

I. OPENING

CALL TO ORDER: The General Business & Developer meeting of Lower Saucon Township Council was called to order on Wednesday, October 17, 2007 at 7:07 P.M., at 3700 Old Philadelphia Pike, Bethlehem, PA, with Mr. Glenn Kern, Council President, presiding.

ROLL CALL: Present – Glenn Kern, President; Thomas Maxfield, Vice President; Priscilla deLeon, Sandra Yerger and Ron Horiszny, Council Members; Jack Cahalan, Township Manager; Assistant Township Manager, Leslie Huhn; Dan Miller, Township Engineer; Township Solicitor, Linc Treadwell; and Township Planner, Rick Tralies.

PLEDGE OF ALLEGIANCE

ANNOUNCEMENT OF ANY EXECUTIVE SESSION (IF APPLICABLE)

Mr. Kern said Council met in Executive Session to discuss personnel issues.

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 no.

III. PRESENTATIONS/HEARINGS

A. RON SHEGDA – PRESENTATION REGARDING E-DEMOCRACY & SPEED LIMIT TRAILER

TAKEN OFF THE AGENDA

IV. DEVELOPER ITEMS

A. O’BRIEN’S FARM – MEADOWS ROAD – RESOLUTION #58-2007 – ACCEPTING DEEDS OF DEDICATION

Mr. Kern said The Deeds of Dedication for O’Brien’s Court, Meadows Road, Red Hawk Way and Fox Run Lane within the O’Brien’s Farm Subdivision have been executed and Resolution #58-2007 has been prepared accepting the dedication of these roads as public roadways within Lower Saucon Township. Mr. Cahalan said the road is complete.

MOTION BY: Mr. Horiszny moved for approval of Resolution 58-2007.

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

B. MEADOWS SUBDIVISION – MEADOWS ROAD – REQUEST FOR SECURITY REDUCTION

Mr. Kern said the applicant has requested a security reduction for work completed to date. Hanover Engineering has done an inspection and is recommending a release in the amount of \$160,050.00. The amount to be retained in security is \$582,578.88.

Mr. Miller said the work was done. Everything is working. Stephanie Brown, resident, asked about the violations with the erosion and sediments and that someone did something today.

- MOTION BY:** Mr. Maxfield moved for approval of request for security reduction for Meadows Subdivision – Meadows Road.
- 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

C. COBBLE CREEK – SKIBO ROAD - REQUEST EXTENSION TO COMPLETE IMPROVEMENTS

Mr. Kern said the developer has requested a 90-day extension to complete the improvements in this subdivision.

Mrs. deLeon asked that the address should be put in the agenda items when they mention a development. Skibo Road should be put in this agenda item.

- MOTION BY:** Mr. Horiszny moved for approval of request extension to complete improvements for Cobble Creek.
- 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

V. TOWNSHIP BUSINESS ITEMS

A. KINGSTON PARK – CONCEPTUAL SKETCH PLAN REVISION DISCUSSION

Mr. Kern said Boucher & James has prepared a revision to the Conceptual Sketch Plan for Kingston Park which incorporates the relocation of the weigh station and the integration of Ella's Garden.

Mrs. Stern Goldstein had a meeting with Barbara Ryan and Rick Kingston regarding Ella's Garden. They discussed incorporating the garden with the proposed relocated weigh station. The garden would be a focal point. The weigh station is not rectangular but is square and measures 18 x 18. There were several emails today regarding the garden. The placement of the garden in the park could be changed if need be. The garden near the weigh station could draw people to that end of the park. This is a conceptual plan. The garden could be built in stages. The Narrative has been updated. Landscaping includes Ella's Garden as discussed on September 12. Emails today included questions regarding the bell.

Mrs. deLeon questioned about the impervious coverage. Mr. Stern Goldstein said it's slightly over 3,000 square feet and we can make it work with what we have. Mrs. deLeon said we need to stay within the percentage and set an example to the public as the developer. She asked if by meeting the impervious coverage were any changes made to the width or length of the path walks. Judy said no.

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Barb Ryan was concerned about the location of the bell. The location is conceptual. Mrs. Yerger asked if the bell was approved by their Lower Saucon Township Historical Society board, the location on it as the plan doesn't say anything about the bell. She's interested in the financing, what it would be for some type of statue. The bell came from the Hellertown school. She doesn't have a copy of Barb's location about the bell. She talked about the potential for vandalism as it was in such a remote place in the park in such a rural setting. They may need it in a more protected area with security. Mrs. Yerger questioned the financing of the bell.

Keri Maxfield asked who Barbara Ryan was representing and there was a discussion regarding an undated list for the Kingston Park.

Ms. Torrella said she was very impressed above and beyond with the plan.

Mr. Maxfield said something must be documented. What does the Historical Society want, the park progress is logical. He wants progress in a sensible way. Mr. Cahalan said on the first plan, the gardens around the school house were removed at Barb's insistence. Our engineer has detailed plans including the building, restrooms, etc. Ms. Stern Goldstein said if the weigh station is possible it would probably happen sooner or later, she urges for your patience.

Mr. Maxfield requested that communication regarding Kingston Park or any communication from the Historical Society or the Conservancy for any project or request be in writing from the President of the respective group to Council. He would like to request this be prepared as a policy.

Council discussed the weigh station, if that is put in, then the garden has to wait. The parking lot and pathways are put in before the garden, which could be built in stages.

Ms. Stern Goldstein said the narrative has been updated. On September 12, it was talked about the landscaping and adding Ellas's garden. There were emails regarding the weigh station and bell. There is no time table if the weigh station is going to be relocated at all. If the station was adjacent to the garden, they could wait four to five years. The schoolhouse is in compliance.

Mrs. deLeon wanted to know who would pay to move the weigh station and what the cost would be. She was told it would be on another agenda item.

Mrs. Yerger asked when will we see some figures. Mrs. deLeon asked at the budget hearing what was the breakdown of the line items. She wanted numbers before November 7 meeting. Judy said it is possible it will be in phases. Cathy Gorman was to have the figures for Kingston Park to Mrs. deLeon today and she did not receive them.

Mrs. deLeon stated that she supported the acceptance of the donated parcel because of the need for parking at the schoolhouse. Dr. Kingston was willing to donate the parcel to the township but wanted to name the park and have a memorial garden for his mom. I feel the parking lot and garden should be prioritized.

Ms. Stern Goldstein embraced the concept and wants authorization for the next step.

MOTION BY: Mr. Maxfield moved to have Judy Stern Goldstein and Hanover Engineering proceed and prepare cost estimates by November 7 on everything but the weigh station.

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. MFS – EASTON ROAD - REVIEW OF OCTOBER 3, 2007 LETTER FROM ATTORNEY CHARLES ELLIOTT

Mr. Kern said Attorney Elliott has been asked to review the PADEP files relating to the current status of the MFS facility in the Township and is recommending that the Township take several actions with the EPA and PADEP in anticipation of the potential reactivation of the facility.

Mrs. deLeon asked that Easton Road address put on this agenda item. Mr. Cahalan said he has reviewed this.

MOTION BY: Mr. Maxfield moved for MFS – Review of October 3 letter from Attorney Charles Elliott to strongly oppose the reopening and send a letter to the EPA and PADEP.

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. SCHWARTZ SHOP – APPLEBUTTER ROAD - HISTORICAL COMMITTEE RECOMMENDATION

Mr. Kern said The Township Historical Committee is prepared to make a recommendation that the Township formally notify the IESI Bethlehem Landfill that it is interested in acquiring the historical Schwartz Shop building which is located on IESI property on Applebutter Road.

Mrs. deLeon asked to put the address on this agenda item of Applebutter Road.

Mrs. Yerger said the stone structure is known as the Schwartz Shop and it's on the north side of Applebutter Road, about a quarter mile from Ringhoffer Road. The building's function has not yet been identified. It does not appear to have served as a home. The stone building could have served as a sales or warehouse function or manufacturing may have taken place there. The building is estimated to be about 125 years old. It also could have been a tin shop or a springhouse. She said the arch and stone work captured the eye of the people who checked on the condition of the building, and they said the work was unique and deserved to be preserved. Some of the log floor joists are rotted away, but Mr. Cahalan said they have a lot of wooden beams from another building that they could use to replace them.

Mr. Dan Andrews, Morning Call, asked the age and the approximate size. Mrs. Yerger said it was from 1870 and the size is approximately 18 x 18.

Mrs. deLeon asked who is going to pay to move this? You can move this, but what about Ella's garden? Mrs. Yerger said it is in good enough shape to move, and it will hold together. She was excited. It's a beautiful building to move to Kingston Park, having it constructed next to the restored one-room schoolhouse. They are working on a cost estimate to create a foundation. They don't have the figures, but it doesn't matter as they don't have permission yet. They would do a preliminary research on building movers who do stone and historic restorations. She knows three stone masons whom she knows checked the condition of the 18x18 two story stone building. On 10/8/07, she met with Bob Doer and he said it has structural integrity. They would like to acquire the building at some point if it's financially feasible.

Mrs. deLeon thought this was putting the cart before the horse. Mrs. deLeon wants to know more about the costs associated with moving this building, where the money would come from to rebuild the building at the park next to the Franklin-Lutz Schoolhouse. Mrs. Yerger said we first have to know if IESI is willing to give up the building before we do anything.

Mr. Kern said there was also an Amish group that they received a proposal to move the Lutz-Franklin Schoolhouse, so they could check out what they would want to move the building.

Council agreed to send a letter to IESI asking would they be willing to donate the building to the township or if the township can purchase the building.

Resident, Michael Stern, asked if Council had ever seen a building after it's been moved? How do you move it without having it fall apart? He can't see that the building will stay in one piece at that age.

Mrs. Yerger said on 10/8/07, she met with Bob Doerr and he said it has structural integrity. They would like to acquire the building at some point if it's financially feasible.

- MOTION BY:** Mr. Horiszny moved for approval to write a formal letter asking IESI for the acquiring of the historical Schwartz Shop Building.
- SECOND BY:** Mr. Maxfield
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.
- ROLL CALL:** 4-1 (Mrs. deLeon – No)

D. OPEN SPACE SUB-COMMITTEE – REVIEW OF PROCEDURES

Mr. Kern said the Open Space Sub-Committee of the Environmental Advisory Council has prepared a set of procedures which will carry out the goals and objectives of the Township Open Space Program.

Mrs. Yerger said the EAC Sub Committee had a flow chart which she presented to Council to go over. Council suggested under the fourth item to add “discuss potential costs and benefits. On the letter, first sentence, after Environmental Advisory Council, add (EAC).

Glenn Kern said the EAC Sub Committee did a great job on this. On the flow chart, add that there “may” be costs/benefits. There should be information in the brochure to make it clearer to the individual providing the conservation easements that there may be a fee associated with the future monitoring of the land that may have to be paid by the individual to the conservation monitoring firm (Wildlands or Heritage Conservancy).

Mr. Terrence Smith, developer was present. He said this addresses landowners, what about developers? He still doesn't have all his costs site project specific. Mrs. Yerger will take this back to the EAC Sub Committee and they will talk about a procedure for developers and bring it back to Council. Ms. Stern Goldstein said they can't give advice because they are working for the township. People should get their own professionals and should have their own legal counsel.

- MOTION BY:** Mrs. deLeon moved for approval of the two items as discussed.
- 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

E. SAUCON VALLEY COMPOST CENTER – SPRINGHILL TOWN ROAD - UPDATE AND AUTHORIZE ADVERTISEMENT FOR ORDINANCE FOR TRAFFIC SIGNAGE

Mr. Kern said The Township Manager will provide an update on the status of the dust conditions and the traffic study completed by the Township Engineer.

Mrs. deLeon said to add the address of Springtown Hill Road.

Mr. Kern said he received a compliment from Mr. Breisch and he's happy this happened so quickly. He said that if he hadn't been involved in the process himself, he wouldn't have believed it and he was very thankful.

Mr. Cahalan said Public Works paved the beginning of the road, about 150 feet that leads to the area where Hellertown and Lower Saucon residents can dump yard waste. The engineers did a traffic study.

Council authorized steps to have a "stop except right turn" be placed at the Compost Center entrance. Some drivers heading into the Compost Center have been seen crossing over the west bound lane of Springhill Town Road without yielding. Mr. Cahalan said the township did a traffic study and recommends a stop sign for people heading into the Compost Center.

MOTION BY: Mr. Kern moved for approval of the SV Compost center – for advertisement for ordinance for traffic signage, Ordinance 2007-13.

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

VI. MISCELLANEOUS BUSINESS ITEMS

A. APPROVAL OF OCTOBER 3, 2007 MINUTES

Mr. Kern said the minutes of October 3, 2007 are prepared and ready for Council's review and approval.

Mr. Horiszny said on page 9 of 12, line 10, after contract, add "with LST". Mrs. deLeon said on page 11 of 12, she was not in favor of having the Solicitor looking into the possibilities of the people so many feet away from the polls.

MOTION BY: Mrs. deLeon moved for approval of the October 3, 2007 minutes, with corrections.

SECOND BY: Mr. Kern
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)

B. APPROVAL OF SEPTEMBER 2007 FINANCIAL REPORTS

Mr. Kern said The September 2007 Financial Reports have been prepared and are ready for Council's review and approval.

MOTION BY: Mr. Kern moved for approval of the September 2007 Financial Reports.

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

- Mike Stern, resident, was concerned about the wetlands on the Warner property and the bank that is going in by his residence. He read a statement regarding Pierpont Development affecting his property. They did not get permits to take trees down. Mr. Warner has been moving things

around. Mr. Cahalan said Chris Garges will look into this. Mr. Dan Miller, Engineer, took Mr. Stern into the conference room and talked to him about the runoff and the wetlands.

- Ms. Lorraine Torrella said they have 911 signs for sale for \$15.00. They make a good Christmas gift.
- Stephanie Brown was concerned about the Meadows Subdivision they were in violation of building procedures. She said they are taking down the silt fences. Attorney Treadwell said if it has something to do with the litigation, they cannot talk about it.
- Stephanie Brown was concerned about the bridge as she saw a fire truck go over it, (Leithsville) the other day. Mr. Cahalan said he has not heard anything from the County about the bridge.

VIII. COUNCIL & STAFF REPORTS

A. TOWNSHIP MANAGER

- Mr. Cahalan said Mr. Rasich, at the budget meeting last night, said the PWD wants two beagles for purchase. The combined price is not to exceed \$193,875.

MOTION BY: Mr. Maxfield moved for combined price not to exceed \$193,875.

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

- Michaelann Berger resigned from the Parks & Recs Board, but she moved, and did not hand in a resignation

MOTION BY: Mrs. deLeon moved to accept her resignation and send a letter recognizing her service.

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

- Northampton – discuss host fees on November 5 – Mr. Cahalan wants to ask them to put it off until the beginning of the year.
- There is a PA Conference of Trial Judges which the LST is host to. It will take place on Monday, October 22, 2007.
- Saucon Valley Partnership is holding its second public meeting to discuss the multi municipal comprehensive plan on October 29 at 6:30 PM in the Audion room at the SV High School.

B. TOWNSHIP COUNCIL/JR. COUNCIL MEMBER

Mrs. Yerger

- Nothing to report.

Mr. Maxfield

- Notice of Cloverview – They are in bankruptcy. Uncompleted structures. Silt is in the East Branch headwaters.
- He recommends the flood plan overlay and ask staff to examine and compare to our existing ordinance. If better, implement it.

Mr. Kern

- Nothing to report.

Mrs. deLeon

- She asked for an update on the property and the casino. She was going to also bring it up about the County meeting on the casino on November 5 and the floodplain correspondence that Tom brought up.

Mr. Horiszny

- Mr. Horiszny asked what the regulations are for Voter setback when handing out pamphlets – Attorney Treadwell said the State statute requires 10 feet, but we can make it more restrictive. We would need to pass an ordinance. It cannot be done before election day as there is not enough time.

C. SOLICITOR

- Nothing to report.

D. ENGINEER

- Nothing to report.

E. PLANNER

- Nothing to report.

Council went into Executive Session at 9:22 PM regarding the Coal Yard Road Property.

Council reconvened at 10:19 P.M.

MOTION BY: Mr. Horiszny made a motion to allow the Solicitor to renegotiate the Agreement for the Purchase of a Conservation Easement on Parcel R7-7-3A-0719.

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

IX. ADJOURNMENT

MOTION BY: Mr. Maxfield moved to adjourn. The time was 10:25 PM.

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

Submitted by:

Mr. Jack Cahalan
Township Manager

Glenn Kern
President of Council