

I. OPENING

CALL TO ORDER: The General Business & Developer meeting of Lower Saucon Township Council was called to order on Wednesday, October 18, 2006, 7:02 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)

<p>Mr. Kern said Council did not meet in Executive Session.</p>
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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. JR. COUNCIL MEMBERS – SWEARING IN

Mr. Kern said we have received two letters of interest from Saucon Valley High School students to serve as junior members. The Manager is recommending Vanessa Segaline as Jr. Council member and Steven Kircher as Jr. Planning Commission member.

Both members, Vanessa and Steven, are Juniors at Saucon Valley High School. They were sworn in by Molly Bender. Their term is a one-year term. Council congratulated both Jr. Members. Mr. Kern said he was impressed by Vanessa’s resume with a list of things she’s done voluntarily. She opened a food bank for animals. It started off as a gold star Girl Scout project. It’s been two years since the food bank has been going on. Vanessa said she collects food and has helped over 2,000 animals already. Mrs. deLeon said Tony Branco, years ago, had approached her. He said the Borough had this program, does she think the township would be interested. She said sure, it would be a great project and Council supported that and we started the program here. There are counterparts in Hellertown.

**General Business Meeting
October 18, 2006**

B. LYNN KOEHLER – BETHLEHEM LIBRARY REPRESENTATIVE – 2007 BUDGET

Lynn Koehler our representative in the Bethlehem Area Public Library would like to update Council on the proposed cost for next year's budget and request funding for the library.

Mr. Cahalan said Lynn Koehler was present. The library is requesting a 1.6% increase for 2007 for the contribution the township makes. Last year it was a 2.5% increase. It's \$15.65/person x 9,884 people = \$154,685.

Ms. Koehler said 45% of the population has library cards now. The book mobile is great. It goes to the Giant and Town Hall, which are great stops. Even though it's only been a 1.6% increase, they have to warn you that they are based on the 2000 census. In 2010, the rates will be going up based on population. The library has gone through a tough time as the state funding has been cut because a certain Governor wanted to balance the budget and he was really tough on the libraries. A lot of libraries closed. The Bethlehem Library tightened their britches. A couple of staff were let go, and the budget was balanced. The budget from the state this year is supposed to go back to where it was four years ago. They are hoping the State will go back to reinstituting a plan they had before, which was proposed by a previous Governor where the state would be matching funds by supporting communities. They are looking for more support, per capita, and the state will be matching it. Watch for that because the per capita may be going up so more money would come in to fund the library that way. She would like Council to approve the budget now and please plan on passing it in your budget.

Mrs. deLeon said she likes the access on the internet with the library card. You go on the library's website and type in your ID and you have all the access and it's wonderful.

MOTION BY: Mrs. deLeon moved to extend the library contract through 2007.

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

III. DEVELOPER ITEMS

A. OLD MILL ESTATES – REQUEST EXTENSION TO COMPLETE IMPROVEMENTS

Mr. Kern said the developer has requested an extension to complete the improvements in the subdivision. No one was present representing Old Mill Estates. Mr. Birdsall said the improvements are insufficient for safe access and service to the homes, and there is no urgency on his part of impose any interim deadlines.

**STAFF RECOMMENDATIONS FOR OLD MILL ESTATES EXTENSION FOR THE
OCTOBER 18, 2006 LST COUNCIL MEETING**

The Lower Saucon Township staff recommends that Township Council approve an extension until October 21, 2007 for completion of improvements at the Old Mill Estates Subdivision. This approval is subject to the following conditions:

1. The owner/developer shall enter into an Extension Agreement with the Township satisfactory to the Township Solicitor and Township Council.
2. The Improvements Security shall remain in full force and effect until project completion, to the satisfaction of the Township Solicitor.

**General Business Meeting
October 18, 2006**

3. The owner shall pay any outstanding plan and appeals account invoices owed to the Township.

MOTION BY: Mr. Kern moved to approve the extension to complete improvements based on the October 18, 2006 staff recommendation with the three conditions listed.

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. GREEN LINDEN TRUST – OBERKOTTER – 3325 GREEN ACRES DRIVE – WAIVER REQUEST OF LAND DEVELOPMENT

Mr. Kern said the applicant is requesting a waiver of land development as the proposed construction meets the land development definition in SALDO due to the proposed amount of impervious cover.

**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 September 7, 2006.
2. Erosion and Sedimentation Control Notes and Narrative, Sheet ES-1 dated last revised September 7, 2006.
3. Soil Erosion and Sediment Pollution Control Plan, Sheet ES-2 dated last revised September 7, 2006.
4. Miscellaneous details, Sheet MD-1 dated last revised September 7, 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 September 8, 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:

1. The applicant shall address the review comments contained in the letter dated October 11, 2006 from HEA to the satisfaction of the Township Council.
2. The applicant shall address the review comments contained in the letter dated October 11, 2006, 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).

**General Business Meeting
October 18, 2006**

Fred Lutz from ARRO Group was present. He said they received a staff recommendation as well as the comment letters from Boucher & James and HEA. The applicant has no issues with any of the comments or conditions.

Mrs. deLeon said they received a letter from LVPC recommending that they have no conflict, but they said prior to final plan approval, a fully tested primary and replacement on lot sewage disposal absorption area should be provided for the lot. Has that been done? Mr. Lutz said yes, it has been done. Mrs. deLeon wanted to go over the HEA and Boucher & James letters, both dated 10/18/06. She wants to know what Note 26 means on the General Comments, 2nd paragraph. Mr. Birdsall said Note 26 would be on the plan and the note describes the relationship of this property to the private road system in that portion of the subdivision. This is an existing lot that already exists on a private road. It is a proposed new building lot, but it's in the old Bethlehem Steel Golf Course area and served by private roads. They want to make sure before the building permits are issued, Attorney Treadwell has a chance to look at any of the legalities associated with that. The note 26, the applicant has also supplied a letter from the HOA acknowledging their responsibility to share the maintenance of the road. Mrs. deLeon said on the 2nd page, it talks about Note 23. Mr. Birdsall said these are all private and there is a note on the plan. The plan will not be recorded, so they wanted to make sure Attorney Treadwell felt it was okay with Note 23 and also a deep covenant be separately prepared and recorded so that since we are not recording the plan, we have the other recorded covenant recognizing the HOA's responsibility. Mr. Maxfield said we need some information on No. 17. Mr. Lutz said they are going to be providing a revised plan with the revised detention basin accommodating those volumes. They don't need the waiver. Mrs. deLeon said is that condition going to be understood five years from now when you look at the letter, did they get a waiver or didn't they get a waiver? Attorney Treadwell said he thinks it's fairly clear that the applicant has not requested a waiver and Mr. Lutz just said tonight they don't need one. Mr. Lutz said the basin will be slightly altered to accommodate additional volume for the 100 year storm. Mr. Birdsall said they will not sign off on the lot grading plan until these conditions are met. The file will have the revised plan and they'll be documentation and a letter from HEA to the staff saying they reviewed the plan and they find it meets the conditions of approval. Mrs. deLeon said those letters seem to have a tendency to disappear.

Mrs. deLeon said the Boucher & James letter, Judy has two outstanding issues. Ms. Stern Goldstein said the first one is a procedural comment just acknowledging that this goes to the ZO, but is exempt from PC review for the site plan review only. The second is commenting on a drafting error that will have to be corrected. Mr. Lutz said that will be addressed. Mr. Maxfield said No. 4, on the first page, what is the environmentally sensitive conditions on the property, exactly what are those? Mr. Birdsall said they have already done the geological study and shifted the pond to a place where it's safe. They are already in compliance with that.

- MOTION BY:** Mr. Kern moved for approval per staff recommendation dated October 18, 2006.
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. TOLL BROS. – MEADOWS SUBDIVISION – UPDATE ON DETENTION BASIN PLAN

Mr. Kern said Jim Birdsall will update Council as to the status of the detention basin at the Meadows Subdivision.

Mr. Birdsall said there were a lot of activities last week. The discharge basin is now reconstructed at this time. It is not finished and there are things they must do to finish the job. It is installed with a rip rap channel downstream from the headwall, which was not shown on the originally approved

**General Business Meeting
October 18, 2006**

plans. That is installed on a temporary measure since they did not believe the sod would take over the winter. The channel liner downhill from the outfall structure is eventually to be converted to a grass condition. There are other things that need to be done in that area. The concrete in the base of the head wall was not installed properly. They will be providing a separate report on any punch list items that would have to be done after they do their completion of the fall work. They have supplied an as-built survey of the detention basin and have checked the calculations against the originally approved plan. It is built according to the originally approved plan. That issue is closed unless conditions change before final acceptance of the basin. They gave an extension on the improvements to allow for the top paving to be done. Mrs. deLeon would like staff and administration to keep an eye on this prior to the deadline so we don't wait until the last minute.

Mr. Birdsall said the next item is the overhead at Stover Road. They are getting information on the existing wattage and he will prepare a report whether or not that can be reduced. With regard to the sign on Lot 24, and the question of the swale on the back property 24 next to Ms. Brown's property, he has reported that in response to the question, he does not have personal knowledge of the exact elevation of the ground on which the sign was located prior to construction, so he can't tell specifically whether or not there's been any fill placed in the NW corner of Lot 24. He can report that if some grading work was done, it was of a minor nature and would have very little, if any, negative impact on the Brown property. The location of the sign, the elevation of the sign, and the ground around the sign, will not prevent the developer from fulfilling their obligation to grade Lot 24 in accordance with the approved grading plan when the home for Lot 24 is constructed. That includes a little bit of a swale for that corner of the property. As the final grading work gets done, that NE corner of the property will be graded out towards Stover Road.

Mrs. deLeon said the detention basin we were talking about, this was the second part to the discussion from the other meeting. We were talking about two areas on the road and they were going to look at that. Mr. Birdsall said there were two issues down at the detention basin outlet. One was the outlet structure itself and the other was the offsite work that HEA had to look at. He does not have a report on that this evening. They are looking at it. There is bank work that would have to be done and some would be able to be done within the original right-of-way and they will have a separate report on that.

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

D. DRAVITZ MINOR SUBDIVISION – SMITH BROS. DEV. – 2845 COUNTY LINE ROAD – DISCUSSION REGARDING WAIVER REQUEST OF CART WAY WIDTH

Mr. Kern said the developer is requesting Council's approval to reduce the required cart way width from 28' to 24' as recommended by the EAC.

David Martin, Keystone Engineering and the applicant, Terrence Smith were present. Mr. Martin said they want to reduce the cart way from 28' to 24'. Mr. Maxfield said the EAC is always looking to reduce impervious coverage. It's a five lot subdivision with one of the lots being an open space lot, so they are only talking about four homes accessing a reasonable length cul-de-sac. They feel it's very appropriate to reduce the width of the road and for the rural atmosphere of the neighborhood. Mrs. deLeon asked that the plans be on larger paper from now on so it can be read. Council generally agrees with the concept.

E. PAUL DREYER & ROBERT KOSTIVAL – HIDDEN MEADOWS 2 LOWER SAUCON ROAD – REQUEST AMENDMENT TO CONSERVATION EASEMENT FOR SECONDARY SEPTIC SYSTEM SITE

Mr. Kern said the applicant is proposing to amend the language in a Conservation Easement document relative to the required secondary septic site.

Paul Dreyer, Jeff Ott from Ott Consulting, and Bob Kostival were present. Mr. Ott said they were at the last Council meeting to get an approval of a minor subdivision plan. A question came up on the positioning of a backup sewage disposal system and whether or not it would impact the taxes on that particular property. Mr. Kostival said they basically wanted to inform the potential buyers that they are under agreement with for that property, to make sure they were comfortable with it. They did inform Mr. & Mrs. Chernaskey about that. They've written a letter that they are in agreement with everything and they also talked to Laura Beard at the Heritage Conservancy about it. She did some checking with Northampton County and got a favorable response from them that they don't believe there are any tax implications. Everyone seems to be satisfied.

Mr. Maxfield said last time we talked about locking in that secondary site, have we done that? Mr. Kostival said yes, they have. It's shown on the plan.

- MOTION BY:** Mr. Maxfield moved to amend the original language of the conservation easement to include a secondary septic system site.
- 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

G. IESI BETHLEHEM LANDFILL – APPLEBUTTER ROAD – MINOR PERMIT MODIFICATION – DETENTION BASIN 7

Mr. Kern said Jim Birdsall will provide Council with draft comments and ask Council to authorize a response by the Landfill Committee regarding interim discharge from Detention Basin 7.

Mr. Birdsall has prepared a letter dated October 16, 2006. These minor permit modifications don't have any formal review period. What they always tried to do was honor a 30-day turn around time and DEP has been pretty gracious in allowing them 30 days to file comments. Their application was submitted by letter dated September 26. Because of the way the meeting fell, they wanted to get comments in front of Council this evening. Yesterday was a Landfill Committee meeting in which they looked at it also. They are recommending to the Township that the application be rejected by DEP and they are transmitting a letter to Mr. Cahalan making that recommendation. The concern they have, from an engineering standpoint, is they believe the gravity pipes should be installed for detention basin 7, and it is built already, with an interim pumping operation. It is problematic from an installation and maintenance point of view to operate for pumping storm water. They don't see there is justification for their request because they do have an alternative that is approved on the plan. Their justification for the request is they want time to look at another option. In a pre-meeting with the applicant that the staff held, the back up reasoning they gave for wanting additional time to study options was they were considering three different options. One was the option that was already approved, running a pipe from detention basin 7 to the west and then down the western property line to the south in a gravity pipe. Basin 7 is at the very center of the rectangle of the north side of IESI property. It's at the location where the maintenance building was being built, immediately adjacent to the maintenance building. It's straight over the hill, straight ahead, over the top of the hill on the north side. The plan for draining that detention basin is a gravity pipe with a slope on it that doesn't have to be pumped, running to the west toward the

**General Business Meeting
October 18, 2006**

water tower, coming next to the water tower, and then heading down south along the Fox property line, and then back to the south east immediately adjacent to BRE. That's the existing plan to running it west, south and then back to BRE and it discharges next to BRE. BRE had a little wetland spot right next to their detention basin outfall. This would be draining into that wetland area. The applicant is not necessarily abandoning that plan, but what they want to do is delay the installation of that pipe until they study other options. In the meantime, since they want to start using that basin, they want to put a pump in that basin and pump it straight down the hill to this area next to BRE. It's the same discharge point, but it would be coming out in a pump flow rather than a gravity flow. Mr. Birdsall has issues with the velocity, energy and everything else.

The points they want to look at are not described in anything that was submitted to DEP. They don't even say in the DEP application when they are going to make a decision or how long the pumps are going to be operating or when they are actually going to make a conversion to the alternative. That's another major problem we have. They don't spell out when they are going to be done. The three options they want to consider:

1. The gravity system they already have approved.
2. Another is a gravity system that would come directly south, more or less in line with the force main, but under the future landfill.
3. Run a gravity line north through the conservation area that you have on the Bethlehem Steel property across Redington Road down across the RR tracks and a new pipe isolated from all other storm flows that would be just their facility and discharge to the Lehigh River to what is now the RR property. They have not listed those options in this book. They had not approached the RR or PennDOT for crossing the road. They had talked to PPL as they own an easement through the City of Bethlehem property which is clear and there are overhead power lines there now and they are smart enough to realize the township, if they went with this idea, would not want any trees cut down so they would propose if they'd even consider this option, go down the PPL easement until they get to Riverside Drive. They probably would not cross at the area that was damaged, but east of that area.

Lauressa McNemar and Mr. Birdsall's concerns are Option No. 1 which is fine, they can do it tomorrow. They are delaying waiting to look at these other options. Option No. 2 is the gravity line directly south underneath the landfill cells. They had already thought of that before they signed for Phase IV, and they had early discussion with DEP and DEP did not want to see that. That's the very reason they had the long pipe designed to go around the cells to the west. We support DEP 1,000%. They do not believe storm sewer lines or any lines should be put underneath the liner of the landfill. It's hard enough to build those liners and cells, and any miscellaneous settlement or leakage could go right into that pipe. Option No. 3, which would be their proposal to go north, he doesn't believe it would be allowed by Zoning, so it would either take a zoning variance or a change in zoning by Council. It would be an offsite improvement through an area that has a conservation easement that is in factor of the township, so you'd have to grant a blessing to that. We have to look at this situation as being in place for hundreds of years, for the rest of our and our children's lifetime.

Mr. Birdsall strongly recommends the door isn't even opened for DEP to grant a temporary permit modification. He tried to be as strong as he could in the letter, but those are the issues he's concerned about. They have an obligation under our existing land development plan to put that gravity line in. The basin is done, the pipe was supposed to go in when the basin was going in. Basically, they are right now in technical default of completing their responsibilities for basin No. 7 and he's drafting another letter to Jack Cahalan asking whether he wants to start assembling the necessary information for a notice of violation and permit action on this issue. Our power, as a township, is only through the land development process. We don't have power through DEP, but

**General Business Meeting
October 18, 2006**

this lack of a gravity drain pipe also happens to be a violation of the soil erosion control plan which called for the gravity pipe to be installed simultaneously with the basin. That's the real dark side of where they are right now. The brighter side of that darkness is they aren't draining anything to the basin, so right now, it's not a high risk situation. It's kind of a construction phasing issue, but we're still concerned because the water from the maintenance building was supposed to go into this basin. That's a very, very small amount of the water that was supposed to go into the basin. They are providing for drainage in that area by way of a temporary, temporary gravity pipe at a higher elevation that is coming directly south right now along the edge of their last cell that they did. They can't move it to the next cell without taking away that temporary, temporary gravity pipe. There's nothing hazardous about what they have done at this stage, but they should get on with the project and do the project the way it was planned. There was a lot of thought put into it. He doesn't know why they need another six months, one year, two years.

Mr. Maxfield asked what is the pipe size they are proposing for the north side of the hill? Mr. Birdsall said they are not proposing any size. This is just a verbal. We'd like to look at these three options. It would be a closed conduit directly from the landfill. There is concern about the piping overload, what about other water from the other side of the hill, etc. They said no, this would be a private pipe, nothing that would run the risk of being in vision to be a public storm sewer. Mr. Maxfield said the plan that is approved right now for the south side, does it hook into other drainage lines also, it's not dedicated strictly to that detention pond, that hooks into another existing system? Mr. Birdsall said that basin No. 7 gravity pipe running to the west, the one that is approved, that's 24", which comes down to the head waters of the stream and that's where it comes to the surface of the ground again. The pipe is fully on their property. The head wall is on their property. The erosion dissipation has to be on their property, all within the permit limits. After DEP leaves and it is closed, at least it's all on one persons property, and if the township sees there are problems, they can go after the one person and not have to worry about three other property owners and PennDOT and the RR, etc. That would be a direct access to the head waters which is problematic, but it would be more visible as it's going to be right next to people driving back and forth on Applebutter Road. It's easy to sample as it's right in your face. Its direct impact on the Lehigh River would be less.

Mr. Maxfield said if they are proposing something new at this point, and considering the geology that's obviously okay for landfill activity, he was just talking to Ron and he said he thought it was a relatively small amount of water that the basin would be pumping out. Does infiltration figure in to it at all? They are out of the carbonate up there. Can they infiltrate on the site anywhere? Mr. Birdsall said he didn't know. They have the wood fill area as far as available land area. Once you get into a lined cell, there would be no place to infiltrate, but the infiltration in the area that is unlined, it's a pretty maxed out site. There is an option to use the Fox property for infiltration, but that would be considered a landfill activity and you'd be right back to a zoning issue.

Mrs. deLeon said they did borings up there, but they guessed where old garbage was up there, and to put water someplace up there, we don't know as not all that area is lined. Mr. Maxfield said he read they had to do six borings for an infiltration pit for anyplace. He'd think they could find that out. We need to eventually know where the stuff is buried. Mrs. deLeon said you have to ignore the "what ifs" and go by the application and that's what is pending in front DEP. Mr. Maxfield said once again, short on details. Mr. Maxfield said on the agenda sheet, it's asking us to authorize response by the Landfill Committee. Knowing the Landfill Committee works hard, but is an advisory board, he'd like to make a motion that we actually have a Council response as we're a voting body. Mrs. deLeon said she agrees with him. Mr. Birdsall said he agrees, the intent was to bring it to Council. Mr. Kern said Option 1 is an existing approved way of handling the discharge. Mr. Birdsall said correct, they can start building it tomorrow. Mr. Kern said why are they even bringing it to the table and looking for alternatives? Mrs. deLeon said the question was asked of them at that meeting, and they didn't answer. Mr. Birdsall said he thinks they did answer. His

**General Business Meeting
October 18, 2006**

understanding is that they may be looking at trying to expand west. The pipe that would be running to the west and down the Fox property line would make it more difficult for them to expand to the west because then they would have to put the landfill over the pipe, or at that time, they would have to figure out another alternative to take the storm water. If they rebuilt the pipe at a lower elevation, it would be running under a cell, so they'd have to either run it further into the west and then come around or come up with another plan. Any of those options would be more costly to them.

Mr. Horiszny said the area it would have to go through is where they are taking all their fill out and blasting, so they have heavy vehicles coming back right around the end of the detention pond all the time carrying heavy, heavy loads.

Mr. Birdsall said if they do this temporary deal, they have to go through Planning and start all over again with the LVPC, and it would basically be a plan amendment.

MOTION BY: Mr. Maxfield moved to forward the response as Mr. Birdsall has compiled it to DEP.
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

IV. TOWNSHIP BUSINESS ITEMS

A. RESOLUTION 57-2006 – NIMS CERTIFICATION

Mr. Kern said Northampton County is requesting that the township certify that we have successfully complied with the NIMS compliance requirements. We have previously adopted Resolution 34-2006 designating NIMS as the basis for all incident management and now need to certify that we are taking the necessary steps to become compliant.

Mr. Cahalan said you have all been participating in the NIMS training. Those are some of the requirements we have to fulfill to be compliant with the PEMA regulations. We are asking for authorization for Council President to sign the form and it certifies we are continuing to come into compliance with the requirements through the granting and through some other adaptations that the Emergency Management Coordinator is taking.

MOTION BY: Mr. Kern moved for approval of Resolution 57-2006 – NIMS Certification.
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. KINGSTON PARK – PLAN PRESENTATION

Mr. Kern said Judy Stern Goldstein with Boucher & James will be presenting to Council a plan for design of the Kingston Park at the Lutz-Franklin Schoolhouse.

Ms. Stern Goldstein said they were asked to prepare a conceptual plan for the 2.5 acre parcel of land known as Kingston Park which is adjacent to the Lutz-Franklin Schoolhouse. Judy had a plan of the park which she showed to Council. They did site visits and compared site analysis. They met with the LST Historical Society to see what their wants and needs were for the site. Mr. Cahalan met with the LST Parks and Recs Board. They tried to balance the needs of the various groups. It's a really good compromise for the use of this property and still will be a park. It will

**General Business Meeting
October 18, 2006**

have passive recreation, educational and opportunity additional use. It incorporates the Lutz-Franklin Schoolhouse into the overall park design by providing parking for the schoolhouse. There are 10 parking spaces. Two school buses or four cars could park in the turn around area. In the center, there would be a flag pole and garden, and certain trails. They could have the relocation of the weigh station that is a historic structure. Students would arrive in buses, get dropped off, walk through the park, and into the schoolhouse. The schoolhouse would be surrounded by gardens that could be maintained by the Historical Society or a volunteer group. The color would be violet around the schoolhouse and the pavilion. Violet was the favorite color for whom the park is being dedicated for. The pavilion could be an outdoor classroom area. Entire busloads of children would not fit into the Schoolhouse at any one time, so one group could be in the schoolhouse and the other group would go into the pavilion. In the future, there could be additional environmental or educational exhibits. A great need expressed by the Historical Society was bathroom and restroom facilities. There is a former outhouse behind the schoolhouse. That is where they would propose a porta potty structure, which is self-contained. If septic was posed on the site, they would lose more of the site. The Historical Society is not totally thrilled with this plan. They would like flush bathrooms, so they aren't thrilled about the porta potty. The Park and Rec. Board would love to see some active recreation, like swing sets, but it didn't seem appropriate. There is a big grassy area there that the kids can play kickball there and it would be suitable for informal, unstructured play.

Mr. Cahalan said the Historical Society was looking for an entrance through the gates on Limpar Lane. Ms. Stern Goldstein said it didn't seem appropriate to go to vehicular entrance. The cars do park there now on an informal basis. When she asked at their meeting if they needed specific parking spaces there, they said, no, not really. They just liked it informal, but at this point, if we were to pose an entrance to a parking lot, it would be problematic with sight distance and the entry to the building. Mrs. Yerger pointed out that the one section of the walkway was going to be detracted. Are they okay with that now? Mr. Cahalan said they spoke about it and they don't believe that will interfere. There is sufficient room for them to co-exist. This was put together by the GIS. Mrs. Yerger said they were looking at the visual that they wanted, like the old appearance where it was just the fencing when you came around the corner and looked at the schoolhouse and there was no walkway there, just the fence. Ms. Stern Goldstein said the only problem with that is when they are looking at the two sites together, the Lutz-Franklin site and the Kingston park site, they do need a way to circumnavigate throughout that and to accommodate visitors who are going from one place to another and get them back in a convenient manner to the restroom area. Mr. Kern said the 10' wide lane on the country side lane side bothers him. It detracts from the old look of the schoolhouse. Is there any way to run a path on the opposite side of the hedgerow? Ms. Stern Goldstein said they could go around to the back without a detailed survey. It didn't look like there was a lot of room back there. Mr. Maxfield said there is a storage shed back there on that side that they will need access to. Ms. Stern Goldstein said they can certainly deal with that when they get to the detail design. They do need some pedestrian access out to Country Side on that portion. There is only one door to the schoolhouse.

Mr. Maxfield said when you are walking through the initial pillars and looking at the schoolhouse, there's a kind of informal walkway that goes right up to the front door. The plan sort of has an offset where you come in and head to the left, then to the right. He can imagine people will take the short cut anyway. There's something real nice about being able to just view the walkway right up the building. Mrs. Yerger said she wishes they would explore the walkway on the other side of the building. Ms. Stern Goldstein said they can certainly do that and look at it. It doesn't have to be 10', but they were looking at future funding from DCNR, and DCNR only funds pathways which are 10' wide. They could certainly have something that is less than 10' wide. No one says you have to get DCNR funding for it. They are keeping all options open. A 6' or 8' wide path can work on all areas. The pathway needs to be bituminous.

**General Business Meeting
October 18, 2006**

Mr. Maxfield said the Historical Society talked about a nature trail going through the hedgerow. Someone pointed out to him, southwest to the front of the school and right in the middle of the hedgerow, there's a rock circle with a masonry pipe coming out of it. That was actually an outside cookout for the students. It just needs to be cleaned out and maybe it could be included in. Ms. Stern Goldstein said things like that need to be included. Mr. Horiszny said if you relocate the weigh station, you could locate it to the other side of the hedgerow beyond the T intersection and move it back about 50 yards. Mr. Cahalan said the gardens, they would look for an organization to maintain it. Mrs. Yerger said there's a lot of purple native plants there that bloom seasonally and require minimum maintenance.

Mrs. deLeon asked Vanessa, Jr. Council person, to keep the gardens in mind. Mr. Maxfield asked about the rest rooms on the other side of the hedgerow. Ms. Stern Goldstein said that was debated back and forth. She thought they wanted to make sure the restrooms were close enough to the facility so that if somebody was in charge of the tours, they could run out and come back quick. She was deferring to the Historical Society their primary needs to use the inside of the Schoolhouse, but if the 2.5 acre Kingston Park would be used more, then it makes sense to move the restrooms to that side. It makes them a little more remote. Mrs. deLeon said on Saturday they had an open house, how many cars were parked there? Mr. Maxfield said it looked like about 25. She parked along the street. What happens when there is an event there? Ms. Stern Goldstein said they would be parking on the street. The group was pretty adamant on the number of spaces they did and did not want. For events, it would be on street parking. It's a remote area, and they need to choose caution where they park. This is a conceptual design, and once you embrace the concept, it would be to go into the detail design of that and they would certainly work with HEA for the engineering. She will have the changes made and get them back to Mr. Cahalan next week.

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

C. RESOLUTION 58-2006 – SUPPORT PRESERVATION OF MEADOWS ROAD BRIDGE

Mr. Kern said a resolution calling on Northampton County to preserve the Meadows Road Bridge has been prepared at Council's request.

**RESOLUTION #58-2006
RESOLUTION CALLING ON NORTHAMPTON COUNTY
TO MAINTAIN AND PRESERVE COUNTY BRIDGE 15 (MEADOWS ROAD BRIDGE)**

WHEREAS, County Bridge 15, also known as the Meadows Road Bridge, is a stone arch masonry bridge built in 1858 which is located in Lower Saucon Township; and

WHEREAS, at their May 26, 1976 meeting the Lower Saucon Township Council resolved to communicate to the Northampton County Commissioners to repair and restore the Meadows Road Bridge and not replace it; and

WHEREAS, since that time, despite the maintenance and repairs performed by the County and a posted weight limit, flooding from the Saucon Creek and traffic using the bridge have contributed to its deterioration; and

WHEREAS, based on the inspections performed by the County Department of Public Works the Township has been notified that the bridge is planned for replacement in 2011; and

WHEREAS, Lower Saucon Township considers the bridge to be of unique historical importance and worthy of being listed on the National Register; and

**General Business Meeting
October 18, 2006**

WHEREAS, Lower Saucon Township is committed to efforts to reduce the deterioration of the bridge to ensure its long term viability.

NOW, THEREFORE, BE IT RESOLVED, that the Council of Lower Saucon Township, Glenn Kern, President; Priscilla deLeon, Vice President; Thomas Maxfield, Council Member; Sandra Yerger, Council Member; and Ronald Horiszny, Council Member; hereby calls on Northampton County to preserve County Bridge 15 and continue with their regular maintenance of the bridge so that it can remain in service for a much longer period of time.

Mrs. Yerger said she spoke to a historic expert and he directed her to go to PennDOT's site. She went to the bridge survey master dated 2004 from the Pennsylvania Department of Transportation and Bureau of Environmental Quality. PennDOT went through and examined all the bridges in the State of PA for their soundness, historic quality, etc. Unfortunately, according to the PennDOT study, the bridge has been deemed ineligible for the National Register by their standards. It says the setting context is part of the problem. It's not a potential historical district, which is one of the things they look at. It was constructed in 1858 of field stone and has been rebuilt several times. It's been poorly pointed and sections of the power pits have been rebuilt in concrete, not stone, which is considered a problem because it's not historically accurate. The roadway faces of the power pits are coated with concrete and the cab stones are concrete which are not historically accurate. A quote from their report, "the bridge is not a good example of period workmanship. Its setting does not maintain its historical character. Neither the bridge nor the setting are historically or technologically significant". They deem it ineligible. We have to submit to the historic PHMC (Pennsylvania Historical Museum Commission) and they are going to refer to the report and say it's already been looked at. They pretty much go by PennDOT's recommendation. It doesn't preclude that we can't do it, but she just wanted to make everyone aware of this. She didn't get to call PHMC on this, but she does know Mr. Kimerly has worked with bridges in other townships and counties. He is familiar with the process and procedure, and he says this pretty much goes. If we submit an application to PHMC, the County can go to PHMC and say, here's the study from PennDOT. This is what we are holding to. PHMC rarely bucks PennDOT's recommendations that they will recommend remediation. Remediation can mean usually where the bridge is photographed and documented historically, and archived, and then demolished. She's not recommending it. It's not an opinion. It's just facts that have come to light that we really need to look at and help us decide what we want to do with this bridge. It's a nice bridge, but that may not be enough.

Mr. Maxfield asked if there were any maintenance costs? Mrs. Yerger said replacement costs were almost \$900,000 to replace. No where in either study do they talk about restoration costs. It's not something they do. One of the issues is the bridge width. PennDOT views that as an impediment, and since it is not historically significant in their eyes, it's not worth trying to work around it.

Mrs. deLeon said everything goes full circle. The March 23, 1976 letter refers to "please be advised that the LS Council has received from the Saucon Creek Watershed Association". When she got on Council in 1988, they did have a representative. You look at the letter and it has carbon copy, Thomas Coglin, County Engineer.

Mr. Kern said it seems like an issue, the reliability of the source of the person who came up with that document. If it's a reliable source, then that's something we need to determine, and need to determine if it's historically significant. We're just relying on PennDOT's opinion. Mr. Maxfield said we have to decide if it's historically enough to us to do something about it. The only way it is going to happen if we take the bridge over. If we take it over, we could be looking at incredible maintenance and liability costs as we don't know how much is wrong with it yet. Is it important enough to save? Another thing to consider is the County, if they are going to do what they need to

**General Business Meeting
October 18, 2006**

do, they are going to assume the costs of making a safe crossing at that point, or else, we're going to be assuming all the costs as they won't help us do anything.

Mrs. deLeon said the hazard mitigation plan that was drafted in April and now it's final, she needs to know the township's response to that. When she was looking at the draft, it says in there it is supposed to be replaced. Mr. Cahalan said they actually submitted thirteen locations. HEA prepared reports that listed sites in LST that are included in that report. Mrs. Yerger said it's county owned right now. If it's exclusively county funding that is going to demolish the bridge and build a new one, they only have jurisdiction for remediation if state or federal fund is refused. The county doesn't have to answer. If it's going to be exclusively county funding, that's going to handle this problem, they can demolish it w/o even batting an eyelash and don't have to check with anyone. Mr. Birdsall said the form was very simple to fill out and it didn't get into details about the structure or history. It was just asking for locations of flooding and road closures, and things like that.

Mr. Beardsley said they should reduce the weight. Mr. Cahalan said they did write a letter to get it reduced to three tons. It may not be a bridge of national historic significance, but it may be local historic significance. Just because concrete is poured over the rock now, doesn't mean concrete has to stay there. There's things that can be done. We don't know what will happen between now and 2011.

Ms. Brown said she has already contacted Senator Boscola about this issue and has an appointment on Friday with Representative Beyer. Mrs. Yerger said we have to find out what it would cost to repaired the bridge. She has not been able to find that information or maybe they haven't even considered that. Mr. Maxfield said if \$900,000 was a replacement cost, restoration was probably more or they would have considered it. If the restoration is more than \$900,000, then the community has to decide how important is this bridge. The County may not relinquish the bridge. It will probably cost us \$1 million to restore it. Ms. Brown said she's talked to Mr. Stoffa and he's for saving this bridge. She can always take this to Council tomorrow night. They had an archeological professor come out from Lehigh. He wrote up a report on it. They want to get involved in this. Mrs. Yerger asked to get a copy of that report. Ms. Brown said where do we go from here?

Mr. Kern would like to get an opinion from the PHMC to see if it's worthy of being on the National Register.

Council changed the wording on the 5th paragraph of the resolution to adding "local" unique historical importance, and take out "and worthy of being listed on the National Register".

Mr. Cahalan will follow up on the cost estimate for the restoration of the bridge. Mrs. Yerger will work with the PHMC. Mr. Maxfield said if we restore this bridge, and the next Ivan comes along and takes out the bridge, if the community wants us to take over the bridge, we have to realize we can't afford to replace it and that would be the end of it. We have to consider all of these things. Mrs. deLeon said we will be considering this at budget time when we prioritize our historic projects that we have.

MOTION BY: Mr. Kern moved for approval of Resolution 58-2006, with changes to the resolution.

SECOND BY: Mr. Maxfield

Mr. Kern asked if anyone in the audience had any questions or comments? Mr. Horiszny said we should not change the 5th paragraph. Don't let it be local, let it be big, and we do feel it's good for the National Register of historic places. It's our opinion and we should leave it in there.

ROLL CALL:

**General Business Meeting
October 18, 2006**

MOTION BY: Mr. Kern amended his previous motion for approval of Resolution 58-2006.

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

III. DEVELOPER ITEMS

F. PENN'S VIEW – KERRY CLAIR VENTURES – PRELIMINARY PLAN APPROVAL

Mr. Kern said the applicant is requesting preliminary plan approval for a six lot residential subdivision with a proposed cul-de-sac road accessing Banko Lane.

**STAFF RECOMMENDATION FOR PENN'S VIEW ESTATES – BANKO LANE –
TAX MAP PARCEL Q8-7-16, PRELIMINARY SUBDIVISION PLAN APPROVAL
FOR OCTOBER 18, 2006 LST COUNCIL MEETING**

The LST staff recommends that the Township Council approve the Penn's View Estates Preliminary Subdivision Plan prepared by Ott Consulting, Inc. consisting of:

1. Plan set, Sheets 1 of 13 through 13 of 13, prepared by Ott Consulting dated September 19, 2005, and revised September 15, 1006.
2. Storm water Management Plan, prepared by Ott Consulting dated September 19, 2005, and revised September 05, 2006.
3. A Geotechnical Report for the feasibility of infiltration of storm water on the site, prepared by Geo-Technology Assoc., Inc. dated December 2005.
4. Final Storm water Infiltration Test Results, Penn's View Estates, prepared by Geo-Technology Assoc., Inc. dated July 7, 2006.
5. Community impact study, received by the township on July 13, 2006, containing several subdocuments and reports, including a Supplemental Percolation testing report by Geo Technology Assoc., Inc. dated February 14, 2006.

Subject, however, to the following conditions:

1. The applicant shall address the review comments contained in the letter dated October 12, 2006 from HEA, Inc. to the satisfaction of the township council.
2. The applicant shall address the review comments contained in the letter dated October 11, 2006, from Boucher & James, Inc. to the satisfaction of the Township Council.
3. The applicant shall provide two (2) mylars and six (6) prints of the plans with original engineering signatures and seals. Four (4) complete sets of Plans shall also be provided. The applicant shall also provide two (2) CDs of all Plans in an Auto CAD format (jpeg-Rom).
4. The applicant shall pay any outstanding escrow balance due to the township in the review of the Plans and the preparation of legal documents.
5. The applicant shall satisfy all these conditions within one (1) year of the date of the conditional waiver unless an extension is granted by the township council

It is also recommended that Township Council approve waivers from the requirements of the following subdivision and land development ordinance (SALDO) Sections:

1. Section 145-33.C(2) which requires existing features within 500 feet of the site be shown on the plan.

**General Business Meeting
October 18, 2006**

2. Section 145-41.B(4) which requires improvements (other than storm water improvements deemed necessary by the Township) to the existing Bank Lane along the property frontage.
3. Section 145-45.B(4) which requires that roads be constructed to a paved width of 28 feet so as to allow the proposed 24 foot cart way width.
4. Section 145-48.C(2)(b)(3) which requires the use of corrugated metal pipe or reinforced concrete pipe so as to allow the proposed use of polyethylene storm pipe (HDPE).

Attorney Joe Fitzpatrick, Brian Reegan, principal, and Jeff Ott from Ott Consulting were present. Attorney Fitzpatrick said they are here tonight with the preliminary plan that meets the intent of the ordinances. They have six single family lots on a track of about 19 acres. They tried to preserve the rural characteristic of the area. They've been here about shortening and lengthening the cul-de-sac, then withdrew from the zoning board as that was the preference to the Township. They initially had two ponds which were compliant with the ordinance in fall 2005 and have eliminated those ponds entirely, gone to the infiltration technology on drainage, moved lot lines and moved proposed housing envelopes. Mostly, at this point, they are ready to go into the latest set of comments and staff recommendations.

Mrs. deLeon said the comments by the police and fire department, were they incorporated? Attorney Fitzpatrick said the fire department wanted them to have underground water tanks for each lot for fire suppression and that wasn't agreeable. It just doesn't make a lot of sense out there. This area is served by pumper trucks. They have been requiring underground storage tanks. Mr. Maxfield said only where the developer agrees to do it as it's not covered in the ordinance. There was only one which was Long Ridge which was 24 units. Mrs. deLeon asked if it will be a plan note that this development is served by a volunteer fire company w/o public water, so therefore, there are no fire hydrants. Attorney Fitzpatrick said the ordinance doesn't call for it, so it would be extremely irregular to put that kind of a note on the plan. Attorney Treadwell said it's not an ordinance requirement. The fire company has made that recommendations but we can't make the applicant do it. Mr. Maxfield said the PC thought, on a six unit subdivision, it just didn't seem practical. Southeastern Fire Company is very close, just down the road.

Going over the HEA letter, Mrs. Yerger said on page 2, section B, No. 3, existing features within 500 feet of the site should be shown on the plans, per this section. The PC has recommended that Township Council waive this requirement. Why do they always do that? Mr. Maxfield said because they actually addressed off site features in the direction where it was pertinent. What they ask for is 500 feet along the entire site and it wasn't really applicable to this site. Mr. Birdsall said that's exactly what happened when that discussion came up. To the SE, we were insistent upon full topo of offsite drainage areas and what not until they came back with recharge. When they came back with recharge, and have no change in offsite flows, they felt that was an adequate replacement for demanding complete topo downstream. Attorney Fitzpatrick, sheet C, 2.2 of our set, you'll see that they stepped up and gave exactly what the PC was looking for back in May. We came back July 13 with revisions and really updated this information and it's a pretty far reaching depiction of what they are talking about. Mrs. Yerger said we see this a lot. She's always been wanting to answer this. Mrs. deLeon said she's becoming bothered by waiving this all the time. Ms. Stern Goldstein said that's in the subdivision land development ordinance so the township can require it. However, in some cases, it's really just used as a tool to get that information in the areas where it seems most relevant and the PC usually bases that on a recommendation, from the engineers, where storm water would not be an issue. Mr. Kern said when he was on the PC, they made this suggested change from 100 feet to 500 feet to protect the township because we weren't getting the information. This compels the applicant to comply and prove otherwise that there are no features within 500 feet. He has no objection to this staying in the ordinance as it compels the applicant to comply and they have to prove otherwise. When we waive it, we're waiving it for a reason. Ms. Stern Goldstein said we need to be careful when it is waived to make sure all the information is obtained first.

**General Business Meeting
October 18, 2006**

Mr. Birdsall said No. 7, this is a preliminary plan, so what they are asking for is that metes and bounds be shown as well as there's some drainage easement expansions that need to occur to protect pipes they recently revised with regard to their location. Attorney Fitzpatrick said they will show that on the final plan.

Mr. Birdsall said No. 8, they have to finish their sewage module plan and get that to the SEO for approval and show primary and secondary sites.

Mr. Birdsall said No. 11, final plan, No. 12, they are asking for roadway improvements and asking for waivers along Banko Lane. No. 13, they are asking for the 28 feet cart way to 24 feet. No. 14, asking for a waiver for the pipe types and HEA supports that. No. 15 is really better defining the maintenance obligations on part of the developer and keeping that on the tickler list. No. 17, is recreation. You'd have to decide whether you want the land or the money. No. 19, just as a general note that we don't think it's applicable. No. 20, the driveway slope. No. 22, there's some drafting issues that need to be rectified. No. 23, the side swale is too steep and they need to make sure they correlate the top of inlet grates and we have some detailed problems there we'd like them to correct or address. Going down to storm water, some information about limiting zone on one of the pits that we need. There's the consistency on the report that need to be addressed. Some additional concerns about mottling and limiting zone. No. d, we need additional testing in some of the infiltration areas. No. 2, the end wall needs to be changed to correspond with our construction standards. No. 3, infiltrators need to be designed to be for a longer time of calculate time of concentration. That issue may have been resolved today. Mr. Ott said they met with HEA's staff today and went through the particular item in detail and Mr. Kocher agreed that the plan presented is adequate. Mr. Maxfield asked if complete infiltration was achieved. Mr. Ott said complete infiltration is achieved up to a certain design storm, he doesn't what year storm they were infiltrating. A 100 year storm could initially be collected in the infiltration pit and then would come out of the top of the inlet and sheet off. We are looking at five infiltration beds on a six lot subdivision where they had two detention basins before. This is really going where no man has gone before. This is a very unique infiltration approach and have worked long and hard to get it right.

Mr. Birdsall said No. 6 there are details that need to be changed. No. 7 the ownership and maintenance must be acceptable with the final plan. No. 12, some drafting issues. No. 13, we need some overlapping information to shift trees and make sure the structures don't conflict with the landscaping. Ms. Stern Goldstein said its 10 feet from pipes for street trees. Mr. Birdsall said No. 18, he thinks it was taken care of today. No. 19 is a drafting issue. No. 20 is a design related issue they need to confirm. No. 21 again is a design related issue they need to confirm.

Mrs. deLeon said this is preliminary, these issues can be worked out before final plan? Mr. Birdsall said they are achievable. Mrs. Yerger said it would be a lot easier if we didn't have 21 conditions. Mr. Birdsall said what they are trying to do in their second and third review letters is try to keep the referencing the same as if you see a prior letter and then you see a new letter, you can see what they've taken care of.

Ms. Stern Goldstein said her review letter of October 11, 2006, page 2, No. 1, it is addressing the use and necessity for site plan approval since it's in the watershed protection district. The outstanding item is the permit be provided to the township once they have been obtained by the applicant. No. 2, deals with a minor calculation issue that they should be able to comply with and is achievable. It's a typo. No. 3 is water and sewer permits need to be submitted to the Township. No. 4A, first paragraph is dealing with what she hopes is a minor plan issue also. They documented the on site disturbance by resource per lot and then the sum of the one resource is greater than the amount that could be disturbed and it's something that they can take care of. It will not change design. Mr. Ott said yes. Ms. Stern Goldstein said the 2nd paragraph deals with an

**General Business Meeting
October 18, 2006**

isolated area of steep slopes that they counted and disturbed more than they could, but if you look at the definition, it was less than 3,000 sq. feet. They need to annotate that on the plan. No. 4B is dealing with trees and they'll need permits for the tree removal. Item C they are deferring to the township engineer on that issue, the watershed protection area and sewage disposal systems. Item No. 5 they need to include a tree protection fencing detail and that is achievable for final plan. No. 6 deals with general restrictions for driveways and they refer to the Township Engineer again. These issues can be resolved prior to final plan approval.

Mr. Maxfield said he wouldn't mind granting preliminary plan approval if we would consider one other condition that these changes and the changes that are necessary for the final plan approval, down to an absolute minimum. Attorney Fitzpatrick said for the most part, it is drafting and compliance issues. Mr. Ott did a great job with HEA's assistance.

MOTION BY: Mr. Maxfield moved for preliminary plan approval.
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

IV. TOWNSHIP BUSINESS ITEMS

D. AUTHORIZE SIGNING OF LETTER OF INTENT FOR POLICE CONSOLIDATION STUDY

Mr. Kern said we have received the letter of intent from DCED to conduct a police consolidation study at the request of the SV Partnership. The letter of intent has been executed by the SV Partnership and Hellertown Borough. Council should authorize execution by the Council President.

Mr. Cahalan said the study was started earlier this year with DCED and there was a consultant that worked with them. They had some issues with the consultant and decided to take a pause in the study and they've now decided to resume again with a new consultant assigned to the group, and hopefully, can get the approval of all three bodies and resume the study. There will be interviews with Council members.

MOTION BY: Mrs. Yerger moved for approval to authorize signing of the letter of intent for police consolidation study.
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 4, 2006 MINUTES

Mr. Kern said the minutes of October 4 have been prepared and are ready for Council's review and approval.

Mrs. deLeon said on page 3, line 2, it says "the shed is actually in the back side yard. There is no neighbor by her back yard. Mrs. deLeon said she wants what Chris suggested in his memo about the limit". If you go on to the motion, it doesn't say what Chris's suggestion was. She didn't say it, but can it be put in parenthesis please. Mr. Cahalan said he thinks the condition would be

**General Business Meeting
October 18, 2006**

construction would be on the existing building envelope. Mrs. deLeon said that it would be no more, and that's significant. Since she didn't actually say it, we can include a parenthesis.

Mr. Horiszny said page 7, line 3, remove "BY". Page 12, line 1, change the motion "Mr. Maxfield moved that we take the land rather the recreational fees". Page 18, lines 13, 15 and 21, Vanessa and Steve's names are not spelled the way they are today.

MOTION BY: Mrs. deLeon moved for approval of the October 4, 2006 minutes, with corrections.
SECOND BY: Mrs. Yerger

Mr. Kern asked if anyone in the audience had any questions or comments? Mr. Horiszny said we should check and see if we are going to report the whole thing, if there's a better way to do it by having direct quotations so that every person that says something is quoted rather than restated. Mr. Cahalan said then the minutes will be longer. Mr. Horiszny said Mrs. deLeon wants it word by word. Mrs. deLeon said over the yeas, it has helpful if she had to look something up. Mr. Horiszny said it should then just say we discussed this and a motion was made. Mrs. deLeon said when she asks a question that is giving her the input to make a decision, the record should reflect that as you are banking your decision on that. Think about how the minutes would be if it only had the motion. Look at the motion with Chris. Mr. Horiszny said that's the way it is with PSATs. Mrs. deLeon said that's a suggestion. She's been at seminars and there are different ways. Mr. Horiszny said the way we are doing it, we need to be more exact. Mrs. deLeon said when she goes back and it's not in there, she's very upset. Mr. Cahalan said whenever the staff has to go back and look for something which they know was said, it's in there. Mrs. deLeon would love to support Mr. Horiszny on this, but she can't. We're going to have less conditions on our subdivisions, so it will go a lot quicker. Mr. Maxfield said the PC has been saying recently they would like all changes done on plans before they get to Council. Mrs. deLeon said absolutely. Mr. Maxfield said if they have a preliminary plan with a lot of conditions, make sure those things are actually changed on the plan before they get to Council. We need to be in unison on that.

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

B. APPROVAL OF SEPTEMBER 2006 FINANCIAL REPORT

Mr. Kern said the September 2006 financial report has been prepared and is ready for Councils' review and approval. Mr. Horiszny had a question "Ad computer charges". Mr. Cahalan said Ad is the name of the company.

MOTION BY: Mr. Horiszny moved for approval of the September 2006 financial report.
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

VII. PUBLIC COMMENT/CITIZEN NON-AGENDA ITEMS

Ms. Chris Thompson, daughter of Mr. & Mrs. Lester Sharetzsky was present, and said they are trying to build a single family home on more than 8 acres of land. The presentation started with engineers sitting at the table and the LST Council, in the first paragraph, "recommended that the Township Council grant a waiver from the land development requirements to Lester and Antoinette Sharetzsky". They went through a discussion of the issues that came back from HEA and then at the end, on page 16, 3rd paragraph, "if we're not under a time table, we should make them resubmit, they come back to Township Council, and get review of both consultants, and bring it back to Council". This morning when her parents called to see what time they were on the agenda, they were surprised that they weren't on the agenda. On the 6th they were told to make revisions and submit them in a timely fashion. Everybody scrambled, and on the 18th all

**General Business Meeting
October 18, 2006**

the paperwork was submitted, and it was provided to the Township. They thought they would have some discussion on what the issues were tonight. Attorney Treadwell asked when they made the resubmission. Ms. Thompson said on the 18th and was definitely on time. Mr. Cahalan said Mr. Birdsall was in touch with the engineering firm with a request to come back to the Council and that was discussed. Mr. Birdsall said the discussion is that you are to come back to Council with clean plans. There is still more work that needs to be done with your consultant. Attorney Treadwell said the review and discussion with the consultants doesn't necessarily take place at a council meeting which is occurring right now. Mr. Cahalan said our engineer spoke to your consultant and said you are not on the agenda. Mr. Birdsall said he's not sure of that. Mr. Cahalan said it was discussed at a staff meeting whether it was ready to come back on the agenda and the decision was no, it was not ready. Mr. Birdsall said he doesn't know if Brien got back to them. It wasn't ready to Council. Mrs. deLeon said they are not here on a day-to-day basis and they depend on their staff to make the decision to know what's going to be on the agenda and then you are notified that you are on the agenda. Ms. Thompson said she is in communication with her consultant. Mr. Maxfield said then they should have left you know it was not ready to come back to Council. Mr. Cahalan said there were some things that needed to get done with the driveway before winter and that was communicated to the property owner. She said the minutes say, "it would give Council a chance to drive out to the property and take a look at it, and get a feel for the land itself". Mr. Maxfield said his concerns are that Gail Lane the way it enters from 412, goes amongst a bunch of houses. However, they weren't told at that point that the driveway would be going over a water course of some kind. It's like a swale or a ditch. We weren't presented with all of the information we made the decision to allow the drive to go up Gail Lane instead of the other way. A swale is a water conveyance system. Ms. Thompson would classify this as someone's back yard that dips down – a grass growing, no water, lawn, maintained area that when it really rains for days, water goes down. When it rains, it happens at a lot of places. The grass is there, it's cut. Mr. Maxfield said it's a grass swale that holds water on a temporary basis which you have to cross to get to you property, which means you are going to have to come up with some sort of different application in that area to cross it than a normal driveway would be. Ms. Thompson explained how the slope and the driveway goes and where the rain goes. It flows over the driveway. Mr. Birdsall said they are trying to be careful not divert the water anyplace else. Part of the mathematics back and forth is to make sure it doesn't obstruct any flow. They've chosen not to elevate it or put any pipes underneath it which is environmentally fine with Mr. Birdsall. There are also some issues back on site, testing of the charge, so there are several things going on at the same time dealing with imperious coverage of the building, the site and the driveway. HEA is concerned they haven't identified all the upstream areas. They want them to go back and look at the water coming from the other side of 412. Mr. Maxfield said we have no idea of what kind of increased development will occur out there, or what those water flows are coming down through that area. He's unwilling to support a driveway going through that when there's an alternate way that does not have to converse the water. It came out across the fire company's parking lot. Mr. Birdsall said the water course comes out in front of the fire company and he thinks they would have had to cross private property. Ms. Thompson said they limited the deed so that the 8 acres would no longer be developed, so there is no more development. Mr. Maxfield said development up above from you, that would increase the flows across your driveway. Ms. Thomson said when the water comes down, it goes into the parking lot of the fire company. Mr. Birdsall said that's the exit for the swale.

Ms. Stern Goldstein and Mr. Birdsall said if Ms. Thomson resubmits everything by this Friday, October 20, they will try to review it and get them on the agenda for November 1, 2006.

VIII. COUNCIL AND STAFF REPORTS

A. COUNCIL/JR. COUNCIL

Mrs. Yerger

- She spoke with Hans Riemann, who has been working with them on the native plant garden. It is in need of supplemental plants. The supplier has a 25% off sale right now. He

**General Business Meeting
October 18, 2006**

does have time this week to work. She is asking allocation for \$300 for additional plants and shrubs to get this done and finished.

MOTION BY: Mr. Horiszny moved for the \$300 for additional plants for the native plant garden.

SECOND BY: Mr. Kern

Mr. Kern asked if anyone in the audience had any questions or comments? Mr. Cahalan said it will come out of the Town Hall Park fund.

ROLL CALL: 5-0

- She would like to make a request that LST covers the cost for a LS property to be put into the William's Township agricultural security area. The cost is an ad.

MOTION BY: Mrs. Yerger moved that we cover the cost of advertising for placement of a LST property into the Williams Township ag security area.

SECOND BY: Mr. Maxfield

Mr. Kern asked if anyone in the audience had any questions or comments? He asked if LST enters into an ag security zone, will this action affect it in any way, or can we tag on to Williams Township ag security zone? Attorney Treadwell said we can add it on to the William's ag zone. There is not enough acreage in LST to do our own.

ROLL CALL: 5-0

- She went to a Williams Township meeting. At the end where you have Council and staff reports, they have the Township Manager go first and fill in Council on all the things, and that might prevent us from asking Jack all these questions. The Manager, at the next meeting, will go first.
- There was an article about the proposed nature preserve and trail in Bethlehem. Since the area they are talking about does have some LST property, is there some way we can Mr. Cahalan said we are trying to get some information on that.

Mr. Maxfield

- At one point, we were asking for a geologist to look at the property up at the Woodland Hills Area. Have we progressed on that? Mr. Cahalan said he thinks staff was discussing who do we go to get that done? He will look into this and get back to Tom. It was from a recommendation from Kate Brandis. When Chris and Kate did a walk of that stream area, there were some concerns we weren't aware of.
- When they went to this EAC meeting earlier at LVPC, there was one of the townships use their GIS as a planning tool within the meetings, at the EAC, PC, and Township. It would be really valuable if they could move their technology around so they could use it at the meetings. Mrs. deLeon said she thought they have to be licensed. Ms. Stern Goldstein said Rick Tralies uses the GIS and he'd be able to help them. Mr. Cahalan said they will look into that. They talked about using the GIS system at meetings.
- There was interesting information about greenways and how Wildlands is working on greenway connections between Stout Valley and a couple of other areas. Sandy and Tom sat there and thought how are they getting through without contacting Lower Saucon. He was going to propose that we contact Wildlands and say exactly what is going on here. Mrs. Yerger said it was Stouts Valley and South Mountain. Mr. Maxfield said if we could contact them and let them know that we know and they need to talk to us.

Mr. Kern

- Nothing

Mrs. deLeon

- October 24 is the Upper Saucon & Lower Saucon Joint open space meeting at 6:00 PM.

**General Business Meeting
October 18, 2006**

Mr. Horiszny

- He was at the Landfill quarterly meeting yesterday and has a landfill meeting tomorrow.

Jr. Council Member

- Vanessa said she's going to talk to all the President's of groups from her school and tell them she's available if they have anything to report to the Township. She's just happy to be here. Ms. Brown asked if SVHS has a student rep for school board. Vanessa said she didn't know for sure, but she could find out.

B. TOWNSHIP MANAGER

- He received a resignation from Rett Oren from the EAC. He will be sending him a thank you letter. There are two vacancies now and will be advertised in the next newsletter. Mr. Maxfield said there will be another vacancy in the beginning of next year.
- She reported to the Landfill Committee that our recycling consultant, Tom Hough, submitted the performance award application to DEP for their recycling totals for 2005. He was able to get the total up to \$22,000. They've been stuck at the \$8,000 level for several years. What he promised, he delivered. He was able to collect a lot of data about the commercial recycling that's being redone, particularly from the two shopping centers. They are satisfied with what he did and he thinks he can get a little bit higher. Based on the contract we had with him, we paid him \$2,000 if it stayed below \$10,000 and if it went above \$10,000, we paid him an additional \$2,000. So they will be fulfilling that part of the agreement.
- SV Halloween Parade is on Sunday, October 22, 2006 at 2:00 PM. He'll be there with the car at 1:30 PM with boxes of candy.

C. SOLICITOR

Nothing to report.

D. ENGINEER

Nothing to report.

E. PLANNER

Nothing to report.

IX. ADJOURNMENT

MOTION BY: Mr. Horiszny moved to adjourn. The time was 10:45 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:

Mr. Jack Cahalan
Township Manager

Glenn Kern
President of Council