

**I. OPENING**

**CALL TO ORDER:** The General Business & Developer meeting of Lower Saucon Township Council was called to order on Wednesday, September 20, 2006, 7:00 P.M., at 3700 Old Philadelphia Pike, Bethlehem, PA, with Mr. Glenn Kern, Council President, presiding.

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

**PLEDGE OF ALLEGIANCE**

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

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

**II. PUBLIC COMMENT/CITIZEN AGENDA ITEMS**

Mr. Kern said for citizen agenda items – Council operates under Robert’s Rules. What that means is during agenda items, Council will talk amongst themselves and amongst staff and the interested parties. At the conclusion of that, we open it up to the public for public comment. There is an opportunity for non-agenda items at the end of the meeting to discuss whatever your business might be. We do have a microphone and there are microphones up at the table. There is a sign-in sheet in the back of the room. Please print your name and address and email address. It is very helpful in transcribing the minutes. For those who want to receive emailed agendas, please give your email address to Diane, Leslie, or Jack or call the Township office. Please state your name and address. If you can’t hear, please let us know. Mr. Kern asked if anything was taken off the agenda this evening? Mr. Cahalan said no.

**III. PRESENTATIONS/HEARINGS**

**A. WTVE-TV ANTENNA – SHERRY HILL ROAD – CONDITIONAL USE HEARING  
CONTINUED & SITE PLAN**

Mr. Kern said a conditional use hearing has been advertising and continued from September 6, 2006 to tonight’s meeting for WTVE-TV to place an antenna on an existing tower located on Sherry Hill Road.

**STAFF RECOMMENDATION FOR  
WTVE TV ANTENNA ADDITION CONDITIONAL USE FOR**

The LST staff recommends that the Township Council grant conditional use approval to the antenna addition as shown on the plans entitled “WTVE-TV/DT Channel 51” as prepared by WEC, dated last reviewed August 29, 2006.

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

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1. The applicant shall address the review comments contained in the letter dated September 14, 2006 from HEA to the satisfaction of the Township Council.
2. The applicant shall address the review comments contained in the letter dated September 13, 2006 from Boucher & James Inc. to the satisfaction of the Township Council.
3. The applicant shall pay any outstanding escrow balance due to the township in the review of the Plans and the preparations of legal documents.
4. The applicant shall satisfy all these conditions within one year of the date of the conditional approval of this plan unless an extension is granted by the Township Council.

Attorney Schoch was sworn in. Mr. Stewart was sworn in. Attorney Schoch said they completed the bulk of their testimony last time. There were comments on the Township Engineer's and consultant's comment letters which they had addressed in a plan, but there hadn't been a chance to review it. They have supplemental review letters which most of the comments are now gone. Mr. Adams is here this evening in case there are questions for him. Mr. Adams was sworn in. The testimony and hearing was as follows:

Attorney Schoch: Mr. Adams, you've seen the recent review letters from the township consultants:

Mr. Adams: Yes.

Attorney Schoch: There were two comments raised last time which we should address tonight. The first is in the Boucher & James letter, 4A regarding the existing driveway. There was a comment that during a recent rain, it had been washed out rutted. Can you tell the Council what you are proposing to do?

Mr. Adams: We haven't done it yet, but we have a contract with Bean Inc. to go in and repair the road which is generally normal maintenance.

Attorney Schoch: You are going to leave it up to the contractor to repair it so that you can have free access and you won't have these issues.

Mr. Adams: That's right.

Attorney Schoch: The second comment is the existing drive enters the site from an adjacent lot. There are two lots shown on the site plan that we presented as an exhibit last time. Are you the owner of both of those lots?

Mr. Adams: Yes.

Attorney Schoch: Is there an existing written easement for the driveway?

Mr. Adams: I don't know of any.

Attorney Schoch: Would you be willing to enter into an easement agreement which we could have the Solicitor review such as there's no question as to WTVE's right to cross the other lot to reach the facility on the lot they are leasing from.

Mr. Adams: I certainly have no problem with that.

Mrs. deLeon: Going back to the repair of the road, it was washed out and rutted, will you do the repairs and stabilize it the best you can?

Mr. Adams: Yes, we will. We've had an excessive amount of rain in the last two storms. It wasn't all that bad. It was passable, but it involves bringing in some fill material, rolling it and compacting it.

Attorney Schoch: That's all he has for Mr. Adams.

Attorney Schoch: Looking at the same letter, there's a request to revise the plan to put the site distances on. You've talked to Mr. Garges and you know what you need to do.

Mr. Stewart: He spoke to Judy from Boucher & James about that, and they are going to get the PennDOT criteria and have the site plan changed.

Attorney Schoch: The next comment is in regard to the discrepancy between the coordinates. Can you explain what we presented last time and why there appeared to be a confusion?

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Mr. Stewart: What we presented was our FCC license, which is our current license. It lists where our current antenna is as opposed to what we are proposing to do. When they receive the official approval from the FCC, they would supplement that pursuant to what the trustee has agreed to.

Attorney Schoch: We presented last time the 80 page document. That's the application which includes the coordinates for this site among others. Those will be added into the existing license when the approval comes back from the FCC. We'll provide a copy to the Township. Turning to HEA's letter, we presented an agreement and will sign that in final form and present it to the township regarding the indemnity. The owner will be posting security since under their agreement; the antenna becomes his property if they do abandon it.

Mr. Stewart: That is correct.

Attorney Schoch: The condition regarding the "as built" plan. That's acceptable.

Mr. Stewart: It is.

Attorney Schoch: The last one was the dish. We had mentioned last time there was a change to the plan from when it was presented to the PC and this Council. That change was there originally was fiber optic cable proposed for the appurtenants to this antenna. The change was made to place this satellite dish on the building. Can you go into the reasons, Mr. Stewart?

Mr. Stewart: The primary reason was the fact it couldn't be built in time. We were having some problems getting the fiber optics because fiber optics exist at some of our sites, but not at all of them. The other mitigating factor was the cost was in excess of \$60,000 a month as opposed to a much smaller amount to do it via satellite. Because so many of our sites are heavily wooded like this one, it hasn't been a problem because it's not an eye sore. It's an average size dish.

Attorney Schoch: In my review of the ordinance, he didn't see anything that affected or prevented them from using a dish instead of the fiber optic cables.

Mr. Stewart: I have a call in to Mr. Garges regarding this matter. He hasn't returned my call as of yet. We'll certainly seek his approval.

Mr. Kern: The dish would be located on the roof of the utility building and what size is the dish?

Mr. Stewart: Yes, the dish is between 2.4 and 3.8 meters. We haven't determined the exact size of that yet.

Attorney Treadwell: How tall is the building?

Mr. Stewart: 12 feet

Mr. Maxfield: Are you going to have to do any structural work to the building to support that weight?

Mr. Stewart: No, we propose mounting it to an ice bridge which is intended to take the weight of large chunks of ice coming down. They are already sunk into concrete. If that would not work for whatever reason, there is a concrete building that has some 30,000 lbs. and it would not be a problem for it to carry that weight.

Mr. Kern: The conversion of meters to feet? 3.5 meters is the worst.

Mr. Stewart: If it's 3.8 meters, it would be roughly 12-1/2 foot dish. A 2.4 meter dish would be 7-1/2 foot dish.

Attorney Schoch: That addresses all the comments in the letter.

Mr. Stewart: There was a mention in the letter regarding the escrow amount which we got an invoice dated the 7<sup>th</sup>, and the check was cut on the 12<sup>th</sup>. The other item is regarding the agreement of the conditions and our trustee has signed that document.

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Mrs. deLeon: Apparently, an antenna had been removed. Somebody was supposed to look into that.

Mr. Adams: When Cingular purchased AT&T, they combined the two systems together and removed the second level of antennas that were most recently put on that tower. There is a vacant spot on that tower right now. A cellular antenna system consists generally of four antennas on each of three sides of the top of the tower. The television antenna that is going there, is simply a single mass on the north side of the tower which is a little bit longer, 54' to be exact, but certainly less obtrusive than a set of cellular antennas.

Attorney Schoch: In the future, if one were removed, would you agree that you would notify the township?

Mr. Adams: Yes, he would do it, but he wasn't responsible for obtaining the permit for the antennas there in the first place.

Mrs. deLeon: We were surprised that it was removed without our knowledge as she thought we had the legal agreements in place.

Attorney Treadwell: We have the agreement in place that we hold security to insure that it's removed, which we still have. The agreement doesn't specifically say they need to notify us prior, but we still have the money in case it was done incorrectly.

Attorney Schoch: If it's abandoned and is going to sit there and rot away, you would take the money. If they typically do what they are supposed to do, which is abandon it and take it down, they typically don't notify you as they met the terms of that agreement. Usually you know, as they come back and ask for their money back.

Mr. Maxfield: Can we make it a condition that somebody notifies the townships and a specific person does it?

Attorney Schoch: That's fine.

Mrs. deLeon: The HEA letter, it talks about the hold-harmless, and the conditions. No. 2, third paragraph, "we defer further comment on this site plan, including whether it addresses the requirements of section 180-102.C(2) and 180-127.1N. What does that mean?

Attorney Schoch: The C2 is the site plan requirement which is what is addressed in the Boucher & James letter and the 127 are the antenna requirements.

Ms. Stern Goldstein: She was satisfied with the response on the roads.

Mr. Kern: Is there anyone in the audience who wants to speak? No one raised their hand.

**MOTION BY:** Mr. Horiszny moved to close the hearing.

**SECOND BY:** Mr. Maxfield

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

**ROLL CALL:** 5-0

**MOTION BY:** Mrs. deLeon moved for approval of the draft motion dated September 20, 2006 with the four listed conditions for the conditional use.

**SECOND BY:** Mrs. Yerger

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

**ROLL CALL:** 5-0

Attorney Treadwell said that was for the conditional use, what about the site plan? Mrs. deLeon asked what would be suggested conditions? Attorney Treadwell asked Ms. Stern Goldstein if she

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had any issues different from the conditional use than she did for the site plan? Ms. Stern Goldstein said no. It would be the same conditions.

**MOTION BY:** Mr. Maxfield moved for approval of the site plan per the conditions of Boucher & James letter of September 13, 2006 and the HEA letter from September 14, 2006.

**SECOND BY:** Mr. Horiszny  
Mr. Kern asked if anyone in the audience had any questions or comments? Mrs. deLeon said would No. 3 and 4 still have to be attached? Attorney Treadwell said you can attach them. They have to satisfy them as part of the conditional use, but it doesn't hurt to add them anyway. Mrs. deLeon asked them to amend their motion and second to include No. 3 and 4 on the staff recommendation for the conditional use.

**ROLL CALL:**

**MOTION BY:** Mr. Maxfield moved to amend his previous motion for approval of the site plan per the conditions of Boucher & James letter of September 13, 2006 and the HEA letter from September 14, 2006 and include No. 3 & 4 on the staff recommendation for the conditional use.

**SECOND BY:** Mr. Horiszny amended his second.

**ROLL CALL:** 5-0

**III. DEVELOPER ITEMS**

**A. COTTAGES AT SAUCON VALLEY – REQUEST FOR SECURITY REDUCTION #4**

Mr. Kern said the developer is requesting a reduction of security. Hanover Engineering has done an inspection and is requesting a reduction in the amount of \$16,473.60. The amount of \$318,770.16 should be retained. This reduction is subject to their escrow account being current.

No one was present representing the Cottages. Mr. Horiszny said we had a notice from Northampton County Conservation District that they were not in compliance with the earth disturbance activities. Have they updated that? Mr. Birdsall will follow up on that. Mrs. deLeon said do we have a legal basis for not approving this? Attorney Treadwell said no, Jim has approved the amount of work that they have already done to be released.

**MOTION BY:** Mr. Kern moved to approve based on HEA recommendation.

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

**ROLL CALL:** 5-0

**B. SEIFERT/RAY SUBDIVISION – LOWER SAUCON ROAD – REQUEST EXTENSION TO COMPLETE CONDITIONS OF APPROVAL**

Mr. Kern said the applicant is requesting a six-month extension to complete the conditions of approval to April 5, 2007.

**STAFF RECOMMENDATION  
SEIFERT/RAY SUBDIVISION**

The LST staff recommends that Township Council approve the request for a 6-month extension of time to April 6, 2007 to complete the conditions of approval for the above-referenced subdivision that was granted on October 5, 2005 and expires October 5, 2006.

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This approval is also conditioned upon the Developer paying any outstanding escrow account invoices.”

Laura Ray was present. She said with the description of the right-of-way that has to go through, it was being reviewed by Brien Kocher, is that okay? Mr. Birdsall said they’ll be writing a letter to the Solicitor saying it’s okay. Ms. Ray said she has to talk with Chris Garges about the plans. They had a little bit going back and forth with which plans should show which information with the conservation easement. He thought it should be included on the subdivision plan, but she spoke with Laura Baird at the Conservancy and the conservation easement plan does get recorded at Northampton County Courthouse. The township does get a copy of the plan. Everybody will have that information. It should be separate from the subdivision plan itself. It’s two separate engineers doing the work. Mrs. deLeon said tonight you are requesting that we recommend that Council approves the request for a six month extension until April 6, 2007. Ms. Ray said that’s mostly for actually signing all the paperwork, which isn’t going to be done by October 5, 2006. Mease still has to place the monuments and do that good stuff.

- MOTION BY:** Mrs. deLeon moved for approval of the staff recommendation dated September 20, approving the extension.
- SECOND BY:** Mrs. Yerger  
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.
- ROLL CALL:** 5-0

**C. 2650 REDINGTON ROAD – JACK MANDELBAUM – DISCUSSION OF CLUSTER DEVELOPMENT CONCEPT**

Mr. Kern said the developer has met with staff and the PC regarding the above referenced development and they would like to discuss issues that relate to the proposed cluster layout such as ownership of open space, recreation space, and general layout.

Brian Ritter from Jenna Engineering Corp. was present. They were before the EAC prior. They came into the PC and did a traditional subdivision sketch plan to get comments. The comments they received were the desire to look at cluster development and try to do open space. They looked at the concept and came up with the plan basically you see now. They have the development down in the lower portion now. One of the items of discussion was relative to the stub streets – if they’d be put in the traditional way, you would pave the stub street up to the property lines. They’d like to consider with that where they would give to the adjoining property owner those stubs streets. If he chose to do a development, then he would pave the streets. If he chooses not to do a development, then we don’t have stub streets into no where that may never get extended. The second issue is Council’s if they are in favor of a cluster development? With the open space, is there a conservancy you typically desire the developers to work with? Mrs. deLeon said she’d like the administration to recommend a policy on the second question raised on the conservancies. We usually deal with Heritage or Wildlands, and there should be a written policy that instead of coming to Council to ask that, there should be a staff recommendation for the developers to have access to.

Mr. Maxfield said the sites can have specific conditions that can make it either something that a conservancy would want or something they wouldn’t want. He would think that before we set a policy like that, we need to have some discussion on yet another alternative to conservation of the property because there are going to be chunks of property, chunks of open space that neither of the conservancies we work with would want. We need to find another way to deal with those properties. He’d like to propose we do some investigation. Mrs. deLeon said there should be something on paper so at least they have some guidance. Mr. Maxfield said right now we need a couple more options. Ms. Stern Goldstein said there’s a little misunderstanding on the issue which

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came up at the PC. It wasn't which conservancy, it was whether or not the township wished to take dedication to it was the first question and then if so, which conservancy would the township want to work with. Mrs. deLeon asked what our ordinance says? Ms. Stern Goldstein said they are to offer it for dedication to the township and the township decides, at its sole discretion, whether or not they want to accept such dedication. This is the cluster ordinance. Mr. Maxfield said the sites are so specific, and the conditions there are so specific, and the easements themselves are specific, he is envisioning some of these areas where we're going to have specific indifferent ways of dealing with them. Each one may be a totally different situation on how we deal with it. Maybe we do want to hold the easement and rent it out to a farmer. Mrs. Yerger said there have been two conservancies mentioned, and there are others out there. Attorney Treadwell said the idea is for the applicant to come to the township with a proposal for us to look at - not for the township to tell the applicant do A, B, C.

Mr. Ritter said do you want the cluster concept? If the answer is yes, then we'll go to the next step and put numbers together. Mrs. deLeon said yes, she prefers cluster development as it preserves open space. She has some background letters and that's all she has.

Ms. Stern Goldstein said the site capacity calculations are not part of the cluster ordinance. They are required whether it's a cluster or not. The cluster is density neutral. If you have some specific proposals you want Council to look at, give them significant information to have them make decisions. Mr. Maxfield said until the site capacity calculations are done, until the carbonate geology study is done, we have no idea if this is the configuration of the open space or not. Mr. Ritter is saying if you have a preference, please let him know. Right now we really don't have a preference. Mr. Ritter asked for any comment relative to the stub street issue. If we give that piece of land to the adjoining property owner, should they develop, then a road gets put in rather than putting a paved stub street that never gets utilized. Attorney Treadwell said he doesn't think giving it to the adjacent landowner in fee simple ownership is going to work under our zoning ordinance. You can leave an easement there for potential roadway. Mr. Maxfield said the adjacent landowner right now has expressed that he does not want to develop, so we couldn't see adding the additional pavement, but you can leave an easement there.

Mr. Kern said the feeling on Council these days is more toward cluster or else we wouldn't have developed the cluster ordinance. Whether or not it's appropriate in this instance, it's hard to say at this point. If he had a cluster map of what you are doing and the alternative, he could compare. Mrs. Yerger said until the site capacity calculations and some other things are done, it's going to be very hard to determine whether it's going to be cluster or traditional. Mr. Maxfield said it's basically been clustered on top of this piece of property. It may drastically change depending on what is there. He wouldn't look too heavily at the map other than to identify where the natural resource areas are. He thinks cluster would work here. Mr. Ritter said okay, they'll go from there then.

Mrs. deLeon said the Narrows frequently floods out and it's closed and there was slow response time for the emergency vehicles. Mr. Ritter said some of the traffic information was given and based upon actual experience, not based upon what a traffic person may say. They are very aware of that. They had comments from adjoining property owners. Mrs. deLeon asked if they thought about putting in underground water tanks for fires. Mr. Ritter said they haven't gotten to that point yet.

Mr. Kern asked if anyone in the audience had any questions? Mark Ozinek, resident, asked what is going to happen with the Narrows and access to another way out? Mr. Ritter said that needs to be taken a look at and reviewed. He doesn't have an answer at this moment.

Wendy Wolf, resident, said she has a piece of property and on Redington Road when you come to

the Narrows, there's dirt that actually falls down and you can't get a truck past it. That road runoff is very bad. She called PennDOT and they didn't do a thing. Mr. Maxfield said some of us have seen the water coming off the hill. Mrs. Yerger said that will have to be addressed. Mrs. deLeon said our regulations state the Engineers have to address that.

**D. TOLL BROS. – MEADOWS SUBDIVISION – REVISED BASIN DISCHARGE**

Mr. Kern said the Township has requested that the developer evaluate the current storm water discharge from the Meadows development. They have submitted a proposal to revise the basin discharge that has been reviewed by the Township Engineer.

Mr. Birdsall said the first phase of the modification was approved at the last meeting. The developer did provide a position response to their review letter. The developer was not present. The solution will consist of the removal of the headwall that is currently at the discharge point of the detention basin and the installation of a manhole at that point. The manhole will allow the storm water to drop in elevation from the pipe which is high up on the bank down to an elevation close to the edge of the road and then a slower velocity of flow will come out of the manhole in a pipe which will be directed at an acute angle of about 45 degrees, to Meadows Road and stop about 10 feet off the right-of-way, which is 20 feet off the edge of the paving, and return to a grass swale condition as the flow comes to the swale that is along the south side of Meadow's Road. The swale on the south side of Meadow's Road will be widened and deepened to try to minimize the amount of water that would actually come out onto Meadow's Road. We are recommending Council approve that alternative.

Mr. Maxfield said as the water leaves the site and runs down the right-of-way; can we assure that the swale will hold that volume of water? We have a policy of filling the swales with stone as of late. He would not like to see that happen as it encourages it to run across the road and we don't want to make a condition where it runs further down the road. He wants to make sure there's enough depth and capacity to hold this water. Mrs. deLeon wants Jack to look into this to see if swales are being inadvertently filled in. That will be creating problems for our roads. He knows the idea is for the water to run through the stone which works at low volume, but it doesn't work at high volume.

Mrs. Yerger said she's not an engineer, but would any kind of vegetation help slow it down or is this too high a volume site? Mr. Birdsall said it's a steep slope about 4% to 5% so the velocities are pretty high. Part of the problem downhill from the PPL substation has been that the high velocities ripped out some of the grassy vegetation. The developer has gone in once to restore the grass vegetation. A month ago it was a swale that was taking hold and had not been re-eroded. Whether it will remain in that condition, he doesn't know. It's something the developer still is on the hook for if the runoff is causing damage. Offsite work is still possibly needed in the future. Mrs. Yerger said she meant vegetation with deeper roots. Mr. Birdsall said the type of grass is very important. There are deep rooted grasses and shallow rooted grasses. They are referring to deep rooted grasses. If there was a flatter or wider section, there might be a way to achieve a better stability with taller weeds. In this situation, it's in an area where whenever they plow the snow that close to the road, they are right on top of this area, and it's cut periodically by the homeowner or the township road crews.

Gerry Holum, 1789 Meadows Road, resident, asked the Engineer how far east are they going to be doing this swale? In the last couple of days, they've been working up to the substation. They lowered the terrain to about 9". Are their intentions to continue on past the entrance way to the subdivision? Mr. Birdsall said they have not offered that. That doesn't mean it can't be asked of them in the future. They offered solutions right in the area of their discharge. They should be re-sodding. Mr. Holum said they finished the re-sodding yesterday. He forwarded photos to Council.

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You can see how the water moves to the other side of the road, so this isn't going to solve the problem for him. Mr. Birdsall said this will not change that situation. Mr. Holum said he's going to have to put up with water crossing his property that he didn't have before the subdivision went in. Mr. Birdsall said that is correct. Mrs. deLeon said how can that be? Mr. Birdsall said because there are more roads and more runoff and more development upstream, so there's more water. Mrs. deLeon said she thought a development shouldn't be adding more water onto an adjacent property. Mr. Birdsall said it always adds more water on to adjacent properties. There's no way to totally prevent it unless it's reabsorbed into the ground and this subdivision was approved before the requirements of reabsorption. This has been around a long time – in the 90's. Mrs. deLeon said it would go in the early 90's as it was handled by different people. It was in court and the regulation would apply when it was first submitted. Mr. Holum said wouldn't a simple answer be that the swale would be widened below or east of that road as it is before the road? Mr. Birdsall said that is another remedy. Whether that's the solution to all the problems downstream or some problems downstream, in trying to remember the right-of-way availability and the slope in that area, there's some terrain that starts up pretty steeply once you get out of the gutter. They will certainly look at that situation again, but it may be difficult for them to create a grassy swale the same width and depth as they are in front of their own property. Mr. Holum said that would probably be true because of the entry way of that road into the substation. There would have to be a pipe underneath that road. Mr. Birdsall said they asked them to look at a pipe option down to the next culvert. They did look at that and chose not to offer that solution, and they offered this solution. We can always ask them to do it in the future though. This is their obligation to not cause downstream damage. If they still are causing downstream damage, they'll be back at this table again.

Mrs. deLeon said isn't putting water on somebody's property causing damage to their property? Mr. Birdsall said that depends on the receiver and the condition of the weather that is reaching your property. Typically, yes, it's a problem for the downstream property owner. There isn't a whole lot of choice if you allow development in the township. Mr. Holum said he did have damage to his property and Toll Bros. did reimburse him for \$1,000. He doesn't want to go through this every couple of months. He feels the problem is not being addressed. Mr. Birdsall said he doesn't know that a deeper gutter on the far side of the road will help your situation. It will help keep the water off the road and minimize erosion along the edge of the road. Mr. Holum said it's definitely a safety condition. What happens if the emergency spillway is activated? If it's activated, as it's right across the street from his driveway, it's going to go into his driveway, into his barn, and into his house. Mr. Birdsall would not agree. He said, in addition, the swale that is being installed right now should be extended beyond your driveway to the west and beyond the spillway so any water coming into the spillway would go into the grass swale that's being installed and stay on that south side of the road. Mr. Holum said what is going to happen with the water that goes down to the dormant RR tracks that was in the past a problem for people farther east? Mr. Birdsall said nothing different is going to change in regard to that water. Some of it during heavy floods are going to go over the RR. Some of it, during lesser floods are going to come down past Mr. Holum's place. Some will spread to the south a small distance, before it backs up and goes back to the north over to your property. Mr. Holum said Toll Bros. is not going to do anything to the southern side of Meadow's Road at the intersection of the RR tracks? Mr. Birdsall said they are not, but the township road crew was instructed to do that. He doesn't know if they have done that or not. Mr. Cahalan said it was cleaned out, but has grown back since it was cleaned out. Mr. Holum said when will all this occur? Is this manhole something that is going to happen in the very near future? Mr. Birdsall said yes, they were ordered to do their swale. They have done it promptly within the last ten days. They have a deadline to install this facility. Mr. Holum said, in conclusion, the way it stands now, if that one area east of the entry way to the subdivision, the swale is enlarged, and the water flow continues down to the dormant RR tracks, he will absorb water across his property? Something he never had until this development occurred? Mr. Birdsall said that's his observation. That is correct.

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Mrs. deLeon said that is what the site plan said and that is what we approved to allow this to happen? Mr. Birdsall said yes. Mrs. deLeon said why did we approve something to allow water going on someone else's property? Mr. Birdsall said it's not changing its course. Mr. Holum said he disagrees. He's lived there for over 20 years and he's never had any problem with water on his property until this development occurred. Mr. Birdsall said he's not saying there isn't more water. He's saying that this developer didn't change any conditions along in front of PPL. He didn't change any conditions down along the RR tracks, or change anything down stream. Mr. Holum said they created a problem. Mr. Birdsall said he doesn't want to minimize it at all. As development occurs upstream, water flows downhill. Mrs. deLeon said when we reviewed this upgrade, we have to use the strictest interpretation and just do the most we can do to keep our roads safe and not create a problem to other properties.

Mrs. Yerger said she's getting the impression the request is to approve this as Phase I and that we would proceed further? Attorney Treadwell said that is what his recommendation was. This has to be viewed as Stage 1 and then once it's determined what more needs to be done, then we go on to Stage 2. Mr. Maxfield said it's waiting for the next damage to occur. Mrs. deLeon said can we jump ahead to Part B now, is there a way to do that? Can you guesstimate? Mr. Birdsall said he can certainly look at what it would take to increase the channel size and then go back to the developer and say that we want participation and help in doing that or we want them to do that. Mrs. Yerger and Mrs. deLeon said we have to do that and be as strict as we can be. We need it ASAP as winter is coming and that road is going to flood and freeze. Mr. Holum said that's only part of it. There will be some big problem there.

Mr. Kern said let's begin with the first Phase and get this on the books.

Mr. Horiszny asked if we ever considered boring under those RR tracks? Mr. Birdsall said we've looked at that and walked with Jack and Roger down to the creek. There are some old storm pipes there that could be utilized for the discharge of a pipe. There is a solution there. It's a costly solution in the way of boring under the RR track and taking it to the creek. Mrs. deLeon said who would be responsible for implementing that? Mr. Birdsall said he'll have to defer to the Solicitor? Attorney Treadwell said he didn't know. It's the first he ever heard of it. Mr. Horiszny asked if it would fall to us or PennDOT? Mr. Birdsall said PennDOT doesn't have any involvement in this area at all. This is a township road.

- MOTION BY:** Mr. Maxfield moved for Jim Birdsall to enter into talks with Toll Bros. to address the remaining existing storm water problems resulting from the subdivision of Meadow's Road.
- SECOND BY:** Mrs. deLeon  
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.
- ROLL CALL:** 5-0

**E. MICHAEL GUERRIERI – 1850 FRIEDENSVILLE ROAD – LOT LINE ADJUSTMENT**

Mr. Kern said the applicant is proposing to adjust the lot line between 1850 Friedensville Road and Society Hill. The parking area for the 1850 Friedensville Road parcel encroaches onto the Society Hill parcel and the applicant is requesting the blot line change to eliminate a private easement.

Attorney Eric Schoch, Attorney Justin McCarthy and Michael Guerrieri were present. Attorney Schoch said this is a lot line adjustment plan for an existing developed property along Friedensville Road in front of Society Hill. It contains the District Justice Office, Suzie's Drycleaners and the Bagel Shop. There are a couple of buildings to the rear. The lot line adjustment involves solely an area that had been under an easement to Mr. Guerrieri for many years and used as part of this use.

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This is simply to correct the lot line, which is already part of the legal lot as described on the plan. It's always been used in connection with this existing use on the property and has been paved for 30 years.

Attorney Treadwell said if that's your position, why are you doing this? Attorney Schoch said to get a correct legal description for the lot. Mr. Guerrieri has leased this from Society Hill and he has the property listed for sale. It's a clean up issue at this point.

Mr. Maxfield said you have one area that is going into the area you want to add on to the property. What is the significance of the four feet jig that's added to the one side of the property, why is that there? Attorney Schoch said the fence is existing. Mr. Maxfield said that really makes a non-standard shape lot for a fence. Attorney Treadwell said can't the fence be moved? Mr. Guerrieri said the fence isn't the problem, it's the third building. Attorney Treadwell said we're just talking about the skinny sliver on the side. The difference between creating a lot that looks like that as opposed to what he would consider a fairly simple thing of moving the fence. Attorney Schoch said they will talk to the owner, but maybe the solution is to leave an easement on the side of the fence, then we don't have to move the fence, but create a squared off lot in the rear.

Mr. Richard McFerren, President of the HOA of Society Hill said their board has confirmed since this is in their original documents as a perpetual easement, this is merely a boundary resolution so that Mr. Guerrieri could sell the property and the next owner would have a full, free title. Attorney Treadwell said he doesn't disagree with that. The question is the little sliver on the side makes it a very strange shaped lot. Attorney Schoch said there is really no issue as to the use. The question the Council has is since the goal is typically not to create very irregular shaped lots, is there an issue with creating a squared off lot in the rear to give Mr. Guerrieri a tight fee title to the land on which the building sets, but just leaving an easement for the fence on the side so you don't have such a jagged lot line? Mr. McFerren said as far as they are concerned, our attorney has talked with Attorney McCarthy and Attorney Treadwell, and as far as Society Hill is concerned, it's always been in documentation, and they have no problem.

Ms. Stern Goldstein was talking about open space and the paving. Attorney Treadwell said where Judy is going to, let's assume that Society Hill was right on their number for open space and it included this little sliver. You take it out and make their project non-conforming as to the open space. That's a worst case scenario and someone needs to show that. Mrs. deLeon said she was here in 1988, but when we looked at Society Hill plans, they may not have known the macadam was there either. Attorney Schoch said it would be surprising since the formation documents included it, but we can't debate it as we don't have anything in front of us. We can look at the plans. Attorney Schoch said what do we do at this point? Attorney Treadwell said it's not ready yet as it didn't get a Planning Commission recommendation. Attorney Schoch said there is none for this as it's a minor B. They don't have any question on Mr. Birdsall's letter other than Mr. Swallow has made some changes, resubmitted, and all they'd be asking for was a waiver on the section that requires all existing features within 500 feet of the property, and instead, request a waiver to the extent that doesn't comply with what the new plan would show. Nothing is changing. Mr. Birdsall said he thinks it would be really improper for the Council to make decisions on waivers that haven't been put in writing. Attorney Schoch said he's not asking for a decision. He'd like to know, before he wastes another month by not trying to put things on and coming back, is that something that might be entertained? He wants to move things along. Mr. Birdsall said that is the township's option. Mr. Horiszny said his feeling is we do need to know what's within 500 feet as there seems to be unanswered questions by both of our consultants that we just can't figure out what's there, what isn't there, what belongs there. Attorney Schoch said this takes you off the property by 500 feet, a significant distance. We'll go back to the drawing boards and clean up the plan to what's there and what's not there.

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Mr. Maxfield said we do have issues on the property with the open space we talked about? He would think it would be a fair trade to trade that information for the 500 feet. We know what's there 500 feet off the property, but we do have an off property issue, so let's trade those bits of information, get the applicant to agree that they will settle that whole open space issue with Society Hill, and they are not going to be affecting anything 500 feet off the property. No new structures are proposed. Mr. Birdsall said there are two non-conformities. One is the impact on Society Hill and the other one is really addressed more in Judy's letter and that's the on site issues and whether or not this has been treated as a single property for many years. There are issues as to on lot sewage systems that are on different properties and he'd hate to have two lots created and wind up with a lot not having the ability to support itself with on lot sewer. Those issues are global in nature. Attorney Schoch said we are taking a sliver from Society Hill. Mr. Birdsall said it's not Society Hill he's concerned about. It's the neighboring property. It's been treated as a single lot. Attorney Schoch said the reapportionment has.

Mr. Kern said from the beginning, this sounds like staff needs to get together and figure this out. We have been out of this loop. You need to get together with staff and figure it out so we're not spending 45 minutes that we have no control over. Mr. Maxfield said let's address all existing problems and make sure we are not going to be dealing with another problem in the future. Attorney Treadwell said next Tuesday is a staff meeting, call Leslie and set up a time to come and talk to staff.

**F. OBERKOTTER/GREEN LINDEN TRUST – 3325 GREEN ACRES DRIVE – REQUEST WAIVER FROM LAND DEVELOPMENT**

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

**STAFF RECOMMENDATION FOR OBERKOTTER-GREEN LINDEN TRUST  
3325 GREEN ACRES DRIVE  
WAIVER OF LAND DEVELOPMENT REQUIREMENTS**

The LST staff recommends that the Township Council grant a conditional waiver of Land Development requirements for the proposed construction of a single family attached home on 3325 Green Acres Drive, Tax Parcel R6-2-3G (WV 02-06) based upon the applicant's submission of plans and supporting calculations, as described below:

1. Survey site improvement, grading and post construction storm water management plan, Sheet C-1 dated last revised August 18, 2006.
2. Erosion and Sedimentation Control Notes and Narrative, Sheet ES-1 dated last revised June 21, 2006.
3. Soil Erosion and Sediment Pollution Control Plan, Sheet ES-2 dated last revised August 18, 2006.
4. Miscellaneous details, Sheet MD-1 dated last revised August 18, 2006.
5. Storm water Management/Soil Erosion and Sediment Pollution Control Plan Booklet dated last revised July 6, 2006.
6. Post construction Storm Water Management Control Plan booklet dated last revised August 20, 2006.
7. Letter of request for waiver dated July 27, 2006. All documents 1 through 7 prepared by the ARRO Group, Inc. a consulting civil engineer.
8. Brand Environmental Consulting Services Inc. Wetlands report dated July 25, 2006.
9. Saucon Valley Country Club letter dated July 19, 2006.

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

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1. The applicant shall address the review comments contained in the letter dated September 14, 2006 from HEA to the satisfaction of the Township Council.
2. The applicant shall address the review comments contained in the letter dated (date to be provided) from Boucher & James, Inc. to the satisfaction of Township Council.
3. The applicant shall provide two Mylar's and six prints of the plans with original engineering signature and seals. Four complete sets of plans shall also be provided. The applicant shall provide two CD's of all plans in an AutoCAD format (jpeg-ROM).

Andrew Levine, Arro Consulting was present. He said he resubmitted plans on the 12<sup>th</sup> based on a telephone conversation he had with HEA where he addressed the comments from the HEA letter. The comments on the Boucher & James letter, the second comment, under General, the inaccuracy with the limits of disturbance will be looked at and be corrected.

Mr. Birdsall said there wasn't any review of the resubmission and no one received them. Mr. Levine said he brought them in and handed them in to the Zoning Clerk. Attorney Treadwell said Judy and Jim need to look at the resubmission.

Mr. Levine said the technical storm water comments, he did speak with HEA and most of the comments were written after that date, prior to receiving any revised plans. Comment No. 2, the basin outlet control structure has been revised to include a frost footer 30" below ground level. Comment No. 6, the storm water narrative has been revised and the computations have been revised to increase the amount of impervious coverage after recalculating the area. The new imperious coverage is 0.80 acres of imperious instead of 0.65 as previously computed. Comment No. 9, they discussed on the telephone the BMP procedures since this area we can't infiltrate due to the existing sinkholes. This is a previous issue. We aren't doing infiltration because we can't. Our BMP's are to increase the time of concentration as much as we can and we are directing run off by a sheet flow through the grass areas to the detention basin, where practicable, the exception being the roof drains to get where the detention basin is located. We need to pipe them down to the detention basin. We did take one of the roof drains that works and pulled the outfall back so it would have an increased time between the outfall and where the outlet structure for the detention basin is. This was agreeable to HEA. Mr. Birdsall asked if they were following what their concern was and what the solution is with regard to downspouts? Mr. Levine said yes. Mr. Levin said comment 13, that's for the township solicitor to decide. Mr. Birdsall said if it is not a land development plan being recorded, we really should have a standard maintenance easement agreement for storm water facilities and that would be recorded with land, even though the plan would be recorded. Attorney Treadwell said he hasn't seen anything from the applicant. Mr. Levine said it would have been submitted to the Township. Mr. Levine said the technical comments are minor in nature. No. 17, the requirement for the detention basin for not to exceed a depth of 2' of runoff for over a four hour period. They have met that for the 25 year storm, and the 50 year storm and we can meet it for the 100 year. They will comply.

Mr. Horiszny asked what was the status of the escrow account, it says you are in arrears of \$1,700? Mr. Levine said he didn't know. Ms. Huhn said they are in arrears of \$3,000.

Mrs. Yerger asked about the September 13 Boucher & James comments. No. 2, the limits of disturbance being inaccurate. Mr. Levine said that's a discrepancy between sheet 1 and sheet 3. The sheets 2 and 3 are the plans that went to the conservation district for the NPDES permit. The limits of disturbance on that plan have been updated, but it was not transferred to sheet 1, it was a graphical error.

Mrs. deLeon said basically without seeing those other plans, he meets the requirements of both these letters and the other list, does anyone see any problems with that? Mr. Horiszny said we should table it until we get the 9/12 submittal and the arrears is up to date. Mr. Maxfield said we

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are talking about submissions that haven't been seen and reviewed. There's a lot of things to clean up here. Mr. Birdsall said HEA thinks it is ready for conditional approval. Attorney Treadwell said it's up to you guys. Mr. Maxfield said so far we have nothing, no resubmission plan we are talking about. Mrs. deLeon said doesn't the staff recommendation refer to the plans that you reviewed for your second letter? Ms. Stern Goldstein said correct. Mrs. deLeon said then that has nothing to do with the other plan. They are at the loss if they are looking at it and they come up with something else, they will have to revise it. Mr. Horiszny said we should vote on this motion. Mr. Maxfield said this is a mess. It needs to be cleaned up. It's one more thing the staff will have to follow up because things weren't prepared for us. He'd rather have the applicant come back, do the work that is necessary, clean up the plans, get the information in an nice orderly fashion, then we can make a recommendation on an existing plan we can see and go from there.

Mrs. deLeon said we are getting too many conditions coming to Council, and she's been saying this for years. The staff has control on the applicant's submission and when they look at pages and pages, and if you were doing the staff recommendations the way she likes them, and like the way they were for 18 years, we would have five pages of conditions as they would be plucked out. Other people have had the same number of conditions that have been way too many, so we need to set a policy then. Mr. Maxfield said again, it needs to be cleaned up.

- MOTION BY:** Mr. Horiszny moved to table this until we get the 9/12 submittal and the escrow is up to date.  
**SECOND BY:** Mr. Maxfield  
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.  
**ROLL CALL:** 3-2 (Mrs. deLeon and Mrs. Yerger – No)

**G. VNA HOSPICE – BLACK RIVER ROAD – REQUEST EXTENSION TO COMPLETE IMPROVEMENTS**

Mr. Kern said the applicant is requesting an extension to complete the improvements in their project. Mrs. deLeon asked how many units? Mrs. Yerger said it was 14.

- MOTION BY:** Mr. Horiszny moved to approve the extension.  
**SECOND BY:** Mr. Maxfield  
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.  
**ROLL CALL:** 5-0

**IV. TOWNSHIP BUSINESS ITEMS**

**A. RESOLUTION #52-2006 – APPOINTING MUNICIPAL FINANCE PARTNERS, INC. AS THE TOWNSHIP ACTUARY FOR THE UNIFORM AND NON-UNIFORM PENSION PLANS**

Mr. Kern said Municipal Finance Partners has submitted a proposal for actuarial services for the Uniform and Non-Uniform Pension Plans and Resolution 52-2006 has been prepared appointing Municipal Finance Partners, Inc. as the Township Actuary.

**RESOLUTION #52-2006**

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**TOWNSHIP ACTUARY**

**WHEREAS,** the Council of Lower Saucon Township hereby appoints Municipal Finance Partners, Inc. as the Township's Actuary; and

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**WHEREAS**, the scope of services and fees for these actuarial services are contained in the agreement between Municipal Finance Partners, Inc. and the Township dated September 20, 2006.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of Lower Saucon Township, that Municipal Finance Partners, Inc. be appointed Township Actuary, and further that the Council President be authorized to sign the agreement with Municipal Finance Partners, Inc. dated September 20, 2006

**RESOLVED AND ENACTED** this 20<sup>th</sup> day of September, 2006.

**MOTION BY:** Mr. Kern moved to relieve Byer, Barber, and Company of it's responsibilities as Township Actuary effective immediately.

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

**ROLL CALL:** 5-0

Mrs. deLeon asked if this agreement was reviewed by the Solicitor? Attorney Treadwell said the agreement is not ready yet, you can do the motion to appoint them subject to the agreement being executed.

**MOTION BY:** Mrs. deLeon moved to approve Resolution #52-2006 subject to the Solicitor's review.

**SECOND BY:** Mrs. Yerger  
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.

**ROLL CALL:** 5-0

**B. RESOLUTION #53-2006 – APPROVAL OF ENVIRONMENTAL PLANNING & DESIGN AS PLANNING CONSULTANT FOR SAUCON VALLEY MULTI-MUNICIPAL COMPREHENSIVE PLAN PROCESS**

Mr. Kern said Environmental Planning and Design has been chosen as the consultant for the SV Multi-Municipal Comprehensive Plan process and Council should authorize the Council President to execute the agreement with the firm on behalf of the township. Mrs. deLeon asked Diane to add **Multi-Municipal** to Saucon Valley Comprehensive Plan. Mrs. Yerger said she noticed the bulk of the expenses are going to be covered by the LUPTAP grant, but the consultant's fees are considerably more. Has it been decided on how that cost increase was going to be shared? Mr. Cahalan said the full funding for the consultant's fee has been made up from a LUPTAP grant, funding from Northampton County, Hellertown Borough and Lower Saucon Township, and contributions from a few local banks. The funding was in place before they selected the consultant. Mr. Maxfield said No. 7 on the compensation, the consumer price index rate increase after 12 months, what kind of increase would we be looking at? Mr. Cahalan said apparently this planning firm is one of the few that pays people on an hourly basis. We looked at that and questioned whether that would cost us any more, and what we discovered, it would be transparent to the partnership. The cost will not increase. It's just something they have in place for their employees. Annually, they look at the consumer price index. It has no affect on the cost to the SV Partnership.

**LOWER SAUCON TOWNSHIP  
RESOLUTION #53-2006**

**RESOLUTION APPROVING ENVIRONMENTAL PLANNING AND DESIGN AS PLANNING CONSULTANT FOR SAUCON VALLEY PARTNERSHIP MULTI-MUNICIPAL COMPREHENSIVE PLAN AND AUTHORIZING COUNCIL PRESIDENT TO SIGN AGREEMENT**

**WHEREAS**, upon forming the Saucon Valley Partnership, the member bodies of the Council of Governments agreed, among other objectives, that a Regional Comprehensive Plan was the highest priority; and

**WHEREAS**, the Saucon Valley Partnership applied for and was awarded a DCED Land Use Planning and Technical Assistance Program (LUPTAP) grant in the amount of \$61,200 to hire a consultant to work with the Partnership on a multi-municipal comprehensive plan; and

**WHEREAS**, the Partnership issued a Request for Proposals for planning firms to work on the multi-municipal plan and after a rigorous screening of the applicants selected Environmental Planning & Design from Pittsburgh, PA as the finalist; and

**WHEREAS**, the Saucon Valley Partnership has negotiated an agreement with Environmental Planning & Design that outlines the services to be provided by the firm and includes the scope of work, schedule and budget, and said agreement has been approved by the Saucon Valley Partnership.

**NOW, THEREFORE, BE IT RESOLVED**, that the Council of Lower Saucon Township hereby approves Environmental Planning & Design as the planning consultant for the Saucon Valley Multi-municipal Comprehensive Plan and authorizes the Council President to sign the agreement with Environmental Planning & Design for the preparation of the Saucon Valley Multi-municipal Comprehensive Plan.

ADOPTED and ENACTED this 20<sup>th</sup> day of September, 2006.

**MOTION BY:** Mr. Horiszny moved for approval of Resolution 53-2006.

**SECOND BY:** Mr. Maxfield

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

**ROLL CALL:** 5-0

Mr. Cahalan said the Borough of Hellertown has approved it and it will go to the school district later this month. This means the SV Partnership will have in place an agreement with this firm and they will begin the multi-municipal planning process on October 13, 2006. Mrs. deLeon said at our last meeting, September 13, Neal Kinsey came, and he was excellent. It was well received. Mr. Kern said this seems to be a quiet resolution, but represents a major step forward in communication between Hellertown, LS and the school district. It's a new era of dawning as far as relationship with the regional planning.

**C. RESOLUTION #54-2006 – AUTHORIZING TRANSFER OF MONIES FROM ONE TOWNSHIP FUND TO ANOTHER**

Mr. Kern said the Director of Finance is requesting Council approval to transfer monies from one Township fund to another to cover shortfalls in the accounts listed in Resolution 54-2006.

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Mr. Cahalan said Cathy Gorman put this together. Some are minor amounts for minor equipment. This was Cathy's first go around with this budget. There will be some adjustments next year. The other ones represent some additional cost that we've experienced in engineering cost and also work that is needed on the open space plan study, so we need to move monies into that account. We also paid for the bond for the controller that was requested and the advertising for the Administrative Assistant and some minor equipment in the police department. Mrs. deLeon asked Mr. Cahalan if this will give Cathy a better insight on her budget then for next year? Mr. Cahalan said yes, she will be more tuned in for the next budget.

**MOTION BY:** Mr. Horiszny moved for approval of Resolution 54-2006.

**SECOND BY:** Mr. Kern

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

**ROLL CALL:** 5-0

**D. APPROVE MINIMUM MUNICIPAL OBLIGATION FOR PENSION PLANS**

Mr. Kern said Council will review the Minimum Municipal obligations concerning the Unformed and Non-Uniformed Pension Plans.

Mr. Cahalan said under Act 205, the administration is required to bring to Council every year the MMO for the two pension funds. This actually sets down what the township's responsibility is for these two pension funds in the coming year, 2007. The forms are in your packet. They were prepared by Thomas J. Anderson Company who is the actuary that works with the PA State Association of Boroughs and the Municipal Retirement Trust. They were reviewed and they've actually been revised by Chuck Freelander from Municipal Finance Partners. The credits we get for employees, they were recently increased by about 5%, so there was a little bit adjustment made on that. The bottom line is that the state aid that we receive annually does not offset the obligation that the township has to put aside for these two pension plans, so there's a shortfall of \$78,792.01 that the township will have to allocate in the 2007 budget. That's broken down as follows: \$32,585.05 to the Non-Uniformed Plan and \$46,206.96 for the Police Pension Plan. These amounts are arrived at by the actuary doing an evaluation of the pension plans every two years. The last one was done in 2005 which takes into account the increased cost that we are paying in salary and other pension benefits and also looks at the investment picture we've had over the past five years and they come up with an estimate of how much we have to put away in the budget. This is the second year in a row that the state aid is not meeting the pension obligations. Last year, we would normally look for the employees to make contributions in the non-uniformed area, but the current labor contract precludes us from asking the employees to make contributions toward this shortfall. In the police contract, we do have to sit down and bargain with the police. We did that last year and were able to come up with some savings of about \$8,000 in the shortfall, but the discussions were inconclusive. The township wound up paying for the cost of the shortfall in both of the plans. They'll talk to the police and ask them to discuss this again and contribute their share to the shortfall. It will be talked more about at the Pension Advisory Committee this Friday.

Mrs. deLeon would ask for an Executive Session prior to our October 4 meeting to discuss the police contract negotiations.

**MOTION BY:** Mr. Kern moved to approve the MMO for the Non-Uniforms Employee plan.

**SECOND BY:** Mr. Maxfield

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

**ROLL CALL:** 5-0

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**MOTION BY:** Mr. Kern moved to approve the MMO for the Uniformed Plan.  
**SECOND BY:** Mr. Horiszny  
 Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.  
**ROLL CALL:** 5-0

**Lower Saucon Township Police Retirement Plan  
Calculation of 2007 Minimum Municipal Obligation**

1. Normal Cost Percentage	12.78%
2. Estimated 2006 Total W-2 Payroll	<u>\$849,808</u>
3. Normal Cost ( 1. X 2. )	\$108,605
4. Administrative Expense	31,116
5. Amortization Payment	<u>0</u>
6. Financial Requirement ( 3. + 4. + 5.)	\$139,721
7. Member Contributions Anticipated	0
8. Funding Adjustment <sup>1</sup>	<u>13,336</u>
9. Minimum Municipal Obligation ( 6. - 7. - 8. )	<u><u>\$126,385</u></u>

**The Minimum Municipal Obligation is due to be deposited on or before December 31, 2007.**

Calculations are based upon the plan's January 1, 2005 Actuarial Valuation.

<sup>1</sup>The funding adjustment is calculated as 10% of the excess, if any, of the actuarial accrued liability over the actuarial value of assets.

\_\_\_\_\_  
Signature of Chief Administrative Officer

\_\_\_\_\_  
Date Certified to Governing Body

**Lower Saucon Township Non-Uniformed Employees' Retirement Plan  
Calculation of 2007 Minimum Municipal Obligation**

1. Normal Cost Percentage	9.61%
2. Estimated 2006 Total W-2 Payroll	<u>\$778,285</u>
3. Normal Cost ( 1. X 2. )	\$74,793
4. Administrative Expense	7,370
5. Amortization Payment	<u>6,139</u>
6. Financial Requirement ( 3. + 4. + 5.)	\$88,302
7. Member Contributions Anticipated	0
8. Funding Adjustment <sup>1</sup>	<u>0</u>
9. Minimum Municipal Obligation ( 6. - 7. - 8. )	<u><u>\$88,302</u></u>

**The Minimum Municipal Obligation is due to be deposited on or before December 31, 2007.**

Calculations are based upon the plan's January 1, 2005 Actuarial Valuation.

<sup>1</sup>The funding adjustment is calculated as 10% of the excess, if any, of the actuarial accrued liability over the actuarial value of assets.

\_\_\_\_\_  
Signature of Chief Administrative Officer

\_\_\_\_\_  
Date Certified to Governing Body

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**2007 Minimum Municipal Obligation**

		<b>Non Uniformed</b>		<b>Uniformed</b>		<b>Total</b>
2007	MMO	\$ 88,302.00	41%	\$ 126,385.00	59%	\$ 214,687.00
2006 State Aid						
44 units @ 3088.5225	\$ 135,894.99	\$ 55,716.95		\$ 80,178.04		\$ 135,894.99
Township Contribution		<u>\$ 32,585.05</u>		<u>\$ 46,206.96</u>		<u>\$ 78,792.01</u>
		\$ 88,302.00		\$ 126,385.00		\$214,687.00

**V. MISCELLANEOUS BUSINESS ITEMS**

**A. APPROVAL OF SEPTEMBER 6, 2006 MINUTES**

Mr. Kern said the minutes of September 6, 32006 meting have been prepared and are ready for Council’s review and approval.

Mr. Horiszny said Line 9 of page 1, take out “and” Leslie Huhn, put it before Assistant Township Manager. Page 26, line 10, the first blank should be “livable” and the second blank “Designing Streets for Pedestrian and Bicycle of Safety”.

**MOTION BY:** Mr. Kern moved for approval, with corrections.

**SECOND BY:** Mrs. Yerger

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

**ROLL CALL:** 4-1 (Mr. Horiszny – No – minutes too long)

**B. APPROVAL OF AUGUST 2006 FINANCIAL STATEMENTS**

Mr. Kern said the August 2006 financial statements have been prepared and area ready for Council’s review and approval.

**MOTION BY:** Mr. Horiszny moved for approval of the August 2006 financial statements.

**SECOND BY:** Mr. Maxfield

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

**ROLL CALL:** 5-0

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

- Ms. Rebecca Thomas, 3620 Strauss Avenue & Greg Trexler, 3624 Strauss Avenue were present. Ms. Thomas said they have a major concern with storm water runoff from above them on McCloskey Avenue. Turnbridge Partners is going to be building up there. There’s a lot of water run off up there. It’s getting muddy. Mr. Blair said the water is coming up from above him. They were told Blair cleaned out a little bit of brush, but it’s become a real problem. It comes down across McCloskey and through all of our neighbors houses behind us and comes down to both of our yards and there are no sewer drains above us. We’re getting all the water. It’s pooling behind her house. She’s lost work because of this. Their land is so saturated that it’s seeping through their bricks and she has to shop vac the basement. They can’t even use their basement. It comes down like rivers and it is just getting worse. Mr. Trexler said storm waters are coming directly down the mountain. The water is so fast and you can’t stop the water. It has taken out flower beds, parking areas, it goes underneath their sheds. Ms. Thomas said they just spent thousands of dollars to replace and dig out their existing outside basement entrance and part of their foundation is

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crumbling. It started in the last year, but the last four-five months have been continually worse. Ms. Thomas said if there is rain predicted, she goes out and lines her property with 2x4's, cement blocks, paving bricks, bags of mulch, anything to try to keep it away from her house. Mr. Trexler said the last storm, there was a three to four foot wide spout of water coming down through their yards. On June 2, Ms. Thomas called 911 as there was so much water coming through their yards. It was a Friday evening, and an on duty police officer called her, and she told him what was happening. He said it was probably because the storm drains were clogged and need to be cleaned. She said there are no storm drains above us. She said Mr. Blair said he is going to do something drainage wise and it might help their problem, but he's not going to guarantee, but it won't do anything for the rest of McCloskey. Roger Rasich came out and put in a macadam swale and said it's going to help with the water coming down Walter Street only in little or moderate rains. Heavy rains – forget it. He said the main problem is the water coming down McCloskey Avenue and it's not going to do anything for that. Ms. Thomas said the problem is they don't know where the water is coming from. The newest house up there could be in Salisbury Township, but they don't know. Council asked Staff to take a look at this, evaluate it and see if it's in our township, and maybe open a dialogue with the other township. This is on the agenda at the Planning Commission tomorrow night. Ms. Stern Goldstein said they can talk directly with Mr. Blair and open a dialogue with him.

- Mr. Robert Hero, 1950 Fairway Road, said they are in the process of covering Silver Creek Road? When will it be completed? Mr. Cahalan said within the next couple of weeks. Mr. Hero said are they going to resurface Reservoir Road also? Mr. Cahalan said he's not sure, it's a compressed schedule. They could do it next year. Mr. Hero said all the developments coming in with retention ponds, our roads really can't handle the runoff from the ponds, can we make them liable to put storm sewers in instead of you guys paying for it? Mr. Maxfield said one of the directions recently was to have Jim look into moving the detention ponds further away from the roads.
- Ms. Stephanie Brown, resident, said she's so disgusted and very angry. She got a letter today from the LVPC in regard to a letter that HEA sent to them. She basically got the same letter a couple of weeks ago with several points missing out of the township letter and she'd like to know why she got an edited letter? It was to the township, and she got the same letter except for points 3, 4, and 5. On the LVPC, points 3, 4, and 5 were on that letter. Mr. Birdsall said he is aware of editing of the letter that was sent out and after a staff meeting, he was asked to revise it, and he revised it and sent it out again. There are two letters on the same subject area. Mr. Cahalan said at a meeting she asked a question about a low spot behind her house. It came to Council and they directed the Engineer to give her a response and that response was given to her on August 22, 2006. The other letter was sent to the LVPC and not directed to her. Ms. Brown said she keeps trying to get these problems fixed and she never gets an answer. When someone has an answer, let her know. Mr. Cahalan said that is the answer dated August 22, 2006. Mr. Kern said the township's response letter of August 22 did answer it, at a considerable expense, as they directed the Township Engineer to answer it. Ms. Brown said she doesn't understand if it's a natural swale or a construction swale. The LVPC said there's a natural swale there. Mr. Cahalan said the answer to her question is dated August 22, 2006 whereby he sent her a letter on August 31 with six bulleted responses to her question, and one was the August 22 letter attached. Mrs. deLeon said the map attached which shows the dotted S line, is that the swale you are talking about? Mr. Birdsall said it's a soil boundary line. The issue is all centered around the arrows that you see on the north side, and then a contour line that shows "Brown", that's where the Brown's are. This is a Xerox off of a part of the master grading plan for this particular subdivision. You can see the master plan shows a swale between lot 24 and lot 25 directing water down to contour line 362 and going on to the Brown property. When you get into the Brown property, those contours through the Brown property are not accurate as there was a house there before the subdivision was built. It does show that the water generally went down towards that direction. There is a portion of Lot 24 that as part of the approved grading plan, is supposed to be directed out towards Stover Road. He thought that was something they could report on. The staff felt that was incidental and it was not important. It would be taken care of during the house construction, and ask that he remove that particular

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paragraph from the letter regarding that particular swale. That's the bottom line. From the approved grading plan, it doesn't look like it's going to take any more than 2/3's of the property. Mrs. deLeon asked if we had a requirement in our existing regs for subdivisions? Attorney Treadwell said that's the 500 foot thing we were talking about tonight. Mr. Birdsall said what the PC does now, when somebody is requesting a waiver of that particular issue, they look at whether or not the waiving of that issue is going to withhold any information that would be helpful to what is going on in the neighborhood. It's not been waived in all cases. Mr. Maxfield said for a waiver request, we can always ask for 100 or 200 feet also. It doesn't have to be 500 feet. Mr. Kern said it's granted deemed appropriate for the site. The aerial is what we have accepted in many cases if it's current.

- Ms. Brown said Mr. Birdsall said he visited the inlets and they are working properly. How can he say that, when her property keeps flooding from it? Mr. Birdsall said he can't say any more than he already said. They are working properly. Ms. Brown said the County came out and said they were working fine too. Mrs. Yerger said they don't know what to tell her, if everyone is telling her they are working.
- Ms. Brown said the entrance sign put in for the Saucon Valley Meadows, there is flooding there, a new flooding issue. It's a brick and block sign behind the lot from her and is causing water runoff. The contour line shows it is supposed to run off the lot and into the storm water system, but it's not happening because of that sign. Mr. Cahalan said Stephanie brought this to their attention and he hasn't been able to get back to her yet. Ms. Brown said she spoke to Mr. Lawrence and there is supposed to be a silt fence up. They directed Toll Bros. to put the silt fence in which would take care of the mud part. It won't take care of the actual runoff problem. Mr. Cahalan will check into the pillars.
- Ms. Brown said Meadows Road and the bridge. Last week a big tractor trailer came up the road, and since she lives 4/10<sup>th</sup> of a mile from the bridge, she can't see if it actually came over the bridge. She called the police and Officer Koze showed up and found the truck. The driver told him they came down the road and turned around at the substation and came back up. She was out 1/2 hour and never saw this truck come down the road. Then Officer Koze had another call and he wasn't able to further explore and see if anyone saw this truck goes over the bridge. She's trying to work with the township to get this bridge preserved. The bridge hasn't been monitored. You're monitoring the intersection of 412 and Meadows Road at rush hour times. Nothing has been done with these trucks coming over the bridge. Mr. Kern said you done everything you could and so has the township. They responded to your call. They talked to the truck driver. If the truck driver is not going to fess up, and the officer nor Ms. Brown did not witness the incident, then there is no witness. You don't even know if the truck came over the bridge. We do sit people down at the intersection during certain periods, and that's where the trucks are coming from. She's working with Mr. Branco to get this bridge taken off of the list of bridges to be replaced and give it time to be studied to see if it can be preserved and is trying to get the weight limit down. If you can't get this under control at 10 tons, what are you going to do at 3 tons? Mr. Kern said you don't even know if it is control or not as you just admitted you don't even know if the truck came over the bridge, so it is under control.
- Gerry Holum said he just got the diagram of the Toll Bros. detention. It appears that what is going to happen with this manhole, the manhole is going to be constructed from the existing outfall to a new outfall or headwall that's 20 feet closer to the road. Isn't the velocity now going to be stronger now as a result of that being closer to the road than it was before? Mr. Birdsall said part of the problem with the discharge where it is now, is it's so high off the road that the water has to come down the slope towards the edge of the road. The velocity coming down the hill was actually carrying rocks down to the road. What this will do is allow the water to drop in elevation as it comes out of the pipe, it's coming out of the much slower velocity than it would be coming down the hill. That's the theory behind this alternative design. Mr. Holum said the velocity of it coming out of the pipe is going to be the same as it was before, but you are saying as a result of it going down that incline of 5 feet, that's going to make a difference? Mr. Birdsall said yes.

**VIII. COUNCIL AND STAFF REPORTS**

**A. COUNCIL**

**Mrs. Yerger**

- She thanked Jack and Leslie for the letter they had requested in response to Ron Angle as far as Act 4, Farmland Preservation. She appreciates it. Mr. Cahalan said they brought that up at the Partnership meeting and asked the school district to get back to them if they want to participate.

**Mr. Maxfield**

- He wanted to propose we get together a committee to work with Staff and consultants. We are definitely going to run into preservation of open space areas that are not going to be accepted by conservancies and we have to realize it's their decision whether they want to cover these things or not. He would like to work out some situation where they have lots of flexibility where we can do things. We can work out a situation to the particular piece of property. Somehow these spaces are going to be really important to us, but they are not necessarily going to be important to conservancies to conserve. We need to find another way to do this with multiple easement holders. Something not acceptable – if we have a 35 acre parcel and 17 acres of it is in open space, but it's not connected to anything else, there may not be enough things on it to qualify for a conservancy to want it. We would be interested in it not being developed. Mrs. Yerger said what we might want to explore is to approach the County and allow them to be a co-holder. Mrs. deLeon worries about all the open space we've taken in the past because it says perpetual, but it's not a three party agreement. Now we've learned and are asking for that 3<sup>rd</sup> party. Mr. Maxfield went to the Stephen Small seminar and he said nothing is guaranteed, but the best thing you can possibly do right now is the easement. He would volunteer to be on the committee and have Sandy also be on it, and also have citizen involvement. You could do a committee from the EAC also.

**Mr. Kern**

- Nothing to report.

**Mrs. deLeon**

- She asked Jack to report on the casino meeting. Mr. Cahalan said he was with Bob Freeman the other day. They had a good discussion about the issue of the revenue being shared if the casino comes to the LV. There was a discussion between the two state Senators, Boscola and Brown to work out an agreement to do a revenue sharing where some of that money would go to the city that loses out. The concern we have is if that happens, that would mean there would be less money left in the host county, and if it's Northampton County, it would be less money for the surrounding municipalities who will be experiencing some severe impacts. The legislature is back in session and we're trying to set up a meeting with Senator Boscola, Brown, Freeman and Byer to see if they can get some assistance from them to get the language changed so the township is protected from any impact. There was an article in the paper today that said the language has already gone through the committee at the Senate, so it's in place there and they are prepared to vote on it next week.
- We received a letter from Northampton County and it's a notice of a hearing. We're the property owner and the property is on Applebutter Road. What is this? Mr. Cahalan said the properties that are on there are the ones that Lutz Franklin Schoolhouse acquired. He sent something to Council stating they had submitted them to the County to have them considered as tax exempt. For whatever reason, it missed the deadline at the County, so

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- they are carried on the roles as taxable and we have to go an appeal on October 2, 2006. They submitted the request on time, but the County did not process them by the deadline.
- There is a letter from DEP – regarding East Lehigh Majestic parcel Act 2. The department will not take final action on these documents until the township has had a chance to review. That’s a good thing. Mr. Cahalan said nothing has come in yet.
  - Bodner from IESI responded to the BRE Minor Permit Modification, addressing some of the township’s concerns, but really didn’t respond to a lot of them, so we need to do something. Our landfill committee meeting isn’t until late October, so she doesn’t want this sitting and not having any action. Mr. Birdsall said there are some documents they are going to correct, but also they said that basically some things weren’t important and they didn’t address them the way that the staff would like them addressed. They’d like the opportunity to provide professional comment through Laressa and himself back to DEP. It would be reviewed by Jack and the committee before it would go out. Mrs. deLeon said the township should respond and the committee will look at it, but unless something jumps out at us, there is nothing new. Council said Mr. Birdsall can proceed.
  - She said her comment earlier about less conditions for subdivisions, we need to really work on reducing that.

**Mr. Horiszny**

- He has brought the book from the Livable Community Seminar so that the Township Zoning and Planning can see it. That was a Forks Township event by Ed McMann which was excellent.
- He attended the cable TV franchise session presented by Verizon, and he also brought that information for the township. It contains copies of both the House and Senate bills that maintain municipality right-of-ways and franchise fee control which made it sound that it’s a desirable piece of legislation. They indicated when Texas instituted cable franchising state-wide, cable prices dropped 27%.
- He attended “Designing Streets for Pedestrian and Bicycle Safety”. He brought that information for the road crew and for the police department and bike officers so they can see it. Many of the land use suggestions they advocated concur or agree with the Livable Communities seminar which was an interesting concept. Other than on 378 adding paved shoulders to many of our rural roads, it would be the best practice to increase pedestrian and cycle safety, but doing that and adding a shoulder line would only tend to increase speeds and cost us money. The best thing for us to do is have the police department, our newsletters, or ourselves, educate pedestrians to walk against traffic and bikers to ride with traffic.
- He attended the SV Partnership meeting.
- Last night, LSA met and decided to recommend that Agentis be allowed to hook up with Upper Saucon Township for sewage. It appears to him that is our decision. They have to go through the ordinance variance to get that, but they did submit a report, and Gar gave a copy to each of us to look over. It’s their recommendation.
- He did a police ride along and found it very informative.

**B. TOWNSHIP MANAGER**

- He asked for consideration for the replacement of the SUV in the police department. It’s a 1999 Chevrolet Tahoe with 100,000 miles on it and needs a new engine. The Chief needs it to be replaced right away. He is suggesting to start leasing some of these vehicles to spread the cost out and save some money in the budget for other things. He is proposing to replace it with an in stock 2006 Ford Expedition at a cost of \$25,354. To pay for this, they would finance it on a 4 year period and that would mean we’d be paying annually about \$7,200. At the end of the four years, we basically owned the vehicle, we could get rid of it and we wouldn’t incur the heavy maintenance cost we incur with this vehicle. We were

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paying somewhere between \$10,000 to \$12,000 to keep it going. He's asking for Council's approval of this lease arrangement.

**MOTION BY:** Mr. Horiszny moved for approval of the lease arrangement as described above by Mr. Cahalan.  
**SECOND BY:** Mr. Kern  
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.  
**ROLL CALL:** 5-0

- In the August 16, 2006 meeting, he came for a request of a handicapped parking sign for Patricia Millington who lived at 3876 Route 378. She asked the handicap sign be erected in front of her residence. He thought this would be an easy process. They requested a permit from PennDOT. PennDOT sent back the request approved, but now they are notifying us that the Township must first establish a reserved or no parking zone by ordinance before the sign can be erected at that location. He's asking for Council's approval for the Solicitor to work on an ordinance for this reserve parking zone and bring it back for Council's approval. There will be cost involved in this. He's recommending the Township absorb the cost.

**MOTION BY:** Mr. Maxfield moved for approval for the Township to absorb the cost as described above by Mr. Cahalan.  
**SECOND BY:** Mrs. deLeon  
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.  
**ROLL CALL:** 5-0

- The Halloween Trick-or-Treat night is Sunday, October 29 from 4:00 PM to 6:00 PM.
- The Saucon Valley Halloween Parade will be on Sunday, October 22 at 2:00 PM in Hellertown. They will be getting a vehicle for Council members.
- There is a joint meeting in Upper Saucon Township on Tuesday, October 24 at 7:00 PM with Upper Saucon Township for approval for the joint park recreation and open space plan that Harry Roth put together.
- There is NIMS training which will be on Wednesday, October 25 from 6:30 PM to 9:30 PM at Dewey Fire Company in Hellertown.
- The budget hearing start October 31, 2006.

**C. SOLICITOR**  
Nothing to report.

**D. ENGINEER**

- Mr. Birdsall said the landfill group is about to apply for a minor permit modification to pump runoff from Basin No. 7 south over the hill because they have not yet put in their storm pipe that runs gravity to the south side of the hill along the western property line. Vito met with Township staff and the consultants and explained the situation. There is a storm basin on the north side of the hill near the maintenance building. When the plan first came in to the PC for Phase IV expansion, they were showing a gravity storm pipe under the landfill to bring the water to the south side to where the other storm water discharges from the landfill. DEP said they could not run it under the landfill, so they designed a pipe around the west side of the landfill over near the water tower and down along the boundary line, but still staying within the permit boundaries. That allowed them to expand over to the Fox property line. That phase has not been built yet, but is about to be started and they didn't do step no. 1 which was to put in the storm pipe. They are looking for some temporary relief to allow pumping to the south. This will come before

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you. In order to try to develop their questions further, as we suspected, running the pipe to the west side is really not what they want to do anyhow. They are looking to do with the temporary pump running to the south, is to buy a little more time so they can come back to you and DEP and possibly go through a major or minor permit modification. There preference is to run the storm water down the hill to the north through the RA zone across Riverside across the RR tracks and to the river. They have done enough research on that matter to know that PPL has no objection to using the PPL easement that is already there. They have not talked to the City where this pipe will run nor have they talked to Norfolk Southern. It's a little too early to talk to PennDOT to cross the PennDOT road. This would not be at the location where the road failure was. It would not take storm water from the area. It would just take this runoff from basin 7 directly to the Lehigh River. The concerns the staff had were that No. 1, it's going to be almost impossible to pin down maintenance responsibilities 20-30 years from now when the landfill closes and nobody is around. That pipe is going to continue to discharge and we don't know who will be responsible. It may be a direct violation of zoning as it would be basically an expansion of the use into the RA zone. He would ask that Council be aware of it and if you have any personal thoughts to the Manager or staff, let them know and they'll keep you briefed. The content of the water in the basin is surface storm water runoff.

**E. PLANNER**  
Nothing to report.

**III. ADJOURNMENT**

**MOTION BY:** Mr. Horiszny moved to adjourn. The time was 10:42 PM.  
**SECOND BY:** Mr. Maxfield  
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.  
**ROLL CALL:** 5-0

Submitted by:

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Mr. Jack Cahalan  
Township Manager

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Glenn Kern  
President of Council