we can go approach Hellertown again and see if we can regenerate some interest in the project. They can't deny the safety factor. Mr. Horiszny said they are afraid of McDonald's and that's not going to change. That's part of his disappointment in the whole thing.

**SECOND BY:  
ROLL CALL:**

Mr. Horiszny said he will withdraw the motion.

**MOTION BY:** Mr. Willard moved that we table the project now and leave the application pending with PennDOT and that we leave the money in the capital budget.

**SECOND BY:** Mr. Horiszny

Mrs. deLeon said if we did withdraw it from PennDOT and decided it at a future date say we want to fund this project again, we'd have to start all over again? Mr. Milot said yes. Mrs. deLeon said she has to thank him. Mr. Milot said he feels that he's been chasing his tail with this whole situation with the property owners and the Borough. It's somewhat frustrating, and he can only imagine you are all frustrated as well to the way he is. Given the nature of it, nothing that they've done is all for not. The only thing that would be required is if they do close the application and start fresh, he will then need to re-do traffic counts, re-do analysis. Those aspects of the project that have already been reviewed by PennDOT and concurred by PennDOT, they would make us start from scratch from those aspects, plan-wise, detail-wise, the survey work and all that type of coordination is still relevant. They'd be basically be starting from scratch as far as the initial studies. Mrs. deLeon said to her, if this vote to table it passes and we at some point decide to bring it back up, and look at it, we did these traffic counts in 2005. A lot has changed since then. Mr. Milot said the project officially got the authorization to proceed and they did the traffic counts in the fall of 2005. Mrs. deLeon said that's forever ago and so much has happened since then. She would want new numbers. Mr. Milot said that's not something they couldn't do on their own. He could assure you that if you close the application, they would have to do that again. Mr. Maxfield said the other safety issue for him is it's compounded by what is going on at Meadows and Springtown Hill Road and this intersection would have a positive effect on that mess up there. He is really okay with tabling it, but he hopes we don't let it sit for long. Mr. Horiszny said how much more is it going to cost to make the changes? Mr. Milot said because it is a whole sale change, it will be more expensive than a typical revised submission, but they would estimate the initial submission would be somewhere in the neighborhood of \$7,000.00 to \$9,000.00 with a follow-up submission anticipated because of the nature of PennDOT. Your whole submission costs at this point he anticipates to be somewhere in the neighborhood of \$12,000.00 to \$15,000.00. Mrs. deLeon said once PennDOT made the decision to put the light in there, they are not going to change their mind? Mr. Milot said if we have to redo criteria and have to re-evaluate it, there also

has been change to the warranting criteria as well. It's unlikely, but it's possible that future investigative work would show that the volumes have changed. He's fairly confident that's not the case we'd have to worry about. There are new criteria. They do require you to look into alternatives outside of signalization, a roundabout would be an obvious answer to that, but in a scenario like this it's not appropriate. There's hardly enough right-of-way to put an intersection in there let alone put a roundabout in there. There will be additional criteria required to support the application if it's done as a new application. Mr. Maxfield asked if anyone had a comment on this issue. No one raised their hand.

**ROLL CALL:** 4-0 (Mr. Kern – Absent)

**IV. DEVELOPER ITEMS**

**A. GREEN GABLES – 2142 LEITHSVILLE ROAD – WAIVER OF LAND DEVELOPMENT REQUEST**

Mr. Maxfield said the applicant is requesting a waiver of land development for a riding stable use. He said the Engineer is not present at this time, so we'll go on to the next agenda item, and when he arrives, we'll come back to this one.

**STAFF RECOMMENDATION FOR GREEN GABLES SITE PLAN 2142  
LEITHSVILLE ROAD, TAX MAP PARCEL R7-23-7 WAIVER APPROVALS FOR  
SEPTEMBER 18, 2013 LOWER SAUCON TOWNSHIP COUNCIL MEETING**

The Lower Saucon Township Staff recommends that the Township Council approve the following waivers for the "Green Gables Site Plans," as prepared by Mease Engineering, P.C., dated May 14, 2013, last revised July 29, 2013, consisting of Sheets 1 of 10 through 10 of 10:

- A. Waivers from the following requirements of the following Stormwater Management Ordinance (Chapter 137) Subdivision and Land Development Ordinance (SALDO, Chapter 145), and Zoning (Chapter 180) sections:
1. Sections 137-19.F(4), 37.B, C, D, and 145-46 – To require neither drainage easements over the stormwater facilities, nor drainage and utility easements along property lines.
  2. Section 137-18.D –to not require an impervious liner in the detention basin BMP1, subject to any indemnifications as may be required by the Solicitor.
  3. Section 137-19.G(15) – to not require the driveway trench drain to connect to the fixed pipe collection system in Leithsville Road.
  4. Section 145-18 – to not require the project to go through the land development review and approval process.
  5. Section 145-45 – to not require frontage improvements, except as noted in the conditions of approval.
  6. Sections 145-51.D and E –to not provide neither recreation land of 23.51 acres nor a fee-in-lieu-of-land in the amount of \$62,890.
  7. Section 145-52.C(1) – to not require planting a tree for each 500 square feet of impervious cover.
  8. Section 180-102.C – to not require the building description, elevation, and exterior light fixture design until the time of the building permit application and to not require the submission of the sign design until the time of the sign application.

Subject to the following conditions:

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1. The Applicant shall address the review comments contained in the letter dated August 16, 2013 from Hanover Engineering Associates, Inc. to the satisfaction of the Township Council.
2. The Applicant shall address the review comments contained in the letter dated August 14, 2013 from Boucher & James, Inc. to the satisfaction of the Township Council.
3. The Township Engineer shall be given the opportunity to review all materials to be submitted to PennDOT prior to their submission.
4. The Designer shall report on any pre-existing flooding problems along the frontage of the project and shall incorporate any mitigation deemed appropriate by the Township Engineer.
5. The Applicant shall contribute \$13,650.00 to the Township Tree Fund in the Capital Account.
6. The Applicant shall provide two (2) Mylars and five (5) prints of the BMP Operation and Maintenance Record Plans with original signatures, notarizations, and seals. Four (4) complete sets of Plans shall also be provided with original signatures, notarizations, and seals. The Applicant shall also provide two (2) CDs of all Plans in an AutoCAD format (jpeg-ROM).
7. The Applicant shall pay any outstanding escrow balance due to the Township in the review of the Plans and the preparation of legal documents.
8. The Applicant shall satisfy all these conditions within one (1) year of the date of the conditional approval unless an extension is granted by the Township Council.
9. All waivers and deferrals granted shall be noted on the BMP Operation and Maintenance Record Plans with the applicable section, requirements, date of approval, and any conditions of approval.

Mr. Scott Mease from Mease Engineering, Kathy Mills, Luke Delmeyers were present. Mr. Mease said he will give a quick overview of the plan. Green Gables is approximately 24 acres on the Southside of 412. This is east of Leithsville, the Saddle Ridge subdivision is to the west. The property has wood lines on the perimeter with one section of woods that go through the center. This is only the northerly half. There's a duplicate piece of property on the south which makes up the 24 acres. It's mostly in fields and meadows. The condition is large ground cover of the property currently. What they are planning to do is to put a riding stable there. There's a field entrance on the easterly location of the property now. That's where the driveway would enter. The driveway would come all the way up to this section of the property, the middle, where they would put stables. This would be a working area for the horses, then an indoor riding ring on the westerly part of the building. There will be some parking in the front. Most of the property they are going to make in pastureland to comply with the storm water requirements of the Township plus the fact that it's in the Cooks Creek watershed which is of exceptional value. They have an infiltration in this location which is completely subsurface. They have a retention basin. Behind the tree row that traverses the property from west to east, is where they will have an outdoor riding ring, and then Luke and his wife will be building a house and will be living on the property. The driveway comes off of the main entrance and then winds up to their house. What you are looking at where the underground pipelines and fiber optic line currently exist from the south to the northeast of the property. That's an overview of what they are proposing to do. They've been to the P/C and they are basically asking for a waiver from land development. They will still comply with all the site plan requirements and all the engineering and everything else will still be accomplished. It does save them some time not going through the full process of land development.

Mr. Maxfield said please explain to the public what it is that you will not have to do with the waiver. Mr. Mease said the waiver of land development, the only thing that helps them with is the timing of having to go through a number of P/C meetings and this board. The Township consultants will still review the plan as if they were going through land development and they will be in total compliance with the zoning ordinance, subdivision ordinance, and storm water

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ordinance, it just saves them time. Essentially, this is an agricultural use. Because of the way the ordinance is written, it would still come under the terminology of land development. That's what they are seeking the waiver from the full process. Mr. Maxfield said all substantial things will still be covered? Mr. Mease said correct.

Mr. Maxfield asked if there were any comments from Council? No comments from Council. Mr. Maxfield asked if there were any comments from the public? Attorney Jim Preston said he represents an adjoiner, Mr. & Mrs. Tidd. He wants to confirm a couple of things. You say that the property was to be developed with a riding stable? Mr. Mease said correct. Attorney Preston said it also has a single family residence on the same property? Mr. Mease said correct. Attorney Preston said you may or may not know there was a zoning hearing relative to this particular property. He did appear at the hearing on behalf of his client. At the hearing, they indicated among other things that they didn't believe the combination of uses was permitted. They were told at the ZHB meeting that was not before the ZHB. The matter would be in play when a site plan was submitted. That's when that issue becomes ripe for review. This is the first they are hearing of the site plan review, so he doesn't want to miss that opportunity. That's all he's here to create the record, to understand what it is they are asking. It sounds as if the plan review goes underground and it doesn't happen at a public meeting. Is that what happens? Ms. Mallo said the site plan came before the P/C currently, so that's already been discussed publicly. This is the second meeting that it's being discussed publicly. Attorney Treadwell said he's a little unclear then. Is the applicant asking for approval of the site plan tonight or just the waiver of the land development requirement? Mr. Kocher said the staff recommendation is only the waiver of land development. The site plans are usually, unless they involve waivers, run through the zoning office. Attorney Preston said that's their concern. It seems like it's moving out of a venue which would trigger a zoning decision that would allow them to implement any options they have. It's a procedural concern. He's not trying to waste Council's time. This is a significant issue for someone who is interested in looking at the use of the plan.

Mr. Maxfield said would your position then be that it's not considered to be an agricultural use where you would have a farmer living on his farm? You're saying there are two uses on here? Attorney Preston said yes, because the riding stable comes in two different types. There's a riding stable you could associated with your home and there's a commercial riding stable which is open to the public which he thinks is a use. What your ordinance does say, and they have a particular section here, you can't have two different principal uses on the same lot. He will concede. This argument is going in both directions.

Mrs. deLeon said she knows a lot of houses that have stables that they live there. She's confused. They have a house, a barn, a stable, and horses.

Mr. Maxfield said it's the commercial aspect. Attorney Preston said yes, there are houses that have those. He thinks the riding stable would be an accessory to the residential use, but when you turn it into commercial enterprise, he thinks it's no longer accessory to the residential use, it would be two uses. All he's doing is reading your ordinance and what it says. If you look at this RA zone, it has the agricultural uses which include this riding stable. Broken out from that, it has the residential uses which includes a single family home. They are called out as different uses. When you go to another section of the ordinance you can't have them on the same lot. If it's a commercial riding stable, we don't know if can be on the same lot. They are not asking for a decision here tonight as it can't be done. Their concern was they didn't understand the waiver process. It seemed to him that the waiver process was taking it, what Mr. Kocher alluded to, there's not going to be a zoning decision at that point which then takes them out of the mix.

Mrs. deLeon said when you say a zoning decision, are you talking about the ZHB or Chris Garges? Attorney Preston said he's talking about if they believe the uses are not permitted, what do they do about it? What they do about it by law is they file a zoning appeal. We can't file a zoning appeal

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unless there's been an official action. We have to be appealing something. That would be a determination of your Zoning Officer. It appears what's happening is your Zoning Officer is not going to be making a determination here. Attorney Treadwell said he thinks, if he understands him correctly and if he understood what Brien said correctly, that a site plan wouldn't come back to this Council for approval, but the Zoning Officer still needs to approve it. There's got to be some approval somewhere.

Mr. Kocher said what's before Council tonight is to determine whether or not they want to run this plan through a land development use. What requires a land development use is a non-residential building. He doesn't want to get involved in the zoning uses either as he hasn't been privy to them. Attorney Treadwell said if Council waives the land development...Mr. Kocher interrupted and said then it's run through the normal grading and zoning permit process which is all handled between their office and Chris.

Attorney Treadwell said there still would be a zoning permit issued which then creates a decision. Attorney Preston said it would be at the time of issuance of a zoning permit, is that correct? Attorney Treadwell said he's trying to understand the concept. Mr. Maxfield said what gave you the idea that Chris wasn't going to make some sort of ruling on it? Attorney Preston said it was being removed from the land review process. He doesn't know what that means when you waive land development. He's used to seeing a review letter with zoning comments and things they are able to look at. He doesn't know that they are going to see any of that. Attorney Treadwell said Ms. Mallo is showing him a section of the zoning ordinance, 180-102 that says Township Council has to approve a site plan. Mr. Kocher said these issues require a site plan. Attorney Treadwell said didn't we just say that's what that is? If it doesn't require a site plan and that's not a land development plan, then what are we looking at? Mr. Kocher said you prepared that for the purpose of evaluating whether a land development plan is necessary, so we can call it a site plan as that's what it is, but he doesn't know what the use is and what requires a use of a site plan. Obviously we don't approve every house that comes here.

Mrs. deLeon said if they were just putting a house here, we wouldn't be approving the house. Ms. Mallo said 180-19A 1B requires a riding stable in a RA zone with site plan approval. It requires site plan approval by the Council which means a site plan has to come before Council for approval. Attorney Treadwell said he's a little confused then about what the purpose of waiving the land development is because it's going to come back anyway, from a timing perspective. What's the difference?

Mr. Mease said his understanding is they would not be going back to Planning anymore. Attorney Preston said they are just here for informational purposes. They don't understand the procedure. Attorney Treadwell said from a procedural standpoint, if the P/C has reviewed it once and they had comments and passed it on to Council, as a site plan. If this Council has to review it as a site plan, why does it make a difference whether we call it a land development plan or a site plan from a timing perspective? Mr. Mease said it was his understanding if they came here tonight and got a waiver from that, and then they are dealing with more of a grading plan review. Attorney Treadwell said he doesn't think that's what Ms. Mallo just read. Mr. Maxfield said if it was a grading plan, it would only go through the Zoning Officer at that level. Mr. Mease said if they got the waiver of land development, they would just be dealing with that. Attorney Treadwell said according to that section that Ms. Mallo just read, it needs site plan approval. Ms. Mallo said she would be under the assumption that a waiver of land development would also be an approval of site plan if the Council so decided. Attorney Treadwell said how would you review the actual technical aspects of the site plan? Ms. Mallo said because it's already been reviewed. It is a technical aspect of the site plan prior to going to the P/C. Attorney Treadwell said if it's a site plan, it's under the zoning ordinance. You can't waive the zoning ordinance. Ms. Mallo said correct. They have reviewed it from the aspect of a site plan because that comes under their purview. Attorney Treadwell said are you saying that the waiver of the land development is also the approval of the site plan. Ms. Mallo said she's not saying it's the same thing. It would have to be two separate

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motions. From their perspective they reviewed it and P/C recommended approval of the site plans. Attorney Preston said then that's their concern. That's an approval of the use at that point or could be read to be an approval of the use which means they have thirty days to do something from that time. Mr. Mease said the whole issue is talking from the zoning standpoint and they have spoken with the Zoning Officer, and he thought the ordinance, while it's not specific as Attorney Preston has pointed out, it does talk about setbacks from this use to the resident on this property and there's not a problem. Attorney Treadwell said he has to get a handle on the procedural aspects on it as to what the effect of waiving the land development is and if there needs to be a motion to approve the site plan because that then answers Mr. Preston's question as to what action is being taken and when. Attorney Preston said he thinks Attorney Treadwell is on the issue, that's why they are here. Mr. Maxfield said he would be in favor of it being something that would come back for Council approval, whatever it is we do, we need to have this venue for comment. Attorney Treadwell said he's looking at the staff recommendation which we need to revise if in fact the waiver of land development also needs to the approval of the site plan. It doesn't say in the draft motion that there's an approval of the site plan. Maybe we need to figure out what the actual procedure should be.

Ms. Mallo said the zoning ordinance does outline what the procedures are for site plan approval if you want her to read them. The P/C and Township Council shall have a total of 90 days from the date of the first regular P /C meeting after the submission of the application. According to the same time requirements allowed for subdivision and land development plan submissions and review under PA Municipalities Planning Code, Act 247 as amended unless an extension of time is granted by the applicant. It's the same time requirements. Attorney Treadwell said he doesn't understand what the difference is between if Council were to grant a waiver of the land development but Council still needs to approve the site plan under this same 90 day clock that the MPC requires for a land development or subdivision plan. He doesn't see what the difference is. Mr. Mease has indicated that he thought if Council waived the land development requirements tonight, Council would never see it again. He doesn't know if that's correct. Mr. Maxfield said we should make sure that it does come back here. Mrs. deLeon said under site plan approval. Mr. Maxfield said then we'll be meeting the ordinance and we will have that opportunity and not be cutting off anybody's opportunity to comment so if however you can legally figure out how we need to get it back here, please if we can do that, it would be great.

Mr. Mease said they would still request an action on the land development waiver as there are a number of waivers they've asked along with that which will have some bearing on what corrections they need to make to the plan at this point. Attorney Treadwell said he thinks maybe the way to address it to move it along in some direction is to discuss the specific waivers of the storm water management ordinance and the subdivision and land development ordinance. There are eight of them list that you requested and then maybe you come back to ask for a waiver of the land development process and in the meantime we'll figure out what the determination of the site plan process will be.

Attorney Preston said there is one other thing and he doesn't know how this plays in, but there was a zoning decision that if it stands would allow the plan to be developed the way it is with the fencing and so forth which was never consummated. There's been no final decision on that. The plan that's in front of you assumes that the relief was granted. He doesn't know if it has at this point. That's a completely different issue, but the action he is proposing that Council consider tonight is to go through the list of waivers and see which ones they agree with and which ones they don't, but not to take any action on the request to waive the land development and then to revisit what the site plan requirements are. Attorney Preston said then he'll step away. It's his understanding then that this is not going to be an approval tonight of the land development. That will be left open until some future time. Attorney Treadwell said yes. That's what he is suggesting, but you might want to stick around and see what happens as sometimes it's not what he suggests.

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Mrs. deLeon said what happens with this appeal then? Attorney Treadwell said there's an appeal of the zoning matters to the ZHB. No site plan can be approved technically until that gets resolved because if the decision of the ZHB is overturned, then there are other factors that have to go on the plan that he would guess are not currently on the plan. Mrs. deLeon said what court level are we at with this appeal? Attorney Treadwell said he doesn't know that off the top of his head. Ms. Mills said the Court of Common Pleas. The court has issued no decisions. Mr. Maxfield said the waivers that are discussed tonight would not affect that situation? Attorney Treadwell said the ZHB granted relief to zoning sections. The waivers are all storm water management and land development.

Mr. Mease said the issue on appeal is a variance from the setback of some of the fencing, so he doesn't it affects anything that's in front of them at this point. Mr. Maxfield said that's your recommendation to us? Attorney Treadwell said you could say just come back next month when we figure out what the site plan issue is. Some of these, he'll just pick one out, do not require planting a tree for each 500 square feet of impervious cover. That was discussed at the P/C and there was a recommendation. Mr. Kocher said a lot of it is related to if we're not comfortable with to lay the use out here, if it's clearly a riding stable, and a non-residential use, then things like land development are required and it can be waived. If it's an accessory to the principal use of a house, then it makes sense to not require the landscaping. He wasn't at the P/C meeting, but a lot of that was a building of the reasoning of the P/C that maybe that's why a waiver is justified. Mr. Maxfield said he doesn't know that they got into it that deeply. He doesn't think they were presented with that dilemma there. Mrs. deLeon said what was the recommendation of the P/C? They voted on it?

Ms. Mallo said it was issued August 26<sup>th</sup> from John Landis. It says:

1. A motion was made Tom Maxfield and seconded by John Noble to recommend approval of a waiver of SLDO Section 145-18. The motion was approved 5-0.
2. A motion was made by Tom Maxfield and seconded by Scott Kennedy to recommend approval of a waiver of SLDO Section 145-52.C(1) with the requirement that a fee-in-lieu of ninety-one (91) trees be placed into the tree fund. The motion was approved 5-0.
3. A motion was made by Craig Kologie and seconded by Tom Maxfield to recommend approval of a waiver from SLDO Section 145-46 and Stormwater Management Ordinance Sections 137-19.F(4), 37, B,C, and D. The motion was approved 5-0.
4. A motion was made by Tom Maxfield and seconded by John Noble to recommend approval of a waiver of Stormwater Management Ordinance Section 137-19.G(15). The motion was approved 5-0.
5. A motion was made by Tom Maxfield and seconded by Scott Kennedy to recommend approval of a waiver of Stormwater Management Ordinance Section 137-18.D. The motion was approved 5-0.
6. The following Site Plan modifications were discussed by the applicant and the Planning Consultant felt appropriate for these to be presented to Council. She recommended that these be included into the recommendation for Site Plan approval, however no specific action was taken by the Planning Commission:
  - To permit the submission of the proposed building description and elevation at the time of application of the building permits
  - To permit the submission of the sign at the time of application for the sign
  - To permit the submission of the specific exterior building light fixture at the time of application of the building permits.
7. A motion was made by Tom Maxfield and seconded by Craig Kologie to recommend approval of the site plan conditioned upon compliance with:
  - The Hanover review letter dated August 16, 2013
  - The Boucher & James letter dated August 14, 2013
  - Hanover Engineering to review the Highway Occupancy Permit application, entrance plans and roadway improvements submitted to PennDOT.

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The motion carried 5-0.

The Planning Commission chose to take no action on the request for a waiver from SLDO Section 145-51.D. and E as they relate to the provision of recreation land or a fee-in-lieu-of.

Mr. Maxfield said if the P/C recommended approval of the site plan, then that tells him we need to look at the site plan also. It needs to come to us next. Attorney Treadwell said whatever the recommendation would be needs to include approval of the site plan. That addresses the question that Attorney Preston as to what action is taken by this Council. Mr. Mease said the P/C already voted to approve it, we would be just coming back before this board. Attorney Treadwell said correct, you wouldn't be going back to the P/C. Based on those P/C recommendations, unless someone heard something that is objectionable, he doesn't know that it necessarily makes sense to go through those sections again tonight as opposed to coming back at the next October 2<sup>nd</sup> meeting and clarifying that the waiver of land development, if granted to Township Council also needs to come and have a site plan approval that follows it. Mr. Maxfield said with an appeal out there, he wouldn't want to jump the gun on any of these things and he thinks he's kind of leaning towards coming back on the October meeting as it keeps it all together and it keeps it kind of clean. We're not venturing into areas where we don't have to draw back. We wouldn't want you to start something where you might not make it through an appeal. He almost feels we should table it until October 2<sup>nd</sup> where it's a little bit more complete on our info.

Mr. Mease said just to reiterate what Linc mentioned there. There doesn't seem to be an opposition to any of these waivers, is that the case? If they would be able to have some insight, like you have some concern about waiver 3 or 4, or at this point there's not a concern and it gives him a little guidance. Mr. Maxfield said he can't speak for the rest of Council, but you know how he feels. How does anybody else feel?

Mr. Horiszny said he doesn't have a problem with the ones Ms. Mallo read, it's just that it does require site plan approval, so that's where his concern is. Somewhere along the way we have to say we approve or the ZHB has to say they approve.

Attorney Treadwell said are you going to record the site plan that's up on the board? Mr. Mease said he believes the grading plans of this nature do get recorded. Attorney Treadwell said then you are going to need a Township signature on the plan so this Council would have to take some kind of an action.

Mr. Mease said they had a prior grading plan for a residential home that's not recorded, but is coming in for recording. It didn't go before P/C or Council. Attorney Treadwell said who signs it? Mr. Mease said they have a signature block on the plan. He's not sure of that. Attorney Treadwell said isn't this a little bit more than a grading plan? Mr. Maxfield said he thinks so. Mrs. deLeon said they are building a stable. Mr. Maxfield said the grading plan does not get towards any of the issues that Mr. Preston was talking about. He'd still like to keep this all together, nice and clean. He knows there are stormwater waivers and the one Linc read about the trees. The stormwater waiver may have an effect on how you design the site plan. He'd rather get some answers before they go and do that. It's kind of difficult for us to break it into procedures. We don't want to give you the wrong direction.

**MOTION BY:** Mr. Willard moved to table this agenda item until the October 2, 2013 Council meeting.  
**SECOND BY:** Mr. Horiszny  
Mr. Maxfield asked if anyone had any questions? No one raised their hand.  
**ROLL CALL:** 4-0 (Mr. Kern - Absent)

V. TOWNSHIP BUSINESS ITEMS

B. SUBMISSION OF DRAFT 5-YEAR CAPITAL PLAN

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

Ms. Cathy Gorman said this is a narrative of our objective and goals regarding the capital plan. Most of this is the same as last years. The goals and the money that was saved in this fund are for road projects, Public Works vehicles, improvements to infrastructure, and any capital expense that's of a certain price range that would necessitate a depreciation value. There's not much change in this from last year. They've modified some of this. She will need to go back and modify it again based on Council's decision tonight regarding the traffic signal and some of the funding we have set aside for Meadows Road. Some of the items on here that she would bring to Council's attention are we are including stormwater management based on previous discussions. She believes Mr. Kern had asked that we incorporate that into the capital plan that we are funding for future stormwater remedies. Included are building improvements with IT. It's brought to our attention that some of the modifications will be needed to Council chambers and we need to set aside funding to accommodate those improvements. The other item is a concept, whether or not you would be able to participate in this or not, is for the Hellertown pool. It is a joint recreational asset. There are some heavy expenses regarding that pool that is strictly the burden of Hellertown Borough. We had considered the idea that in the capital fund we would set aside some money that in a ten year period if there's an infrastructure improvement that Hellertown has to look at for that pool, we would have money set aside to maybe help them if it's warranted and if Council decided to do so. That would be up to you if you'd want that included in this document, they will continue on and fund for that as well. If not, they can remove it. This is basically a guide template, a revolving document that can be modified based on Council's decisions and needs and it incorporates everything that's in the capital plan that is in your budget document.

Mrs. deLeon said she on page 2 under "to preserve historic sites", this is just to clear up something that is not correct. Mid-way down the paragraph, the Heller Homestead which is maintained by the Township and the Saucon Valley Conservancy. It should say leased by the Saucon Valley Conservancy if you continue reading, it talks about the Lutz-Franklin Schoolhouse which is leased to the Township. That should be fixed. What are the future uses for Seidersville Hall? Did we come up with anything? Ms. Gorman said that had been presented in budget documents probably about two years ago as an appendix. The building needs improvements. The roof needs to be replaced and there's some modifications inside the building that need to be done. They were waiting on Council's direction to proceed and/or what is your actual goal for that building? Mrs. deLeon asked Ms. Gorman to send that to her from two years ago. Ms. Gorman said sure. Mrs. deLeon said she's not sure what Council is going to do about the Hellertown pool. It's page 3 at the bottom of the capital plan creation and maybe Linc can help her out. In 1976, our home rule optional plan started, and then in 1998 we made changes to our ordinance. Attorney Treadwell said you revised your administrative code is what you did. Mrs. deLeon said we may have revised it, but we did not change the fact that this capital plan was required. There was language in there that the administration is supposed to provide us with a capital plan. Attorney Treadwell said are you asking him if it was in there prior to 1998? Mrs. deLeon said she thinks it was in there prior. Ms. Gorman said that's fine. What she could tell from the history of this, it was kind of at that point in time, and she discussed this with Council before, where Public Works had four vehicles to plow the snow and three of them went down and it was kind of Council's way insuring there was funding to replace these vehicles and infrastructure and things of that nature. This has been in this document since she produced it. She can definitely amend it. Mrs. deLeon said her point is she did go back to the administrative code today and this report is supposed to be given to Council on or before September 1<sup>st</sup>. You might want to keep that in mind for next year. Ms. Gorman said

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certainly. Mrs. deLeon said you'll check into the adoption of the code. Ms. Gorman said absolutely.

Mr. Willard said he has some questions on the procedures. This is a five year capital plan, 2014 to 2018. Is it updated annually? Ms. Gorman said it's updated annually. Mr. Willard said once it's approved, the year one capital goes into the annual budget and then we look for any and all sources, whether it's revenues or grants, and then each item is approved individually by the Council when it's undertaken. This is a very preliminary stage. Ms. Gorman said right.

Mrs. deLeon said is this on the website? Ms. Gorman said yes, she believes it is. Mrs. deLeon said she can't find it, but how many times have we heard that. Hit the refresh button, Priscilla. Ms. Gorman said the previous one probably is, but this one you haven't approved yet. Mrs. deLeon said it would be under financial? Ms. Gorman said yes.

Mr. Horiszny said on the pool it says at least 50% of the patrons of the pool are made up of LST residents. Do we know what that number is? Mr. Cahalan said yes we do. Ms. Gorman said she did get the figures from Hellertown but doesn't have them with her right now. Historically it's always been a 50% patronage from our residents. Mr. Cahalan said they will have this information at the budget meeting. Mr. Horiszny said if it's a small number, that's different than being 50% of a big number. Ms. Gorman said right. Mr. Maxfield opened it up to the floor. No one raised their hand.

Mr. Horiszny said is the \$170,000.00 in there for Meadows Road, is that going to count towards the announcement today that the road is going to be closed? Mr. Cahalan said yes, Brien will explain about how that's going to be done later.

Mr. Maxfield said what are we looking for in action tonight? Ms. Gorman said if there are modifications to what your goals are in this capital plan, she would need to know that now and she can modify the plan before making it final.

Mr. Maxfield said he didn't see anything in there that he'd change. Ms. Gorman said is there anything in there that we didn't address. Mr. Maxfield said he saw the parking lot at the baseball fields which we should be doing real soon, and the road improvements. Does anyone see any problem with the goals? Each one of these things are tied to some type of goal. Mr. Horiszny said we just said we are going to keep the \$450,000.00 in there for the traffic light and we don't have a number in there for the pool. Ms. Gorman said if you budget or estimate for \$5,000.00 a year to hold off and in ten years you would have \$50,000.00 and that would be the expected life of a liner. A liner probably by then would cost us \$120,000.00. Mr. Horiszny said it looks pretty good to him.

Mr. Gene Boyer said Cathy brought this as a draft to the Council and if you're looking for public comments, when do they get to really evaluate it or even look at it to make comments about this particular draft. There was one on line from last year, but he doesn't know if these numbers agree anywhere close to the numbers that are there. How can the public even comment on this? Ms. Gorman said this is a working document. It can be modified at any time. We didn't address anything regarding the stormwater in this document in the past and then in August we were directed to look at stormwater. We had meetings with Hellertown regarding pools and pool policies and things of that nature and pricing. This was one of the concepts that came up that might alleviate some of the pricing aspects of annual season tickets. This is subject to change. These are all just goals. If Council changes their goals at any time, such as, if they decide not to do Polk Valley Road traffic signal, she'll have \$450,000.00 allocated in that fund that can be used somewhere else or it could stay in reserve for a future project down the line that if something comes up, Council will have the ability to take quicker action on that project if they choose to. This is a very flexible plan and is one that is based on conversations that Council has had in the past. It's based on items that Council has saved from the past and we incorporate that into a

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mission statement as a capital plan presentation and at this point, if there's some other aspect, Council does not wish to proceed in or wishes to add to, this would be the time that they would be able to address those concerns. If for whatever reason a resident comes down the line and brings up a problem during the course of the year, Council can direct her, much like the stormwater management, to try to address those concerns and then at budget they will see how much funding is required to maintain this plan to service what is needed to be serviced and to be pay for what it needs to be paid to make these changes. Mr. Horiszny said is it correct to comment on a draft, the public doesn't get a chance until it's not a draft anymore and it's in the minutes officially. Mrs. deLeon said once we talk about it publicly, it's public information. It's not a draft. Attorney Treadwell said he missed the question. Mr. Maxfield said Mr. Horiszny said if it's a draft and we approve it tonight, when does the public get an opportunity to review it and comment on it. Ms. Gorman basically said it's a living document you can comment on at anytime. Attorney Treadwell said there's nothing in his understanding of the five year capital, none of that money gets spent until Council makes a motion to spend it. It's a road map. Mr. Cahalan said that's what Mr. Willard just explained before when we went through that. Mr. Willard said wouldn't it be fair to say that anything in 2014 that's a capital item would be in the 2014 budget hearing and the date for that is? Ms. Gorman said correct, and it's on October 23<sup>rd</sup>. Mr. Willard said anything coming up next year would be available for public comment at that hearing. Then as you reiterated Jack, each item has to be approved by the Council. Mr. Cahalan said right. Mrs. deLeon said there isn't action on us tonight on this document? It's just being presented to us? Mr. Cahalan said they would like it approved so that Cathy can put it out on the website and the public can see it.

Mrs. deLeon said she did go on the website and it is under Finance, but at the top of the page it says "Monthly Financial Reports", you have to scroll down to see the 2012 Five Year Capital plan, so maybe at the top of the page, you can say "Monthly Financial Reports and Five Year Plan so people know it's at the bottom of the page. Mr. Cahalan said we can do that. Mr. Maxfield said when we talk about stormwater management, we're talking about the area of Black River Road and Fire Lane. We're trying to address that. Mr. Cahalan said anytime that's listed in there, the engineer is going to come back to you with a plan on how to address that, and then the Finance Director is going to come up with an estimate of cost and you are going to have to approve both of those. This is just goal setting for the Township. Mrs. deLeon said maybe we should have had copies of this plan available in case anybody wanted to look at it. When she went to the LVPC when they reviewed the zoning of Applebutter Road, they had packets available to every person that was in attendance at that meeting. They had draft minutes. They had everything the Council was looking at. They were handed a packet and it had it all. He's looking at a 60-page pdf of the information we have here tonight, but she's making a suggestion maybe that would be helpful. Mr. Maxfield said you are talking 60-pages of the entire packet. Mrs. deLeon said she's not suggesting we make a 60-page packet, but this plan is how many pages. Mr. Maxfield said he just didn't want someone to go away thinking we had a 60-page capital plan, that's for entire packet. Mrs. deLeon said yes, the packet for this evening, but the capital plan is six or seven pages. Ms. Gorman said it's nine pages. Mrs. deLeon said she sees his point because of the Applebutter rezoning and she sat in the audience. You sit up here and get all the information and then you get to sit on the other side of the dais and the residents don't know. How are they going to comment on something they don't know.

Mr. Boyer said his question when will the one you people approve tonight be on line so he can see it and he can look at it and digest what's on the report. Mr. Cahalan said as soon as Cathy makes some of the minor changes then we'll put it on the website. Mr. Boyer said if there is something there from a public standpoint to comment on it, just to make it a point, should he wait as this will be part of the budget in October to make the public comment about that. Mr. Cahalan said yes, that's what Mr. Willard was suggesting. Mr. Willard said his suggestion tonight would be that we approve it so it can be made public. It's going to be part of the 2014 budget hearing and we're asking is this consistent with the goals of the Township which is as far as we know it is, and have we missed anything and we're saying no. If the public says we missed something...Mr. Boyer

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interrupted and said that would be the appropriate time to comment, not now. Mr. Willard said only in the sense if we approve it tonight, it's a living, breathing document. It gives us our capital input for the 2014 budget hearing. If we make it public for any additional comments, if we missed anything and nothing gets approved until it comes in individually in front of the Council anyway. He doesn't think there is anything that couldn't be approved tonight for public review. Mr. Maxfield said if people were to wait until budget time, that does not stop anyone from commenting at any time after that on the capital plan. It's open at all times.

- MOTION BY:** Mr. Willard moved to approve the 2014-2018 5-Year Capital Plan with the minor corrections that were mentioned.
- SECOND BY:** Mr. Horiszny
- Mr. Maxfield asked if anyone had any questions? No one raised their hand.
- ROLL CALL:** 4-0 (Mr. Kern - Absent)

**C. PRESENTATION OF 2014 MINIMUM MUNICIPAL OBLIGATION (MMO)**

Mr. Maxfield said Act 205 requires the Township Manager, 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. The Township Actuary has prepared Minimum Municipal Obligations (MMOs) for both plans, which were reviewed by the Pension Advisory Committee (PAC) at their meeting on September 11, 2013. The Director of Finance will review the MMOs with Council.

Ms. Gorman said on September 11<sup>th</sup>, as it states, this was submitted to the PAC. We are presenting to you that the 2014 MMO for the non-uniform plan is \$88,962.00 and the 2014 for the uniformed plan is \$272,162.00.

Mr. Willard said this is all by standard calculations? Ms. Gorman said yes. It's based on the most current actuarial evaluation pursuant to goals that the PAC has set as a standard that we address our liabilities and expenses sooner than later. Mrs. deLeon said she wasn't at the Pension meeting the other week, what's the difference between this year and last year? Ms. Gorman said it is approximately \$20,000.00. Mrs. deLeon said give them to her separate. Ms. Gorman said the MMO for the two is a total of \$341,190.00. Next year's next MMO between the two is \$361,124.00. Mrs. deLeon said her usual question is what part of this is not funded that the taxpayers have to pay? Ms. Gorman said for 2013, it would be \$150,856.00 for this year. For next year if State aid stays the same it would be \$170,790.00.

- MOTION BY:** Mr. Horiszny moved to approve the 2014 MMO of \$88,962.00 non-union plan and \$272,162.00 uniformed plan.
- SECOND BY:** Mrs. deLeon
- Mr. Maxfield asked if anyone had any questions? No one raised their hand.
- ROLL CALL:** 4-0 (Mr. Kern - Absent)

**D. REVIEW OF 2014 PROJECTED BUDGET FIGURES**

Mr. Maxfield said Council Member Dave Willard asked the Director of Finance to provide a report that shows projected 2014 budget figures.

Mr. Willard said at the last meeting this was presented to us and he asked for a little more time to review it. In doing so, he asked for some additional information and that was the loan amortization schedule which is in the audit, for our outstanding debt; the difference between the projected bud balance which is shown in the report given to us and the total funds of the Township; and the application of the additional tax that was put in place this year for replacement of fire equipment. Ms. Gorman said what we had presented to Council is what your actual income is in your General Fund without any landfill money. We are now estimating that we bring in about \$5,337,650.00 a

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year in revenue which is on the slide. The next slide shows what our expenses would be including our debt. That comes to \$7,226,137.00. That is not incorporating any other moving or transfers of funding for any other capital improvements within that fund. The next slide shows what is actually savings and accounts that we have that are not restricted. Our savings, projected open fund balance is \$5,072,387.00 for 2014. The next slide shows an amortization schedule of our existing debt. The first is our building loan which was an annual payment of \$286,301.02. Mr. Willard said where it says month, that really means year, the left hand column? Ms. Gorman said yes, we do pay on a yearly basis. We don't pay on a monthly basis. The next slide is for the Polk Valley Park acquisition loan and that is amortized out. They have a maturity date of May 20, 2020 and that's \$400,215.21 a year. The next loan is for the land in acquisition loan that was taken out and that annual payment is \$179,460.15 and that matures in 2020. The next slide is the fire equipment tax. As of August 31, 2013, the Township's assessed value is \$447,553,200.00. Multiply that by the assessed tax of .25%, and that brings us to a base amount of \$111,888.30. Subtracting out the discount payment which most people pay which is 2%, and we assume 2% non-payment, that brings us down to \$107,412.76. Our budget assumption in the last budget was \$107,000.00. Mr. Horiszny said what do you mean by the non-payment? Ms. Gorman said there are people who don't pay their taxes. Mr. Horiszny said that would happen to be the same as the people who take the discount. Ms. Gorman said it's roughly. She doesn't assume too high, but she wants to make sure we are covered. She also bases that on history with our regular local real estate tax. The August 31<sup>st</sup> balance on that account is \$116,423.71. The Township currently does not own any fire vehicles. Council historically has made contributions to the fire companies to purchase the vehicles. The Fire Chief's have reported that new trucks can cost between \$400,000.00 to \$1.2 million and up. LST Council has contributed \$1,723,908.00 to the fire departments for vehicles over the last twelve years and these allocations came from the landfill host fees. In addressing the restricted funds, in what she is presenting to you is the August financial report. This is the simplest way she can explain it. In your August report, the total of the funds balanced reported is \$12,902,914.78. Of that, there are five funds that are restricted. The open space fund is \$4,565,806.42 which is done by referendum and ordinance, not permitted to use that money than for anything other than the open space acquisitions. The second fund is the recycling fund which is 07. That is governed by an inter-municipal agreement with us and Hellertown and that manages the Compost Center. That funding if for whatever reason the Compost Center closes, she has to split that funding 50/50 pursuant to that agreement with Hellertown. We both funded equally. Northampton County Gaming Authority is \$58,677.53. That is funding we received from NCGRERA for grant and by ordinance she's required to keep that separate and she's not allowed to use that for any other purpose than other what it was intended for. She can then report when we expend those funds. The fire equipment tax was a local tax that Council made last year and that's \$116,243.71. Our liquid fuel account which is our State aid for our road improvements and buildings of road is governed by PA State Law and PennDOT. She's required to keep that in a separate bank account and to use it for no other purpose other than road improvements or road work. That balance is \$1,124,618.32. Removing those funds from that balance gives us \$7,022,426.68. The next page we show the balance of the \$7,022,426.68 and we subtract the capital fund which is what you had just passed and are approving we need to maintain that fund for those specific purposes is at \$1,382,070.60 which brings us to a balance of \$5,640,356.08.

Mr. Willard said you certainly provide a lot of information and you did address the things he was interested in seeing. He will tell you why he was interested in seeing them. First of all, this is a hypothetical or a pro-forma for 2014. You used existing line item budgets, removed the landfill host fees and that gives us the difference. Ms. Gorman said and our fund balance too. Mr. Willard said assuming that the landfill can operate another two or three years which is what we heard from the company, it wouldn't really be a picture until this until 2016 or 2017 at the earliest, it would seem, all other things being equal. He just wanted to make that clear. This is not a situation where we are facing in 2014, but you used this as a pro-forma. On the amortization schedule, one of the debt retirements comes in 2016; so again, we would be okay with current revenue until then however it's being applied. The others however go to 2020, so if we had a significant revenue

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shortage, we'd have to address that. On the fire tax, we've contributed \$1.7 million in twelve years, so he's averaging again, but that may not give us what we need, but it's about \$150,000.00 a year and we're capable of generating \$107,000.00 with this tax which has been implemented. That over time could be accommodated in that manner.

Mrs. deLeon said she appreciates the information. It makes a better picture for her to look forward. Mr. Maxfield said is he right in assuming in two or three years from now, we will still have savings that the savings would be tapped to make up for...we have your hypothetical \$7 million in expenditure and \$5 million in revenue, making up for that difference would come from savings? Ms. Gorman said yes. What little we would have within a certain period, that will drop very quickly.

Mr. Willard said the open space runs through 2016. That's generating a substantial amount of money and that has been approved by the residents and it's possible if there is a revenue shortage in another area in the five year life, the residents would preferred to be taxed for something other than open space. He thinks we need to keep in mind there's a substantial amount of money being generated there. Mr. Horiszny said that will disappear. Mr. Willard said when we buy the open space, but we only have the money because the voters approved it. Mr. Horiszny said at the end of the five years that tax is cut off. The money stays, but you don't regenerate until you pass another bill and it doesn't come in for anything else. Mr. Willard said he's just making the correlation of 2016, a lot of things could happen and there's some variables in the budget we should all be aware of. Mr. Maxfield said the referendum that ends at its 5-year mark could be reinstated again. This is the second time again, so it's possible. Mr. Willard said absolutely, agreed. Mr. Horiszny said thank you and please don't find any smaller print. Ms. Gorman said she apologizes for that. The information for the amortization schedule came from the bank. Mr. Maxfield asked if there was any comment from the floor?

Mr. Gene Boyer said his first comment is he had a hard time looking at the numbers, so he copied and jotted down some of them. It's nice that you all employed Cathy for her job and he also applauds her for her job, but Dave asked for this, what's the result other than you reading off those numbers for him, what's the result of Council to say this is good, bad or indifferent. Mr. Willard said it's one piece of input in the zoning decision we have to make, so we've had input under the MPC from three entities and he thinks we as a Council have to consider if the rezoning is not approved, how would we manage this budget going forward. That was the purpose of this. Mr. Boyer said is the budget a plus or a minus? Mr. Willard said if you have a significant revenue shortage which is what he hypothetical was shown in 2014, it's a minus. If we don't adjust our spending at \$7.2 million annually and our revenue is \$5.3 million, we have a significant problem, so that's up to the Council to address.

Mr. Boyer said would there be a possibly of paying off the loans prior to or saving up money to pay the loans off out of the landfill funds completely and not having to use them anywhere else? Ms. Gorman said within the next couple of years, that would be up to Council, but as she said, there will be redirection of the revenue source where you would want to put it. Mr. Maxfield said we are already paying at an increased rate? We are paying more off than we are obligated to pay off? Ms. Gorman said no. We would have the ability within the next year or two to pay more; however, as she said, that's up to Council and how you want to proceed further in budget deliberations. Mr. Willard said that's a good point and he did want to ask Cathy if there was any flexibility on the loans and obviously if you have a huge fund balance sitting somewhere it could be applied to services and reduce the future interest we should consider it.

Mr. Boyer said Cathy went through a number of things and came up with \$12 million, \$7 million and then down to \$5 million net available as there was a capital fund of \$1.3 million. How much was the total out of those three that you showed was the total debt that we owe as of this report? Ms. Gorman said our current debt is \$4,697,161.51. At the end of this year with payment that is

budgeted, we'll be at \$4,047,942.85. What we would need to check is any provisions in the agreement of these loans for pre-payment penalties that would be involved. Mr. Boyer said what would it be in interest that we owe? We would pay them out over the period of time or pay the bank including the interest they request. Ms. Gorman said it would be at the amounts that are shown on the amortization schedule on the top which total probably over \$5 million. She's not saying it's not advisable if you have the resources to be able to do that, but that would be something Council will have to decide and weigh that against other costs that are involved here on an annual basis. Mr. Boyer said his question to Dave Willard is that if we have a \$5 million debt, and we have an expectation that the landfill will be here at least 2-1/2 to 3 years, and if it doesn't go to be rezoned, there's a period of time it's going to come to an end, but it's going to be a couple of years. Mr. Willard said at the public meetings he's been to, that's what he's heard. Mr. Boyer said if we have a \$5 million debt and we have a \$5 million in the bank and we have a couple of million dollars each year coming in, he would propose that it would be good to consider the option because if it does close we look to pay this off with interest without the penalties and we get away with paying the debt without the interest or without penalties it may even be less possibly, a half million less or whatever the number is. He would think and propose that situation. He needs to have those figures to give you his opinion of what Cathy's budget was for 2014 minus the \$2 million and he's assuming she used an estimate of \$2 million to take out of there because if we didn't have the loans, we wouldn't have almost a \$900,000.00 commitment in that budget, so that would be a million and the rest of it is a matter how we spend it and how where we spend it in the future. There seems to be a lot of money available in the next few years that this doesn't have to be a crisis or a PR statement that people have to worry about the taxes being some exorbitant rate. Mr. Willard said he completely understands your statement. The loans are summarized in the capital plan and in the audit and the capital plan was approved and made public. This is a good discussion for the budget hearing in October and at that point we'll have the special hearing next week behind us and whatever action comes from that. Mr. Boyer said those figures, now that it was there in public, is there some way a person like him can get those reports that Cathy gave you. Mr. Horiszny said one thing to keep in mind, it isn't always be smart to be debt-free especially when you have pretty good rates on most of these loans. That's the other thing to factor in.

Mr. Willard said also in the event of an emergency or something significant breaking that we didn't anticipate, having no available balance is an issue. We would take that into consideration. Mr. Maxfield said all we need is another hurricane/flood and we'll be cutting into that significantly.

**E. RESOLUTION #62-2013 – APPROVAL OF SUBMISSION OF APPLICATION FOR MONROE COUNTY LOCAL SHARING FUNDING**

Mr. Maxfield said Resolution #62-2013 authorizes the submission of a grant application to the Monroe County Local Share Account for funding to be used to defray the cost of planned upgrades to Steel City Park.

**RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION FOR MONROE COUNTY LOCAL SHARE ACCOUNT FUNDING**

**WHEREAS**, pursuant to the Pennsylvania Race Horse and Development and Gaming Act (Act 2004-71), as amended, local governments receive a "Local Share" of the gross terminal slot revenues of certain licensed gaming facilities to support and enhance community and economic well-being and mitigate the impact of gaming and related activities; and

**WHEREAS**, Monroe County, as the host county to a licensed gaming facility in Paradise Township, receives gross terminal slot revenues which must be distributed as follows: 50% to projects in the host county, and 50% to eligible projects in the contiguous counties of Carbon, Lackawanna, Northampton, Pike and Wayne; and

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**WHEREAS**, local share funds may be used for economic development, community development and public interest projects in these counties; and

**WHEREAS**, Lower Saucon Township has prepared a Local Share Grant Application for submission to Monroe County for a project that falls under the eligible uses of these funds.

**NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

1. That the Council of Lower Saucon Township hereby approves the submission of Local Share Grant Application to the Department of Community and Economic Development (DCED), Commonwealth Financing Authority (CFA) for the Monroe County Local Share Account for funding for Steel City Park improvements in the amount of \$156,465.00.
2. That a \$600 non-refundable application fee is approved for submission with the grant application.
3. That the Vice-President of the Lower Saucon Township Council is hereby authorized to execute the grant application.
4. That grant funds, if awarded, will be utilized in accordance with the provisions established by the Department of Community and Economic Development (DCED), Commonwealth Financing Authority.

Mr. Cahalan said unlike Northampton County Gaming Authority, and it had to do it the way the law was written, Monroe County's Gaming funds, which they get from the casino in Monroe County, can be distributed to the contiguous counties around Monroe. Northampton is one of those counties. Municipalities in Northampton have applied for funds for Monroe County. For example, Freemansburg, and Hanover Township has received grants from Monroe County for projects in their municipalities. Just the other day, Hellertown Borough Council authorized the submission of a application to Monroe County for funding they hope to receive for improvements for Water Street Park. We are getting in on the act and we would like to submit this application to Monroe County. There's a deadline for it and they'd like to see if they could get some of these funds to defray the costs that they are projecting for the improvements to the Steel City Park. If they do get this fund from Monroe County, the cost of the improvements for Steel City would be 100% funded by grants. That is from the monies we have from Northampton County open space and the park fund and then from Monroe County. We would not be using any Township funds. That's the purpose of this submission.

Mr. Maxfield said we're applying for \$156,465.00 and there's a \$600.00 non-refundable application fee? Mr. Cahalan said that's correct.

**MOTION BY:** Mr. Willard moved for approval of Resolution #62-2013 authorizing the submission of a grant application for Monroe County Local Share Funding for funding to be used to defray the cost of planned upgrades for Steel City Park.

**SECOND BY:** Mr. Horiszny

Mr. Maxfield asked if anyone had any questions? Mrs. deLeon said it's been awhile since we approved Steel City Park and it's a lot of money. She wanted a little list of the amount of money that was approved. Did that number change from when we approved it? Ms. Gorman said there had been modifications made. Primarily from the last cost estimate that was given to you, she thinks the pavilion alone was over \$100,000.00 that was estimated and since we're doing it in compliance with the other park projects and making sure that all of them have similar pavilions, Boucher & James went through that original cost estimate and updated it based on discussions of things we were going to do and the composting restroom and things of that nature. Based on their new budget assessment, it came in at \$487,798.00. In the capital plan, it was more like \$390,000.00. That is actual dollar figures. There's an in-kind services attributed to that grant where our PW department will be doing a lot of the demolition work. She removed that aspect from the total cost of the project in the capital plan as that's not a direct cost per se that we would

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need actual hard dollars to fund. When we originally did the application, we submitted the last cost estimate that Boucher & James had provided to Northampton County. At that time, they only had \$127,000.00 to give us so we provided them with the amount of money we estimated that it is going to cost. They approved it based on that. At this point we got a new look as to what it's going to cost. We have \$127,000.00 already dedicated to it and \$30,000.00 from DCNR for the rest of it and we're applying for the rest of the hard construction costs dollar wise out of the Gaming Authority. Mrs. deLeon said it just keeps changing. Ms. Gorman said the overall plan is the same based on any modifications that had been made. Mr. Cahalan said it is. The plan is the same. Ms. Gorman said it's just the money aspects of it when it originally was proposed, it was a large figure and we knocked it down. Mrs. deLeon said she's glad you are applying to Monroe County finally.

Mr. Boyer, Saucon Avenue said Cathy, he thought he heard her say \$487,798.00. Is that the last one or did he mishear that? Ms. Gorman said that was the cost estimate provided by Boucher & James revised September 10, 2013. They estimated \$487,797.80. Mr. Boyer said what was in the budget for 2013? Ms. Gorman said we had \$120,000.00. Mr. Boyer said he has in his head about \$300,000.00. Ms. Gorman said it was around \$300,000.00 but that's based on the engineering reports that was done excluding any work we would be doing in-house. Mr. Boyer said if we do work in-house, it's going to cost us \$487,000.00. Ms. Gorman said for grant writing purposes, it costs us \$173,000.00 because we are putting in for the contingencies which she believes is the standard practice and it may not occur. The actual demolition work that's going to be done there and grading which our PW Department is going to be doing, she has to assign a value to what their crew is doing out there to present it as an in-kind service on a grant application. That's our municipal contribution. Mr. Boyer said that wasn't part of the original \$300,000.00. Ms. Gorman said she removes that out because whether our guys are paving roads or building a park, she's still paying them. That's the General Fund budget and they are still going to be doing that work and she doesn't have to account for a project like this as she's paying them anyway. For a grant, she has to. Mr. Boyer said in essence they are going to get paid for the grant. Ms. Gorman said correct. Mr. Boyer said with the grant of \$127,000.00, how much are we applying for Monroe? Ms. Gorman said we're applying for \$156,465.00. Northampton County Space is giving us \$127,773.00. Our in-kind service here is \$173,560.00 and we received a grant from DCNR for \$30,000.00 which totals up to our grant application of the \$487,798.00 that's built into the plan that B&J told us it's going to cost. Mr. Boyer said the \$173,000.00 is basically what our guys are going to cost us. Ms. Gorman said it is what our guys are going to cost us in any contingencies that are there. Mr. Boyer said what was in the budget for 2012 for engineering fees for this project? Ms. Gorman said she believes they started at \$10,000.00 and she upped it to \$18,000.00 and by the end of the year it escalated to say the least. Mr. Boyer said he went through some records and it escalated to \$44,608.99. How do we go from \$10,000.00 to \$44,000.00? Did Council approve the additional? Mr. Kocher said the engineer can explain how we went from one to the other. Mr. Boyer said she can explain she did her work, but how did Council look at a budget of \$10,000.00 and then get to \$44,000.00. Did they realize they were paying four times the initial cost. Mr. Cahalan said anything that was submitted was approved by Council. If it went over the budgeted amount, it would have been brought to them as a transfer of funds that was needed. Mr. Boyer said during the year, the record should show you brought to Council this money. Mr. Cahalan said there are bills that are submitted and invoices and are put into the check register. It comes to Council for approval. Mr. Boyer said that's not the questions he's asking. He's asking if it is something that Council is aware they spent or is it just the fact that it's in the checkbook. Mr. Cahalan said it's reported to them during the budget discussion. Mrs. deLeon said she thinks what Gene is saying is that the \$10,000.00 was the least amount during the budget approval and that was passed in the budget for that line item. Then the year came into play and during the year, there were increases. Mr. Cahalan said the \$10,000.00 was an estimate of what we thought would be the engineering costs. It turned out to be wrong. They were \$40,000.00. Mr. Kocher said he can explain the dollar increase. The regulations changed with respect to getting an NPDES permit at the time so they went from doing simple engineering at the \$10,000.00 level to having to get

permission from DEP to remove the earth there and get permission from PennDOT to tie into their pipe, get permission from PennDOT to park along the road, so it became a much different type of project by the introduction of having to get an NPDES permit. Mrs. deLeon said either it was an agenda item to Council that there was an overage or sometimes they do the budget resolution because you can't spend contingencies without budget approval, then we're presented with a list and it's explained. By that time, the money is already spent. Ms. Gorman said sometimes. Sometimes it's unavoidable. Often times we intercede before it gets to that point. We discuss these things during budget if we know about them. A lot of those expenses came in towards the end of the year as well and she wasn't privy to them. Things like that happens and that's why we have contingency funds. That's why it's there because there are things that happen during these projects that no one has control over. It just happens. Mr. Boyer said he can appreciate the fact that we have to go to DEP and move dirt and whatever the additional was, but it's the fact was it brought to Council that they needed the extra money, other than the fact that it showed up in a checkbook for the month. Mr. Cahalan said they were authorized to do the engineering for the park development. Mr. Boyer said at any cost? Mr. Cahalan said no, we estimated that the cost would be \$10,000.00. We put that in the budget. As it turned out, due to unexpected contingencies it went over that amount. They came to Council told them it went over the budget amount and requested a transfer from the contingences. Mr. Boyer said can you tell me when you did that? Mr. Cahalan said not tonight. Mr. Boyer said can you look it up for him? Mr. Cahalan said you can come in and you can ask for that information. Mr. Boyer said okay. Mr. Cahalan said it's in Council minutes.

**ROLL CALL:** 4-0 (Mr. Kern - Absent)

**F. TOWNSHIP OPEN SPACE MAP**

Mr. Maxfield said Staff has made the changes to the map that Council requested at the May 1, 2013 Council meeting.

Mr. Cahalan said this came up at the last meeting. There was a request for a status report. We went back and looked at where we were. We were trying to make some improvements to this map. It's going to take a little bit longer, there are some technical problems. What they have and they are ready to give you for consideration of adoption is the actual map that shows the 13 locations in the Township where open space properties are preserved. You also requested that the acreage for those properties be listed in the legend. You also requested that the total acreage be totaled up in that legend. That has been done and the map is ready for approval. Any further improvements to it will take longer. Mrs. deLeon said she must have a different calculator than what Cathy does. She brought this up before and said the 519.30 acres was added wrong. She still comes up with 343.41. Ms. Gorman said she'll double-check with Chris. She believes it was brought up the Council meeting. She hadn't seen this legend, but she'll make sure it's changed. Mrs. deLeon said we didn't really come to a conclusion last time. We said Jack prepare this map. We didn't have a motion and she's hoping that the residents will be able to look at a list and know what money the open space referendum paid for because there's properties on here that were not paid for by the open space. They were just a gift. She doesn't know how you can distinguish that. Mr. Cahalan said that is something they tried to do with the last draft, but Council requested that information be removed. Mrs. deLeon said we didn't vote on it. Mr. Cahalan said he believes that was a direction. The direction was it come back with this chart that had three columns on it – the number of the property, the name of the property, the acreage and then the total acreage at the bottom. That's what they did and they are bringing it back to Council tonight. Mrs. deLeon said there was another open space given to the Township over the years as a result of subdivisions and whatever, and they are not included on here. She doesn't know why we came up with, what date did you use. Why doesn't it have all of them? Mr. Maxfield said he thinks this might be from the inception of the open space program where funds were available from the referendum. Mrs. deLeon said then Yerger and Hidden Meadows shouldn't be on here. Mr. Maxfield said definitely Yerger. She funded her own conservation. Why not Hidden Meadows? Didn't we have a part of that? Mrs.

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deLeon said she doesn't remember. Mr. Maxfield said he thought we did because that's off of Lower Saucon Road. Mrs. deLeon said she doesn't think the program was in place yet, but she could be wrong. Mr. Maxfield said he thinks we signed on because Heritage is the co-signer on that conservation easement, so he's pretty sure we had our hand in that. Mrs. deLeon said can somebody look for the date then for the Yerger property and see if that coincides with the open space plan referendum. It's great to have a map like this. It's like touting our open space land. Ms. Huhn said Hidden Meadows was approved in 2007 which was during the program, but they can look into the Yerger property. Mrs. deLeon said okay.

Mr. Maxfield said he was going to ask something as an idea. Not now, but maybe sometime in the future. He'd like to see we update this every six months. We do have some activity going on, so every six months or so we should be adding our properties on there. The other thing is there have been questions about public access on properties and he can see that we could resolve that by having a combination open space recreation map. If we had recreation areas designated as public access areas...Mr. Cahalan said we have that map already on the website. Mr. Maxfield said some of the open space areas where there is access, like for instance, the Dravec thing, that's kind of going to be trails. That could be called a recreation area as well as open space. That would signal to people that public access is available. It's something we can work on and things will change as time goes on. He remembers we had a map with columns on it saying whether open space funds were used or not and we had that removed. Mr. Cahalan said correct.

Ms. Donna Louder, said Mr. Maxfield at the last EAC meeting you made a comment stating you don't believe in the not in my back yard mentality. Looking at that map, No. 13 protects your back yard. How convenient - tax dollars hard at work. Mr. Maxfield said by the way, it doesn't touch his back yard. Ms. Louder said that is in your back yard. Mr. Maxfield said that doesn't touch his property. The owner initiated that whole thing, not us. He came to us with the desire to preserve his property, so maybe it would be good for you to look into the history of what happened on that property instead of making accusations that are baseless.

**MOTION BY:** Mr. Horiszny moved to approve the map.

Mrs. deLeon said she thought Leslie was going to look some stuff up. It might not be the same map. Mr. Cahalan said these were the thirteen properties that Council said were okay back in May. We took those and put them in the legend and put them on the map. Are we talking about other properties? Mrs. deLeon said she just asked if the first property on here was as a result of the referendum and Leslie said she wasn't sure. Mr. Maxfield said it wasn't, she funded it herself. Ms. Huhn said she thought Mrs. deLeon asked if it was during the timeframe that the referendum was in place. Mrs. deLeon said she thinks this open space map should start from the date the referendum started. Mr. Horiszny said it's open space, it doesn't matter when...Mrs. deLeon interrupted and said there were other properties. Southeastern Park is open space that we got as a park. There's a lot of land that was given to the Township and we didn't take money and we got the land instead of the money. Mr. Horiszny said this isn't a park map. It's an open space map. Mrs. deLeon said she's sorry, but she thinks this map should be different.

**MOTION BY:** Mr. Horiszny moved to amend his previous motion and say approve the map, with corrected acreage.

Mr. Willard said he's not sure about Hidden Meadows, but if he heard correctly, the Yerger property, even though it was self-funded after the open space referendum was approved. Mrs. deLeon said she's pretty sure it was before. Mr. Maxfield said it was the very first piece of private open space that was preserved in the Township. Everything else was a giving to the Township through recreation giving or something like that. That started any open space preservation that we did. She set a good example by doing it all herself. He thinks Laura Ray's property may have been next.

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**SECOND BY:** Mr. Maxfield

Mr. Maxfield asked if anyone had any questions? Mr. Willard said is it to be a map of all the open space in the Township or just the open space acquired since the referendum? Mrs. deLeon said it's selective. Mr. Maxfield said he doesn't know what you mean by open space unless you are going to include parks and recreation. There is no other open space. The only other open space is things we may be acquiring over the next few months like the giving out near the Lutz-Franklin and there are a couple of other things we have in the works, but other than that, he thinks this is it. Mr. Horiszny said Jack just said we have a map of the parks on the website. Mr. Maxfield said we can combine the two if anyone is interested.

**ROLL CALL:** 3-1 (Mrs. deLeon – No; Mr. Kern - Absent)

**VI. MISCELLANEOUS BUSINESS ITEMS**

**A. APPROVAL OF SEPTEMBER 4, 2013 MINUTES**

Mr. Maxfield said the draft minutes of the September 4, 2013 Council meeting have been prepared and are ready for Council's review and approval.

Mr. Horiszny said page 22 of 33, line 36, Tom made a motion and it had no motion behind his name. The motion ends up behind his second on line 37, saying "moved for approval to exonerate ourselves from the back taxes". The motion should be by Tom's name.

Mr. Willard said since draft minutes are already posted on line and we didn't get these until this morning, he'd like to approve the minutes at the next meeting.

Mrs. deLeon asked why there was a delay in the minutes? Mr. Cahalan said they sent out an email explaining that Diane was on vacation and we had other business. We just got to them when she got back and we sent them out today.

**MOTION BY:** Mr. Willard moved to table the September 4, 2013 until the October 2, 2013 meeting.

**SECOND BY:** Mr. Maxfield

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

**ROLL CALL:** 4-0 (Mr. Kern – Absent)

Mr. Willard said that's the first Mr. Horiszny ever voted for the minutes. Mrs. deLeon said that's the first time we never had the minutes in our packet.

**B. APPROVAL OF AUGUST 2013 FINANCIAL REPORTS**

Mr. Maxfield the August 2013 financial reports have been prepared and are ready for Council's review and approval.

**MOTION BY:** Mr. Horiszny moved for approval the August 2013 financial reports.

**SECOND BY:** Mr. Willard

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

**ROLL CALL:** 4-0 (Mr. Kern – Absent)

**VII. PUBLIC COMMENT/CITIZEN NON-AGENDA ITEMS**

- Mr. Gene Boyer, said Jack gave him the figures that Cathy prepared for the 2014 budget. His quick look at this, he wants to put on the record that he thinks it was probably and hopefully a real

valid estimate of what was happening in 2014. It was noted that she took out the monies that were reported, that we would have gotten in host fees. If he takes the figures that she has here and puts down revenue income of \$5,337,650.00 and he subtracts the expenses which she has down here of \$7,226,137.00, there's a short of \$1,888,487.00. He hasn't seen one budget on line and he went through fifteen years worth of budgets that did not have a beginning balance in the income side of the budget. That amount she shows in, he's looking at a projected an opening fund balance of general savings of \$1,050,000.00. If he takes \$1,050,000.00 and subtracts it from that figure of \$1,888,000.00 he has a shortage of \$838,487.00. He said earlier if we pay off the loans with monies that are coming in or monies we have or a combination of, and he takes out the debt service for 2014 which is \$877,598.00, this budget for 2014 has a positive amount of \$39,111.00 which means this budget for 2014 would balance with the income that's coming in without the landfill, without the debt, and he thinks that's great. We should be looking at something like that and not be worried we're 30% short because in addition to that comment, the number she has in funds which are in the landfill and all the other special funds, there's still \$5 million on top of that balanced budget in the bank. Ms. Gorman said that's incorrect. Mr. Boyer said \$4 million. Ms. Gorman said of that \$4 million, \$500,000.00 is in park capital funds which Council approved which is part of the park projects and capital plan which is tied into \$270,000.00 worth of grants that we have opened that have not received money yet. Once the million dollars or whatever that balance comes in, you are taking the fund balance out. What happens in 2015? What happens in 2016? She still has \$6 million in expenses and \$8 million in revenue, with no fund balance because we spent it. Mr. Boyer said do we have to spend it? The monies you spent here, is just on what we have as an operational budget. Ms. Gorman said they presented to you the operational budget with the savings removed, which would be our fund balance to show you a zero balanced budget approach which is, what she thinks he was trying to allude to in earlier previous meetings, whether the revenue we are receiving in matches the expenses that would be going out and the answer to that would be no. Not on an annual basis, no. Mr. Willard said for tonight's discussion, he wanted us all to have this clear in our heads. As he mentioned earlier, depending on what happens with this zoning initiative and future revenue, we're going to have to review it as a Council anyway. This is the kind of option that needs to be considered in the future and we can take it up at the annual budget hearing.

**VIII. COUNCIL & STAFF REPORTS**

**A. TOWNSHIP MANAGER**

- Mr. Cahalan he has a request that he got today from a party who is renting the Town Hall Park pavilion on September 30<sup>th</sup> for an event they are requesting to use amplification equipment. It would be a DJ between the hours of 1:00 pm and 4:00 pm. It's for a picnic of a group, the name is Burdumi. He's requesting Council approval of that. Mr. Maxfield said how what we do with a situation of that under rental where we say yes, you can amplification but we get complaints that it's too loud. Mr. Cahalan said it would be addressed by the PD as a nuisance.

**MOTION BY:** Mr. Horiszny moved for approval for Burdumi to use amplification at Town Hall Park pavilion between the hours of 1:00 pm and 4:00 pm on September 30<sup>th</sup>

**SECOND BY:** Mrs. deLeon

**ROLL CALL:** 4-0 (Mr. Kern – Absent)

- Mr. Cahalan said Se-Wy-Co Fire Company notified them that the fire police from Se-Wy-Co, our friend, Mr. Horiszny here and his compatriots are going to be at the event called the Allentown Color Run. He can't find a date on the website for this event. The fire police are going to be working up there and covered under our worker's compensation for this event, so he'd like Council approval. The event is October 5<sup>th</sup>.

**MOTION BY:** Mr. Maxfield moved for approval to have our fire police be covered by worker's compensation while they are in Allentown giving mutual aid to the Allentown Fire Company.

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**SECOND BY:** Mr. Horiszny  
**ROLL CALL:** 4-0 (Mr. Kern – Absent)

- Mr. Cahalan said the Historical Society has the Abitibi paper bins and do receive some funds for that. They sent us a letter on September 3<sup>rd</sup> saying they'd like to present the Township with a \$50.00 consolation prize for the paper drive contest that ran from March 1<sup>st</sup> to June 30<sup>th</sup>. He thinks in the past they have requested Council's approval to turning this back to the Historic Society for their use.

**MOTION BY:** Mrs. deLeon moved for approval to give the \$50.00 back to the Historic Society for their use that they gave the Township for a consolation prize for the paper drive contest, with a nice thank you.

**SECOND BY:** Mr. Willard  
**ROLL CALL:** 4-0 (Mr. Kern – Absent)

**B. COUNCIL**

**Mrs. deLeon**

- She said maybe she didn't pay attention, but Fire Lane and Black River Road stormwater problems, when is that going to be on the agenda again? Mr. Kocher said one of the meetings in October.
- She said we had talked about the open space brochure at one of the last meetings and Leslie did send it to her. There's some information on tax incentives from the Taxpayer Relief Act of 2012 and they talked about January 1, 2013, so somewhere in 2012 this was approved or revised, she's not sure. What really has her a little concerned is on the page where it says, for additional information on conservations options for landowners, please contact, Lower Saucon Township or the Heritage Conservancy, our consultants. Do we have to say the Heritage Conservancy? If she was a resident, she'd want to call the Township and start there. Mr. Maxfield said they've had several contacts that initially started out by people calling conservation agencies including Wildlands. Mrs. deLeon said they are not on here though. Mr. Maxfield said the one that pops to his mind is the Noble, Bracalente. They called Wildlands first and got the information and then called us. He thinks probably Wildlands and Heritage are much more knowledgeable about the tax benefits than we are or any of the process involved with open space. Mrs. deLeon said she's not suggesting they are not, but this is the Townships brochure and she thinks it should just have the Township on it. She doesn't recall approving this. Mr. Maxfield said Heritage is our official consultant for open space. Mrs. deLeon said she's voicing her opinion and she's bothered by this. This is a Township brochure and the Township's name should be on here and not anybody else. If someone wants to call Wildlands or Heritage or whoever, and they want to refer them to the Township, fine. She just thinks that the Township should be the Township and it shouldn't be on there. Mr. Maxfield said he respectfully disagrees with her. He asked if there were any other comments on this issue that Priscilla is talking about? He thinks our goal was to try and preserve open space and channel it to anywhere people could get useful information. He has no problem with calling a conservation agency first.
- She said the Hellertown Lower Saucon Chamber is holding a mixer at Millbrook Home Care Partners in Hellertown, which is 47 West Water Street, which is in the Water Street Plaza. It's free to attend. Please reply by Friday, September 20<sup>th</sup> if you want to attend. If you go on the Chamber's website, there will be more information. Appetizers from community restaurants will be provided by our host, and it's going to be held on Thursday, September 26<sup>th</sup> from 4:00 to 6:30 pm.
- She said she had asked the Township to prepare how much monies were spent on the current rezoning of Applebutter Road and she was provided a chart. The chart has to date, and she's assuming this is any bills from September, Cathy? Ms. Gorman said that she's

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not aware of. Ms. Huhn said September bills just came in. Mrs. deLeon said there's no date on this chart, it just says to date, Boucher & James \$20,065.90; Hanover \$6,834.40; and Treadwell Law Offices, \$29,224.53. If her same calculation that added up the open space added correctly, she comes to the grand total of \$56,124.83 the taxpayers are paying for the rezoning of Applebutter Road amendment. She wanted to state that publicly.

- She said does anybody know when the library is going to be on our agendas? Mr. Cahalan said October 2<sup>nd</sup>.
- She said what is the process of the rec study that you are working on? Did it ever come back to us as a report? That Samantha Holbrook. Mr. Cahalan said it's on the website. Mrs. deLeon said that was approved and it replaced Upper Saucon's rec study? Mr. Cahalan said that didn't replace the Park, Rec and Open Space Study that they did with Upper Saucon. It was a recreation study, he's not sure what the exact title was, but it came back to the Township and Hellertown Borough and it's been posted on the website. Samantha came to the SVP and did a presentation on the report. After that it was posted for the public. Mrs. deLeon said she thought it was going to come back to Council after she reported at the SVP meeting. She guesses she got mixed up. Mr. Cahalan said it emanated from the Partnership. Mrs. deLeon said then it was supposed to go back to both our Councils.
- She said they had a very successful barn tour on September 14<sup>th</sup>. People are still emailing us and thanking us. The Saucon Valley Conservancy hosted this and they did an outstanding job. If you missed it, you missed it. She said stay tuned for next year.

**Mr. Horiszny**

- He said he attended the LSA meeting last night and they are starting to work on their five year plan and budgeting for the end of the year.
- He said Wildlands advised they are going to do the assessment of the Noble, Bracalante, 57 acres on the afternoon of October 3<sup>rd</sup> if staff wants to join them. That guy is hard to keep up with.

**Mr. Willard**

- He said next meeting of the Northampton Gaming Authority is next Monday, September 23<sup>rd</sup>. He's pretty excited as it will be the first meeting he ever attended. They have one item on the agenda and it is the license plate recognition system, \$22,450.00 and he assumes that Jack and Cathy are coming for the interviews. Mr. Cahalan said the Chief and Cathy will be there for the Q&A. He said last time this failed for lack of a second, so hopefully some support can be generated. It is the lowest dollar items he sees on the list and hopefully we can get it this time.
- He said he, Jack and Ron attended a meeting held by Lehigh Valley Economic Development Corporation last Thursday. They had reached out to the Township's municipalities trying to set up a local government council to discuss economic development issues and have all 62 local governments represented. They saw a good presentation from a consultant, Jay Garner from Atlanta who had done an overview of economic development in the valley and this is a work in progress. He showed some of the work that had been done so far and also they are trying to constitute a number of councils but this Lehigh Valley Economic Development has reached out primarily to the counties and cities before. This is the first outreach effort to Townships and municipalities. There was an article in the Express Times about Lopatcong Township in NJ, municipal officials in Warren County, hope their newly formed economic advisory group will help them attract business and shoppers. He would say in light of the budget discussion and what we're considering with the landfill, we should look for additional business in this Township and he would like his fellow Council members to consider the development of an economic advisory group or an economic development advisory group in the future. He'll leave this for discussion at the next meeting and ask it be put on the agenda at that time.

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**Mr. Maxfield** - No report

**Mr. Kern** – Absent

**B. SOLICITOR** – No report

**C. ENGINEER** – Mr. Cahalan said before Brien gets into the details, he wanted to make an announcement. They put out to all concerned, he hopes, that the PW Dept. is going to be working down on Meadows Road. Brien will explain what the work entails. The work is going to necessitate closing Meadows Road from Route 412 to the Meadows Road Bridge for a two-week period from September 23<sup>rd</sup> on through October 4<sup>th</sup>. That will allow PW to get in there and do the work that Brien can explain. Mr. Kocher said some time over the summer, they worked with DEP to try to secure a permit for the Township to stabilize the edge and the streambank of Meadows Road at the turn just west of 412. They did issue that permit about two weeks ago. In the meantime, there was a very bad storm that brought a lot of water and debris from the Meadows in this area and as you can see, the stream has washed right up against the paving. It really tore a lot of that bank out which changed the conditions of the design that DEP had approved which had a road shoulder on it. You can see the amount of shoulder that was actually taken away by the water. They contacted DEP through an emergency permit to change the scope of this so they could get in there before the permit provisions of not doing work after October 1<sup>st</sup> due to trout spawning so they could go in to that in a few days as Roger wants to start next week and he's estimating two weeks. DEP said okay. As you can see, there's excavation that has to be done to take the debris out and then the entire road shoulder and stream bank has to be rebuilt and armored with large rip rap and after that's done, there are stream bank diversions that are constructed out into the channel to prevent the water from continuing to make this 90 degree turn and washing out closer and closer to the road. Hopefully when this is done, it will be stabilized from the damage plus those stream flow diverters should help prevent this in the future. Mr. Maxfield said stream stabilizers, are they rip rap also? Mr. Kocher said yes. Mr. Maxfield said he hates that. Mr. Kocher said the new term of DEP for this isn't necessarily rip rap, it's large armored rock. Mr. Horiszny said too bad we can't change that stream bank to the way it was originally. Mr. Kocher said it's trying to naturally. Mr. Maxfield said it will find its way. Mr. Horiszny said originally it went straight under the bridge and that was a better deal. It got moved to curve around someone's parking lot so now it takes out the roadway. Mr. Maxfield said he thought it was down on the parking lot side and kind of went straight through that way. Mr. Horiszny said he doesn't think so, he thinks it went straight to the bridge. Mr. Maxfield said could be. He asked if there was any comment? No one raised their hand.

**D. PLANNER** – No report

**V. ADJOURNMENT**

**MOTION BY:** Mrs. deLeon moved for adjournment. The time was 9:41 pm.

**SECOND BY:** Mr. Horiszny

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

**ROLL CALL:** 4-0 (Mr. Kern - Absent)

Submitted by:

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Jack Cahalan  
Township Manager

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Tom Maxfield  
Vice President of Council