

I. OPENING

- A. Call to Order
- B. Roll Call
- C. Pledge of Allegiance
- D. Announcement of Executive Session (if applicable)

II. PUBLIC COMMENT PROCEDURE

III. PRESENTATIONS/HEARINGS

IV. DEVELOPER ITEMS

- A. Agentis Bros. – Route 378 – Request End of Maintenance Period
- B. American Family Services – Route 412 – Approve Holding Tank Agreement Extension

V. TOWNSHIP BUSINESS ITEMS

- A. Zoning Hearing Board – Donald Metzger – Mike Kiefer – 4310 Lower Saucon Road – Appeal of Notice of Violation
- B. Discussion of Repairs Needed at Heller Homestead
- C. Recommendation for Exception to Disbursement of State Aid Policy
- D. Stewardship Assessment of Dravec Property Offered by Natural Lands Trust
- E. Ordinance No. 2011-08 – Rail Trail Intermunicipal Agreement – Authorize Advertisement
- F. Authorize Collaboration with Springfield Township on Seeking a Conservation Easement at 2915 Springtown Hill Road
- G. Resolution #59-2011 – Transfer of Monies
- H. Review Advertisement for Sale of Polk Valley Road House
- I. Adoption of Geo-Game Policy for Township Parks/Rail Trail

VI. MISCELLANEOUS BUSINESS ITEMS

- A. Approval of September 21, 2011 Minutes
- B. Approval of September 2011 Financial Reports

VII. PUBLIC COMMENT/CITIZEN NON-AGENDA ITEMS

VIII. COUNCIL & STAFF REPORTS

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

IX. ADJOURNMENT

Next Park & Rec Meeting: November 7, 2011
Next EAC Meeting: November 15, 2011
Next Council Meeting: November 2, 2011
Next Planning Commission Meeting: November 17, 2011
Next Zoning Hearing Board Meeting: November 21, 2011

I. OPENING

CALL TO ORDER: The General Business & Developer meeting of Lower Saucon Township Council was called to order on Wednesday, October 19, 2011 at 7:10 P.M., at 3700 Old Philadelphia Pike, Bethlehem, PA, with Mr. Glenn Kern, President, presiding.

ROLL CALL: Present: Glenn Kern, President; Tom Maxfield, Vice President; Ron Horiszny, Sandra Yerger, and Priscilla deLeon, Council members; Jack Cahalan, Township Manager; Leslie Huhn, Assistant Township Manager; Linc Treadwell, Township Solicitor; Dan Miller, Township Engineer; Karen Mallo, Township Planner; and Jr. Council Member, Jameson Packer.

PLEDGE OF ALLEGIANCE

ANNOUNCEMENT OF ANY EXECUTIVE SESSION (IF APPLICABLE)

Mr. Kern said Council met in Executive Session prior to this meeting. Attorney Treadwell said the subject matter was the potential acquisition of some real estate and the second issue was a personnel issue regarding an employee who is going out on disability.

II. PUBLIC COMMENT/CITIZEN AGENDA ITEMS

Mr. Kern said if you are on the agenda, you have Council and staff's undivided attention and we can discuss the agenda items with you thoroughly. At the conclusion of the discussion, we do open it up to the public for public comment for each individual agenda item. If you do speak, we ask that you use one of the microphones and state your name clearly for the record. We transcribe the minutes verbatim, accurately and fully. If you go on our website, you can see that. We want to make sure we get everyone's name in there and what you've said accurately. If you do want to receive future agendas, there's a sign-up sheet in the back where if you put your email address, we'll email them or mail them to you if you don't have an email address.

III. PRESENTATION/HEARINGS – None

IV. DEVELOPER ITEMS

A. AGENTIS BROS. – ROUTE 378 – REQUEST END OF MAINTENANCE PERIOD

Mr. Kern said the developer has requested to be released from the maintenance period for the car wash land development project located on Route 378. After inspection the only outstanding issue associated with this project is the 2nd replanting of trees which have not survived. In lieu of planting these trees the developer would like to provide payment in the amount of \$350 to the Lower Saucon Township tree fund which would require Township Council approval.

Mrs. Yerger asked how many trees? Attorney Treadwell said it's two trees. They planted them again and they didn't survive again. Mrs. deLeon asked if they were the right trees for the area? Mr. Cahalan said yes, they were from the Planner.

MOTION BY: Mr. Maxfield moved for approval for request end of maintenance period for Agentis Bros. on Route 378 and accept \$350.00 in lieu of planting the two trees.

SECOND BY: Mr. Horiszny

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

ROLL CALL: 5-0

B. AMERICAN FAMILY SERVICES – 1804 LEITHSVILLE RD. – SEWAGE HOLDING TANK AGREEMENT EXTENSION

Mr. Kern said American Family Services executed a two year Holding Tank Agreement extension in 2009 for the holding tank on their property at 1804 Leithsville Road. The Holding Tank Agreement requires an extension be approved by the Council.

Mr. Kern asked if there was any comment from Council? No one raised their hand.

MOTION BY: Mr. Maxfield moved for sewage holding tank agreement extension for American Family Services at 1804 Leithsville Road.

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

ROLL CALL: 5-0

V. TOWNSHIP BUSINESS ITEMS

A. ZONING HEARING BOARD – DONALD METZGER – MIKE KIEFER – 4310 LOWER SAUCON ROAD – APPEAL OF NOTICE OF VIOLATION

Mr. Kern said the applicant has appealed the Zoning Officers January 2, 2010 Notice of Violation which state the applicant did not obtain Site Plan approval and that the applicant is operating a nursery use without first obtaining a zoning permit or certificate of occupancy.

Attorney Treadwell said this is put on your agenda to give you an update of what's going on. It will be scheduled for the November 21st Zoning Hearing Board (ZHB) meeting. A Notice of Violation (NOV) was issued and Mr. Kiefer appealed that NOV. Attorney Treadwell will be attending the ZHB hearing along with Chris Garges, the Zoning Officer, in order to present testimony on that NOV. What Mr. Kiefer and his attorney also requested as part of that ZHB application was if the ZHB finds that the NOV is correct and that he needs a site plan and permit to conduct a nursery use on that property, he is asking for a variance to be allowed to conduct the nursery use without a site plan or a permit. The only thing Council would need to do tonight, if you so choose, is take a position or take no position on the variance part of the application. Attorney Treadwell and Mr. Garges will be there November 21st for the NOV portion anyway.

Mrs. deLeon asked if they will be making their decision that evening, and if they do, don't they have 30 days to respond? Attorney Treadwell said anybody would have 30 days to appeal the ZHB decision. He has seen ZHB's before make an oral decision that night and then move on to take testimony on the next item just because everyone is there that night instead of making anyone come back, but they would still have to issue a written decision at some point. Mrs. deLeon said has he filled out the paperwork asking for a variance? Attorney Treadwell said yes, that came along with the appeal of the NOV. That would be for the ZHB to take testimony on the same night and they would probably do that just to save everybody a trip back. Mr. Kern said the only thing for us to consider tonight is the variance which is that he would be asking not to have to do a site plan for the nursery. Attorney Treadwell said correct.

Mr. Maxfield said asking for a variance is like saying he didn't do anything wrong and wants to go back in time and saying he wants this certain condition to exist no matter what, even if he's found in violation of that condition. He thinks Council should oppose it.

Mr. Horiszny said is the occupancy permit included in that permit or not? Attorney Treadwell said that is included as part of the variance request as was asking for permission to continue that nursery use without a permit and without a site plan.

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Mrs. deLeon said this could be potential litigation in the future. Attorney Treadwell said the difference is Mr. Kiefer deserves to be treated like all other ZHB applicants and those applications come to Council for you to consider whether you want to take a position or not. He doesn't want to suggest anything one way or the other, but he and Mr. Garges will be there anyway.

Mrs. deLeon said she just wants to make sure if they oppose something, they have the grounds to do it. Attorney Treadwell said he believes there are clearly grounds to oppose that variance request.

Mrs. Yerger asked what was his sighted hardship for an occupancy permit? She's trying to figure out what a hardship would be to apply for an occupancy permit. Mr. Maxfield said just to jump back to the previous point, it's not our position here to prove that we need to oppose it. It's Mr. Kiefer's position to prove he needs a variance. That's where the real proof should be.

Attorney Treadwell said if you look at Attorney Monahan's summary on the attachment to the application, which is called Supplement to Zoning Application; it discusses the position they are taking, which is that the real purpose of the site plan approval requirement is to render farming in an RA district so costly that it cannot take place in the Township. That's his reason for asking for a variance because they believe the Township is trying to stop farming in the RA district.

Mr. Maxfield said keep in mind we have had other nursery functions that have done what the ordinance asked them to do. Mr. Kiefer said you stated there were other nurseries in the Township? Mr. Maxfield said Ringhoffer Road is the last one he knows of. Mr. Garges said Ridgecrest. Mr. Kiefer said that's not a nursery, it's a landscaper. He doesn't grow anything. Mr. Maxfield said he's doing the same thing on his property that Mr. Kiefer is doing. Mr. Kiefer said no he's not. He knows exactly what he does. Mr. Kiefer is the only nursery in the Township. Mr. Kern said he will ask Attorney Treadwell to reiterate what we are here for tonight? Attorney Treadwell said this matter is scheduled for the ZHB for the NOV that was issued to Mr. Kiefer and the property owner and that it's on tonight's agenda to give Council the agenda, if it so chooses, to take a position regarding the variance request that was also included in the ZHB application. The variance request was in the alternative and in the event that the ZHB would uphold the NOV, that a variance was requested to allow the nursery to exist on that property without a permit or site plan. Mr. Kern said Mr. Maxfield stated he would like to oppose that. He agrees with Mr. Maxfield and opposition would be the best thing in this case. How does everyone else feel?

MOTION BY: Mr. Maxfield moved for opposition as stated above.

SECOND BY: Mr. Horiszny

Mr. Kern asked if anyone had any questions or comments? Mr. Lawrence Opthof said he lives at 2700 Redington Road in Hellertown. His property adjoins part of this piece of property you are speaking about. He feels there should be a site plan and that the nursery should follow the laws as set down by the Township. Otherwise, who knows what could be there. If you can avoid a site plan, then what do you have there? If he's asking for a variance, then he could virtually do anything. He'd like to see a site plan that Mr. Kiefer would be required to follow as the law specifies. Mrs. deLeon asked if he was aware he could go to the ZHB? Mr. Opthof said he intends to be there with an attorney.

ROLL CALL: 5-0

B. DISCUSSION OF REPAIRS NEEDED AT HELLER HOMESTEAD

Mr. Kern said the Manager will discuss several repairs needed at the Heller Homestead buildings including the Root Cellar framing; Main House leakage in 2nd floor hallway and sunroom; window painting and repair of cracks in art gallery floor.

Mr. Cahalan said there's a packet of information in your red folder. He'll run down these issues. These are reported to us by the Saucon Valley Conservancy who leases the buildings. The first one

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we've had previous discussion on and that is the root cellar roof. It was reported previously that Marcus Brandt, a volunteer with the Conservancy, was going to lead a slate roof workshop and he was going to replace the existing asphalt roof on the root cellar with the slate that was reclaimed from the demolition of the Herman House on Polk Valley Road. When the asphalt material was removed, they discovered that the support beams were rotted and some of the top plate of the foundation also needed repair.

Mr. Kern went out and took a look at it following that discussion and had a meeting with Public Works and they all felt the framing was something Public Works could do using the reclaimed wood we have from the barn demolition that we have stored in the trailer out at Public Works. Public Works is going to schedule that and go forward. Then Marcus can then resume the workshop for the slate roof installation. The only thing Mr. Kern asked the Conservancy was to provide Mr. Cahalan a plan on how he intends of installing the slate and what type of underlayment. There was a mention at the meeting about additional cost. If there are any additional costs anticipated, Mr. Kern asked the Conservancy to also provide that to Mr. Cahalan. That work has been approved by the PHMC. There's a copy of that in your packet. Mr. Kern said he's heard Marcus has discussed that he was going to use lathe instead of a solid roof underlayment. Mrs. deLeon said there was a misconception when people looked at the wood that was there thinking it was going to be a permanent thing. It was a temporary thing just to support the tarp over it. They had a discussion over the lathe or the solid piece of wood. They were leaning towards the lathe. That's what they want him to do. Mr. Kern said definitely. Mrs. deLeon said does he still need a diagram? Mr. Kern said if we just get a confirmation that he's going to use lathe and not a solid roof.

Mrs. deLeon said the only thing they are concerned about is ventilation. Marcus has some kind of an idea that he's seen used other places with holes in the A-frame part with a design type thing. He'd like to look into that as there is screening behind it for more air circulation. She had an email from Marcus. It said "Pris, I will not be able to attend tonight. You can share with Council my proposal to do the structural work if they want to. I said I'd do it for \$700.00, time and materials. I recently did a project and wound up with a pile of stuff left over and paid for. It is good white oak of the right size and edge treatment, vertically sawn to be appropriate for the root cellar. The long and short of it is if they want me to do it, I will donate the new oak materials. If they just defray the cost of labor, which is \$500.00, as I said, it's not the going rate for that much restoration work, but it's about right for doing modern style construction like the Public Works Department would be doing. Basically, I'm offering the Township the same deal as I offered for the slate roof. I'll do the long lived restoration for the same money they were willing to spend on maintenance. The difference in value would be my donation, in kind. Share this email with them and see what they say. If they give the okay, I'll have the whole thing wrapped up, structure and slate, before next month's meeting of the Township. Fair enough?"

Mr. Kern said he's not sure what the cost is. Mrs. deLeon said we need to talk to Marcus. Mr. Kern said the email is not clear. Mrs. deLeon said the Township did send the Conservancy a check for which she did not cash yet. Wouldn't it be better if the Township paid him directly rather than going through the Conservancy and she'll gladly give the check back. You are paying him to do the work. Mr. Cahalan said he'd have to check if he's a contractor for the Township. He doesn't think it's a problem with bidding because of the amount. He's wondering if he just goes through you as a volunteer. Mrs. deLeon said if they pay anyone over \$600.00, they are still required to do a 1099. What's the difference? Mr. Cahalan said he supposes they could do it. That wasn't what they were directed to do, but if you want to change that direction, they could. Mrs. deLeon said she didn't realize when they approved it earlier this year that the Conservancy was going to be paying him, she thought the Township was going to be paying him. He was donating his time and you were paying him for the expenses he had. The Township is responsible for the maintenance. Ms. Huhn said she thinks we can do that, but Ms. Gorman is going to need some back up for the auditors. That was her concern. Mrs. deLeon said Marcus needs to get an insurance certificate and he has to do the W-9. Ms. Huhn said wouldn't Ms. Gorman need the cost estimate to go with the

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\$700.00? Mr. Cahalan said we do have the cost because we paid them the \$700.00. It's the other supporting material we need. We can do that if Council wants to direct them to do that. He's hearing in the email that Marcus wants to do the framing rather than Public Works? Mrs. deLeon said he's offering to do that, and she gave the email to Mr. Cahalan.

Mr. Kern said the agreement with Marcus originally was \$700.00 to do the slate roof. Was that for doing the lathe? Mr. Cahalan said that was to install the slate and do a workshop. The framing was not an issue because we didn't know it was a problem. Mr. Kern said what he gathers from the email, and it needs to be confirmed, is that Marcus is offering to do the framing for \$500.00 and we are going to be supplying the materials. Mr. Cahalan said Marcus said he'd donate the materials. We don't even have to give him the old barn wood. Mr. Kern said if that's true and he's going to do it for \$500.00, that's pretty good to frame that. It's probably less than it would cost for Public Works to do. Mr. Maxfield said didn't he say \$700.00 for time and materials. Mr. Kern said that's what is confusing. Mrs. deLeon said the \$700.00 was for the first part. Attorney Treadwell said it would be \$1,200.00 total to fix the roof. Mr. Kern said if we can nail that down, that's a good deal. Mrs. deLeon said then we can have part 2 of the workshop. Even if this wood he is talking about could be the front part where she told you about the holes he was going to make. Mr. Kern said he still owes us a slate roof. Mrs. deLeon said absolutely, he knows that. Mr. Kern said in addition, it looks like it's \$500.00 to do the frame. Mrs. deLeon said Marcus knows the Township has wood. This wood he's talking about is on the front part. Jerry Holum also has wood that is tongue and groove that would be period appropriate for that also. It's \$1,200.00, but he's still might need Township wood. This ash he is talking about could be for the front part as she's not clear on that. Moneywise, it would be \$1,200.00. Mr. Cahalan said what is the direction? Mrs. deLeon said she will get in touch with Marcus and she may do a conference call to make it easy for everyone. Mr. Maxfield said can we put a requirement on it for the project not to exceed \$1,200.00? Mrs. deLeon said that's fine. Mr. Cahalan said he'd need a vote on it as it's above the \$700.00 that was previously approved.

- MOTION BY:** Mr. Maxfield moved for approval for Marcus Brandt to do the work on the Heller Homestead roof project not to exceed \$1,200.00 in cost.
- SECOND BY:** Mrs. deLeon
- Mr. Kern asked if anyone had any questions or comments? No one raised their hand.
- ROLL CALL:** 5-0

Mrs. deLeon said they will confirm whether or not Marcus needs the wood from the trailer and she'll have him provide a diagram of the cut-out area.

Mrs. deLeon said we still need to talk about the wetness of the root cellar in the basement. Mr. Kern he was there Thursday after the workshop and the containers were filled up on that Saturday. They had flashlight and looked up at the ceiling and you can definitely see chunks of mortar missing from the roof. Mrs. deLeon talked to Andy deGruchy and he's willing to come and look at the root cellar and give us a recommendation. She will let Council know when he's coming and she will let Council know what he says about fixing it. She doesn't want it to collapse. Mr. Maxfield asked if there were chunks of mortar from the roof? Mr. Kern said when you go down to the basement of the root cellar, there's stone and mortar, wherever there's missing chunks of mortar, it's leaking. Mr. Maxfield said how does that interact with the slate roof above it? Mr. Kern said it doesn't. It's almost like a bank barn. Mr. Maxfield asked if there was an air space in-between? Mrs. deLeon said there's a lobby entrance way and that's the slate roof, then there's steps that go down. This is the underground roof. There's the outside roof and the underneath roof. Mr. Kern said that's what keeps it cool as there is ground above it. Mrs. deLeon said it's on the Saucon Valley Conservancy website and you can see the pictures.

Mr. Cahalan said the next issue is the Heller House main roof leakage in two places; one is in the upstairs hallway that connects with the rear kitchen section of the building and the other leakage is in the sunroom. Public Works looked into that and they reported that the rubber roof that was

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installed on that flat rear section, approximately 15 years ago was failing and it's pulling away from the sides and several places. It's pulling away from the main house that it's attached to and it's also wearing at the seams. They obtained an estimate from Alan Kunsman Roofing to replace that rubber roof, do the flashing, and do the whole job for \$4,470.00. When Mr. Kern was out there, he also reported there were some problems with the edging on the roof. With the rubber roof pulling away from the main house, he was sent some pictures and it shows a slight separation of the rear portion of the house from the main house. The picture is taken from the Friedensville side of the building. You can see it's separated at the top and there's a crack that runs down parallel to the upstairs window. He doesn't know if that's always been there or recent. If you've ever been in the upstairs hallway, there's a sag as it goes into the bathroom. Looking back at the report we had done by Christine Ussler in 2005, she had recommended we look at the support for the rear portion of the house. Basically, the beams that were running from the main house that support the kitchen section, some of them are resting on earth at the back of that house. He doesn't know if that's settled more in the six years from that report. He thought it would be prudent to have a structural engineer look at that section before any roof repairs are done to see if there are bigger problems there be addressed.

Mr. Miller has some information he can share with us. Mr. Miller said he did go over it with two of the structural engineering in their office. One is a specialist in roofing and the other is in residential. They skimmed the report and they both believe they need to go out and see it. Mrs. deLeon said she'd like to be there when they go out there. Mr. Miller said what they were suggesting is to at least have a preliminary look at it, take some pictures, and possibly if it's involving the supports, they might want to even get a survey out there to get the differential settling. It would be a two-three page report and then there would be a recommendation of how to proceed from there. The first step is a non-destructive test looking at it. It may come back that you would have to do some form of destructive testing to get an idea of what's going on.

Mr. Kern said is there a crawl space existing? Mrs. deLeon said underneath the kitchen, there is a crawl space and if you are in the basement and go behind the steps and look towards the kitchen, there's an area where the beams go underneath the floor. She remembers Lower Saucon Authority came over with their cameras and they looked to see if we could actually see the rotted beams because Christine Ussler said they were there. They were also looking in those crawl spaces and don't understand how she found them. They had very powerful spotlights and couldn't find them to see if they were there and how bad they were. She does know, spending about 15 years in that house, the back floor, if it had settled there would be cracks in that back room on the walls and ceilings and there aren't significant cracks. She just guessing in the time she's been there. Christine Ussler did mention different cracks in different areas of the house. Mrs. deLeon said she's not an engineer and maybe not looking at what she's supposed to look at. There was a crack when you go in the art gallery room and you look out the window where you can see the root cellar, there was a crack there and it hasn't gotten any worse. Mr. Miller said you can have settling without cracks. Cracks are usually when there is differential settling. It settles in different locations of the house. When this report is put together, they would recommend them or possibly someone else. Mrs. deLeon said they have to evaluate that before they spend any Township money. In looking at the pictures, she's wondering if a cheap quick fix could be done. Looking at the gutter, it looks like it could be extended and would capture a lot of the water coming off the roof. Mr. Kern said that makes sense. Mr. Miller said it would definitely slow it down. Mr. Cahalan said they can have the roofer look at that.

Mr. Cahalan said continuing with the gutter issues and the sunroom leakage, Public Works feels it's due to the gutter above that clogged with leaves and has to be constantly cleaned out and some caulking which can be handled pretty easily. They are also recommending putting a gutter guard in there to keep the gutter free of clogging. They can take care of that. If Council is okay with this, if you would like to proceed with what Mr. Miller has described, they can come back with HEA's preliminary report on this. If they find no issues with the settling, then we have the estimate for the roof repair and can add the gutter on there and the roofer will also fix the areas that Mr. Kern had

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pointed out as he was concerned with the edging where it looked like it was pushed up on three sides. That will be taken care of in the roof repair job.

Mr. Maxfield said are any of these marks that they are seeing on the pictures, the actual holes, rips, tears in the membrane? Mr. Cahalan said there is some pulling away, but it's at the seams. They didn't report any holes. It's holding up pretty well, but it's starting to come apart. Mr. Maxfield said inside the house, you can associate the leakage with the seams? Mr. Cahalan said the leakage in the hallway is right at the area where the back portion of the house joins the main portion. If there's any leakage down through this rubber roof where it's failing, it could wind up in that hallway ceiling. Mrs. deLeon said if you go upstairs and go down the narrow hallway going to the second floor bathroom, there's a little entrance to turn to go into the meeting room, to the left is a little cedar closet, and if you look up, the ceilings been cracking and it's getting worse. They've never been there after a rainstorm, and it just happened before the barn tour when it really, really rained after Labor Day weekend. She went upstairs and could see it was definitely wet under that area. She knew that it had been getting wet. When she opened up the door to the closet, you could see the staining on the floor from water. The ceiling was sagging more and the plaster was hanging down more. That's the only spot where there are water spots. They just painted that meeting room and there were no stains in there or in the bathroom. Mr. Maxfield was worried about just doing a spouting fix. He thought maybe we should go for the rubber roof things. Mrs. deLeon said both need to be done, but in the interim, it wouldn't hurt to put a spouting on. Because of the leak in the corner of the sun room, it has affected the floor boards underneath the table. You can see where water had been laying and that should be looked at.

Mr. Cahalan said the next item is the windows. Mrs. deLeon had reported that the paint that was put on a couple of years ago is peeling off and some of it in large sections. Roger looked at it and there are thirty-three windows on the main house portion and he reported that just about every one of those windows needs scraping and painting. There are about four windows on the Friedensville Road side that probably need some major work done on. Those are the ones that have very little sunlight and they stay damper than the rest of the house. He's going to work on this. He'll bring something back to Council with a description of the work that needs to be done. It will be up to Council to decide how you want to proceed with that repair.

Mr. Cahalan said they had a discussion about the art gallery floor as there are gaps in the wood plank flooring. They sent a letter off to the PHMC and they came back with a couple of recommendations. Mr. Kern was out there with Mrs. deLeon looking at it and what they suggested was we cover the gap from the underside by attaching a piece of wood to cover the gap in the floor and then fill it with caulk or some other material. He did attach one of the Secretary of Interior's standards. It's underlined and one of the methods they suggest for filling these gaps. It's something that Mr. Cahalan has to go out and get a contractor to do. He will come back to Council with an estimate for the cost of that work.

Mr. Cahalan said to summarize:

- We are going to get some additional information from Marcus Brandt about the wood framing and Council approved the additional amount.
- The leakage we are going to have Hanover Engineering go out and do a preliminary study. They will come back with information on that.
- They will take care of the sunroom leakage.
- He will come back with more information on the windows.
- He will come back with more information on the art gallery floor.

Mrs. deLeon said they have a meeting tomorrow night with the Conservancy and she will report to the Board and members.

Mrs. deLeon said they did put together a list and she'd like to add one more thing to it. When you go up the steps in the main house, the porch on the side, there's crumbling on the stone on the underneath part of the porch, the little landing. Mr. Cahalan said they will look at it.

C. RECOMMENDATIONS FOR EXCEPTION TO DISBURSEMENT OF STATE AID POLICY

Mr. Kern said the Finance Director is recommending, based on an unexpected increase in state funding to municipal pensions this year that the Council make a one-time exception to the Disbursement of State Funding Policy that Council adopted in 2007 for the employee pension plans that directs how state aid is distributed to the two plans.

Mr. Cahalan said the Township and a lot of other municipalities in the State of PA received a windfall increase in 2011 state aid. The State apparently stepped up their efforts to collect a 2% tax that's imposed on out-of-state companies that sell casualty insurance policies to PA residents. The amount that they were able to give averaged about 61% more than was given last year. This windfall, our amount came to 56% more. We were pleased to receive this. The bottom line is that it would allow us to cover all of our MMO's for both the non-uniformed and the uniformed pension plans except for \$525.90. It was a substantial amount of money that we can pay into those plans and not use Township funds from the General Fund. One of the things that Ms. Gorman looked at was in distribution of the State aid, we have a funding policy that was adopted back in 2007 that went to the Pension Advisory Committee and went to Council. Council approved it and the policy sets out monies that come in with one check which are distributed to both plans. In this particular case, if we follow that policy, we are actually putting more money into one of the plans than is needed and we are shortchanging the other plan. They are putting more into the non-uniform than they actually need. Mrs. deLeon said how did it come out that way? Mr. Cahalan said if we follow the policy about the units, the policy is based on how many you submit in the census. When the money comes back, Ms. Gorman splits it to be fair. Mrs. deLeon said there are more non-uniform than police officers. Mr. Cahalan said they would get more money, but they don't need more money. The police need it as they have a larger MMO. What they are requesting in the memo is a one-time exception to that policy so that they can put more of the money into the uniformed plan where it's needed. This is only a onetime thing. This increase, we do not anticipate that will be coming in the years ahead as it was a new policy that the state imposed on this tax. Mrs. deLeon said this can't wait until the next Pension Board meeting? Mr. Cahalan said the next meeting is in December. This is something Ms. Gorman needs for the budget. She would be recommending that the amount that was received, that \$91,646.00 of it be distributed to the non-uniform pension plan and the remainder would go to the non-uniform pension plan. The recommendation would be to go with the distribution as Ms. Gorman outlined in her memo. Mr. Maxfield said the non-uniform would receive \$156,700.00. He said that sounds reasonable.

MOTION BY: Mr. Horiszny moved to approve an exception to the 2007 procedure for just this year in order to maximize the use of the extra state aid we will receive.

SECOND BY: Mr. Maxfield
Mr. Kern asked if anyone had any questions or comments? Mrs. deLeon would like Ms. Gorman to update the Pension Committee. Mr. Cahalan said they will.

ROLL CALL: 5-0

D. STEWARDSHIP ASSESSMENT OF DRAVECZ PROPERTY OFFERED BY NATURAL LANDS TRUST

Mr. Kern said Natural Lands Trust has received funding from the PA DEP Environmental Education Grants Program to offer Stewardship Assessments free of charge for a select group of municipal landowners in Lehigh and Northampton Counties and have indicated an interest in providing this service to the Township for the Dravec property.

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Mr. Cahalan said there's a copy of the letter in your folder from Andrea Stevens from the Natural Lands Trust and she outlines some of the steps they would take to conduct the stewardship assessment for the Dravec property. As they indicated, it's free of charge. They had received a grant from the Dept. of Environmental Protection to offer these to a select group of municipal land owners in Northampton County. This would require a signature by the Council President to accept their offer. We have started to pass to them some documents that will be helpful to them in conducting the assessment. They will come out and physically walk the property and prepare for it. Mr. Horiszny said didn't we do this the last meeting? Mr. Cahalan said we talked about it and they directed him to get in touch with Ms. Stevens to send the agreement.

MOTION BY: Mrs. Yerger moved for approval of the stewardship assessment of the Dravec property offered by Natural Lands Trust.
SECOND BY: Mr. Maxfield
Mr. Kern asked if anyone had any questions or comments? No one raised their hand.
ROLL CALL: 5-0

E. ORDINANCE NO. 2011-08 – RAIL TRAIL INTERMUNICIPAL AGREEMENT – AUTHORIZE ADVERTISEMENT

Mr. Kern said Ordinance No. 2011-08 has been prepared to enter into an intermunicipal agreement with Hellertown Borough, Upper Saucon Township and Coopersburg Borough for the joint Saucon Rail Trail Advisory Commission.

Attorney Treadwell said they've discussed this intergovernmental cooperation agreement before. This is simply the ordinance that would make it effective. Mrs. deLeon said she thought it was the advisory commission? Mr. Cahalan said it's the Saucon Rail Trail Oversight Commission. Mrs. deLeon said does our administrative code cover commissions? Attorney Treadwell said he thinks it's okay. They went through the agreement before and all of the other municipalities had approved it as well. Mrs. deLeon didn't like the word commission. Attorney Treadwell said he will check on that to make sure. He doesn't think anyone would have a problem with changing the title, but they would have to go back to all the other municipalities.

Mr. Maxfield said with the things they've done already, including the signage they authorized, will any of that be affected by recommendations from the Advisory Committee? Mr. Cahalan said with already what is there? Mr. Maxfield said he doesn't know if the signs are already there, but he thought if we were going to have an agreement like this we'd be looking for consistency across the board and in the past, where we may not have had the cooperation we were looking for, we went ahead and did some of the things like the signage and the mileage markers, which could change drastically once we go over our municipal line. He's wondering if we are going to change any of the work we've done already? Mr. Cahalan said he thinks everybody recognizes that they went through a period where they were unofficial and were working on their own portion of the trail. Luckily, we were able to work with Hellertown and with Upper Saucon on a lot of what's out there, so it looks like a uniform type of trail. We have had discussions about at one time having rail trail signage having a logo and that got held up as we weren't officially formed. That type of thing, the website, some of the other things that will promote the trail usage will be uniform going forward. Anything that is out there if it belongs to the Township or Borough, and its repair or maintenance, it would be done by them. Mr. Maxfield said one of the things he was thinking about specifically was backing of the idea of the mile markers and using the distance from the Philadelphia mileage and he's wondering if we go to the Upper Saucon municipal line, if the mile markers are going to change or will they be extended in that same system? Mr. Cahalan said Upper Saucon has indicated that they have endorsed that process and on the half-mile post that had the sponsorship of the businesses, they already lined up business in Upper Saucon who are willing to sponsor those posts. They've endorsed that. The color coding they have no problem with. The roadway markers they have no problem with either. We are informally going along with everything and there aren't any disputes on anything. Mr. Maxfield said have they made any

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decision on the adoption of the logo? Mr. Cahalan said the logo has been discussed but there was no formal vote taken by the body as they weren't organized. He would hope things like that come out and then they can take a vote to recommend those things back to the different municipalities for approval. Mr. Horiszny said on page 2 of 7, item B, the last sentence says "each commission member should be considered a public official, the appointing municipal partner". Doesn't a public official have to be voted in? Attorney Treadwell said that's in there to cover the ethics act, meaning they have to submit their financial disclosure statement. It also helps if there are any liability issues that arise. If you are a public official, you have a different level of responsibility. Mrs. deLeon said whether you are elected or appointed? Attorney Treadwell said correct.

MOTION BY: Mr. Horiszny moved for authorization for advertisement of Ordinance No. 2011-08.
SECOND BY: Mr. Maxfield
Mr. Kern asked if anyone had any questions or comments? No one raised their hand.
ROLL CALL: 5-0

F. AUTHORIZE COLLABORATION WITH SPRINGFIELD TOWNSHIP ON SEEKING A CONSERVATION EASEMENT AT 2915 SPRINGTOWN HILL ROAD

Mr. Kern said the Environmental Advisory Council is recommending to Council that the Township collaborate with Springfield Township on seeking a conservation easement at 2915 Springtown Hill Road. The EAC is requesting that Council send a confirmation letter to Springfield Township stating the Township would like to work with Springfield and that Springfield will be the lead in obtaining an appraisal.

Mr. Maxfield said does it specify anything about the way we share costs based on a percentage basis? Mrs. Yerger said that was part of the recommendation. What happened when Springfield Township came before the EAC, this agreement would be struck on the understanding because only a small portion of the Riemann property is located in Lower Saucon boundaries, they will share the cost, should it get to the appraisal and the easement portion of it, that the Township's would split in percentage-wise. If there are three to four acres in Lower Saucon Township, that are worthy of preservation, that would be a percentage of the entire 18 to 20 acres. We would pay our percentage. Mr. Riemann has agreed to a 30% discount on the appraised value of the property as well and he will take a donation. Those are part of the agreements that the EAC has forwarded to Council. The reason the Riemann property has risen an importance in Springfield is because Anne Rhodes did find an endangered species plant on his property. She just was there in August and did a report.

MOTION BY: Mrs. Yerger moved for approval to authorize collaboration with Springfield Township on seeking a conservation easement at 2915 Springtown Hill Road.
SECOND BY: Mr. Maxfield
Mr. Kern asked if anyone had any questions or comments? No one raised their hand.
ROLL CALL: 5-0

G. RESOLUTION #59-2011 – TRANSFER OF MONIES

Mr. Kern said Resolution #59-2011 has been prepared to transfer money from one Township fund to another.

A RESOLUTION AUTHORIZING THE TRANSFER OF MONIES FROM ONE TOWNSHIP FUND TO ANOTHER

SECTION 1.

The Council of Lower Saucon Township hereby authorizes the transfer of monies from one Township fund to another in accordance with Article XXXII, Section 3202 (f) of the Second Class Township code as follows:

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	<u>FROM</u>		<u>TO</u>	
<u>Amount</u>	<u>Account No.</u>	<u>Account Name</u>	<u>Account No.</u>	<u>Account Name</u>
\$15,900.00	35.493.000	Contingencies	35.430.373	Vehicle Maintenance

SECTION 2.

The Township Manager is hereby directed to make the necessary transfers to implement this Resolution.

Mr. Cahalan said this is to cover the repair of the sweeper that Council approved the allocation on September 21st. It was the sweeper out of commission. We want to get it back into commission and they are ordering a new one for 2012. This will get the current one back on the road.

- MOTION BY:** Mr. Horiszny moved for approval of Resolution #59-2011.
SECOND BY: Mrs. Yerger
Mr. Kern asked if anyone had any questions or comments? No one raised their hand.
ROLL CALL: 5-0

H. REVIEW ADVERTISEMENT FOR SALE OF POLK VALLEY ROAD HOUSE

Mr. Kern said the Manager will review with Council the advertisement for the sale and removal of the Township owned house on Polk Valley Road.

Mr. Cahalan said it's an advertisement they want Council to look at to see if it covers all of the issues that were discussed at a previous meeting. It starts out with the legal notice portion stating that they will be seeking sealed proposals for the purchase and complete removal of a brick Circa 1900 house located at 2038 Polk Valley Road. The structure is to be completely removed from the property within three (3) months of the acceptance of the successful proposal. The land is not for sale and shall be left free of all removal debris. Formal notice for bids will be advertised in January 2012. This notice is given to provide sufficient time for site visit and inspection. They can look at the documents at the Township municipal building or on the website, www.lowersaucontownship.org and inspection of the home can be arranged with our Township office.

Mr. Kern said is there a basement in that house? Mr. Cahalan said yes. Mr. Kern said the house is removed, what will happen to the hole in the ground. Mr. Cahalan said they can fill it and grade it. Mr. Maxfield asked if we had to mention anything about the six-month deadline in the ad? Mr. Cahalan said they do have the information provided in the second page, it says "removal and cleanup must be completed within sixty (60) days of the award. The structure is to be completely removed from the property within three (3) months of the acceptance." Attorney Treadwell said you need to change that second page to ninety (90) days. It's actually a three month requirement. Mr. Cahalan said it also indicates work must be coordinated with the opening and closing of the Saucon Valley School District so as not to disrupt transportation to and from the school. Mr. Maxfield said we gave a six month deadline that Council would act if we didn't receive any bid. Mr. Cahalan said if this is advertised and no bids are received, then in six months, Council will take some action on the house. We don't have to say anything we are only going to accept bids to a certain date? Attorney Treadwell said it will be advertised in January and bids will come in. If they don't, then we'll know. Ms. Huhn said it needs to be two advertisements because of the second class code. Once we reward the bid, it must be removed as it's a sale. There's a time frame for them to remove it. We can't give them six months. Mr. Maxfield said we gave ourselves six months. Ms. Huhn said we have to do it in two ads to give them notification that we will be doing it and once we award it, they only have the 90 days. Mr. Maxfield said we do need a vote for this ad? Attorney Treadwell said yes, you can approve it.

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MOTION BY: Mr. Maxfield moved for approval of the advertisement for the Polk Valley Road house, with correction of sixty (60) days to ninety (90) days of award.
SECOND BY: Mr. Horiszny
ROLL CALL: Mr. Kern asked if anyone had any questions or comments? No one raised their hand.
5-0

I. ADOPTION OF GEO-GAME POLICY FOR TOWNSHIP PARKS/RAIL TRAIL

Mr. Kern said the draft Geo-Game Policy for Township Parks and the Saucon Rail Trail has been reviewed by the Parks and Recreation Board and their recommendations have been incorporated into the policy, which is not ready for Council adoption.

Mr. Cahalan said we think we have one of the better policies around for municipalities in this area for geo-caching. We've gone from basically knowing nothing about geo-caching two years ago to being experts. That shows by the participation that the geo-cachers have shown at Park & Recreation Board meetings and with discussions he's had with them. They've had a really good group of people that are willing to work with Staff to set up a policy that will give everyone an opportunity to participate and not cause any issues with our parks and the rail trail. He gave Council a copy of the minutes from the Park & Recreation meeting held on October 3rd. They had a group of geo-cachers attend and they went over the policy item by item. What you have before you is an excellent policy that can be administered by the Township and everybody can have fun geo-caching in Lower Saucon Township.

MOTION BY: Mrs. Yerger moved for the adoption of the geo-game policy for Township parks/rail trail.
SECOND BY: Mr. Maxfield
Mr. Kern asked if anyone had any questions or comments? Mr. Kiefer asked if Council could explain what geo-caching was? Mr. Cahalan said there are small containers that people put out in areas like parks or on the rail trail. They then list the GPS coordinates for the location on a website, www.geocaching.com and if you are a geo-cacher, you go on that site and put in your zip code. A list comes down of all the geo-caches that are listed by miles in that zip code. Some of them are located in the Town Hall Park. Some are in Polk Valley Park, and some are on the rail trail, Southeastern Park. You go out with your family. You bring your Garmin and you punch in the GPS coordinates and you find the geo-cache. Some of it requires you to sign a log indicating that you found it and you can go back on the websites and offer comments. Two years ago, he didn't know what it was, but there are thousands of people out geo-caching and they consider it a real fun sport. It gets them out moving around areas. It's also given people a view of our parks that they probably wouldn't have seen before or knew it was there before. We don't encourage historic sites being used here. We don't want people going on the Heller Homestead or the Lutz-Franklin Schoolhouse and doing that. Some of the caches in the parks have pointed out some historical information. It's educational; it's recreational; and if you talk to a geo-cacher, they are always smiling and they love the sport. Mrs. deLeon said do we allow it on the main nature trail part of Heller Homestead? Mr. Cahalan said no, we didn't permit anything on the Heller Homestead property.

ROLL CALL: 5-0

VI. MISCELLANEOUS BUSINESS ITEMS

A. APPROVAL OF SEPTEMBER 21, 2011 MINUTES

Mr. Kern said the minutes of the September 21, 2011 Council meeting have been prepared and are ready for Council's review and approval. He asked if anyone had any changes or corrections?

Mr. Horiszny said on page 9, line 53, the vote was **3-1-1**, not 3-0. Page 17, line 12, it says "he asked" and it should read "**Mr. Kern** asked if there was any action Council wanted to take."

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MOTION BY: Mrs. Yerger moved for approval of the September 21, 2011 minutes, with corrections.
SECOND BY: Mrs. deLeon
Mr. Kern asked if anyone had any questions or comments? No one raised their hand.
ROLL CALL: 4-1 (Mr. Horiszny – No)

B. APPROVAL OF SEPTEMBER 2011 FINANCIAL REPORTS

Mr. Kern said the September 2011 financial reports are ready for Council's review and approval.

Mr. Horiszny said he was trying to check the funds for the total of \$55,920.50 on page 4. Were those for the traffic controllers? There were two checks that totaled that amount. It's in the Fire Equipment fund. Mrs. Yerger said it's listed as No. 30, Fire Equipment Replacement Fund. Mr. Cahalan said it is the amount that was disbursed on that is on page 4 and it is on Fire Equipment Replacement. There's a payment to Michigan Instruments for \$20,035.00 and Fisio Control for \$35,885.50. The pre-emptive devices, we have the bids approved, but there hasn't been any disbursements for that. This would have been under the Fire Equipment Fund, you pay for testing of hoses, ladders, and other equipment for the four fire companies. The pre-emptive devices will be coming as we have to expend that by the end of the year.

MOTION BY: Mrs. deLeon moved for approval of the September 2011 financial reports.
SECOND BY: Mrs. Yerger
Mr. Kern asked if anyone had any questions or comments? No one raised their hand.
ROLL CALL: 5-0

VI. PUBLIC COMMENT/CITIZEN NON-AGENDA ITEMS

- Fran Callery who lives on 4287 Lower Saucon Road said he has a clarification on the Township's ATV ordinance. This past weekend in their neighborhood they had quite a flare-up about an ATV and police were called in. He believes the ordinance is very clear as to 100' setback property lines and roads. The neighbor doesn't agree with it even though he did stop riding. For spite, after the police had left, he basically sat there with a four wheeler and revved it up. In this ordinance, is there any type of decibel limitation that you would have? You got rid of a noise nuisance ordinance and kind of adopted it as a four whaler. Mr. Kern said they did not get rid of the noise nuisance ordinance. That's still in existence and this is in conjunction with that. There is a decibel limitation for a specific period of time. It's like 30 seconds of 70 decibels. Attorney Treadwell said it's about 65 to 70 decibels and he doesn't remember the exact number. Mr. Kern said it has to be at the property line and it's difficult to enforce, which is why they came up with the ATV ordinance of a 100' setback of the road. Mr. Callery said where would he stand if this person deliberately sits there revving his motor? Mr. Kern said you'd have to sit off of his property and on the property line. Mr. Callery said where would he stand as filing a complaint? Mr. Cahalan said Mr. Callery did call him and they spoke last week. The letter is in the mail to respond to his issue. They did look at the property in question and the parcel area is not sufficient to allow ATV riding on that property due to the 100' setback. If there is any further ATV uses on the property, you can call the police and they will speak to the homeowner. Mr. Callery said they did that this weekend and after they left the homeowner came down to threaten him and he had to recall the police to come back out on a threat. Mr. Cahalan said there will be citations issued and they are in the mail. Mr. Callery said they deliberately take the exhaust on the two vehicles and revs them up also. They are not classified as an ATV, but to be spiteful they do that just to prove a point. It's a Toyota SUV. Mr. Maxfield said it still has to meet inspection. Mr. Callery said the officer questioned him on that and he pointed to the sticker. It was approved and passed, but to be spiteful, they jack it up, and take the exhaust off and rev it just to prove a point. He doesn't want to get into a Hatfield-McCoy type of thing, but you can't talk to him. The police have been there on many occasions and he's been verbal with them. He's not looking to have him thrown out; he just wants the noises to stop. Mr. Cahalan said you can give the police a call and it will be taken care

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- of and will be dealt with. Mr. Cahalan spoke to your neighbor and Mr. Kiefer lives in the neighborhood and the answer to the ATV question is no ATV allowed on that property.
- Mr. Mike Kiefer said he also has the same issues as Mr. Callery. His wife comes home to sleep and they just rev it and to retaliate he's been making complaints about his nursery. They want it to stop and everyone wants it to stop. Everyone in the neighborhood gets along.
 - Mr. Mike Kiefer said he just called Chris Baumer at 7:31 pm this evening and Chris said he is not a nursery. He does not have any kind of equipment to dig trees or plant trees. He doesn't own any nursery stock. He doesn't lease any land. They are currently farming over 1,600 acres that they either lease or own. He's nowhere near the caliber of nursery that they are. He said he'd be glad to come in and state that.
 - Mr. Mike Kiefer said the other issue he has is Mr. Maxfield said some really derogatory things about him and he wants them addressed. Mr. Kiefer said Mr. Maxfield stated that he got thrown out of another municipality, which he doesn't know how that really happened. He did not. Mr. Maxfield said he did not say that. Mr. Kiefer said you did say that at the last meeting. You took it out of the minutes, but you said that. The reality of that is someone offered him \$350,000.00 more than he paid for land and he sold it so he could stay in Lower Saucon and his children could continue to go to that school. He said Mr. Maxfield also stated that Mr. Kiefer was nothing but a nuisance and he broke several zoning laws. Mr. Maxfield said you are putting things in his mouth. He never said that. Mr. Kiefer said his attorney was here and he heard it. Maybe you didn't say nuisance, but you said on several occasions he broke zoning laws. Mr. Kiefer asked Chris Garges if he ever, in 24 years, and owning six different parcels, was cited in any violations and Chris said no. Mr. Kiefer wants Mr. Maxfield to address that. He wants to know where that stands. He's not the first person that was slandered. Mr. Maxfield said there are a lot of people that break zoning laws that don't get cited. Mr. Kiefer said he went to court and the Judge said he was innocent. Mr. Kiefer said Mr. Maxfield stated he broke laws.

Mr. Maxfield said a Zoning Hearing Board appointment, meeting, schedule, you can argue those points. He doesn't know how to address that. You are putting words in his mouth that he didn't say. The facts are the facts and these are things he was told to by his staff and his consultants and maybe you need to talk to them. He was told we still have it and it was in this packet a multiple page list of their dealings with you. He doesn't know what to think about that. To him, he did make a statement that it seems he's the kind of individual that just doesn't want to follow the rules and he still thinks that is true. The fact that you want a variance from the very thing that you are going to the Zoning Hearing Board for and you are arguing about, still tells him you don't want to follow any of the rules and he'll say that to his face.

Mr. Kiefer said he wants to be treated as every agricultural use in an agricultural zoned area. Mr. Maxfield said the use is a question. Mr. Kiefer said his argument is you can't exclude horticulture as an agricultural use. That's what you are doing and that's his only argument. You are trying to slander him and he doesn't need that. That's what he is trying to address right now. We'll argue the other point right now. He's not the first person you've done this to. You are out of line and he wants it addressed. Mr. Maxfield said you can feel however you want. Mr. Kiefer said as a taxpayer who owns five parcels in the Township, he doesn't think you should be able to act like that. It's inappropriate. Mr. Maxfield said multiple pages of your interactions speak for themselves too. Mr. Kiefer said he's never been found guilty or cited for anything. He's simply depending his property rights, that's all he's doing. He's allowed to do that as an American citizen. What you're not allowed to do is defame his character. That's out of line. In your position, you need to think about what you say. You need to check your facts and make sure they are right before you state them.

Mr. Maxfield said he's never said you got kicked out. He said you had problems at another municipality. Mr. Kiefer said look at the minutes, do you have a record of the minutes? Mr. Kern said they are verbatim, and they are on line. Mr. Kiefer said you've taken that out of your minutes. Mr. Kern said whatever you say and what I say is word for word on the tape. That's why they are so long and tedious. Mr. Cahalan said they are on the website. Mr. Kiefer said when he looks up

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the minutes on the website, what Mr. Maxfield said is not on there. Mr. Maxfield said then it wasn't said. Mr. Kiefer said it was said and he has people that have stated it was said. Mr. Maxfield said maybe like some other things, you might be hearing what you want to hear, but he didn't say that. We are presented with information and communicates from other Townships where you have worked. Mr. Kiefer said you are saying every single word from this meeting is on the minutes? Attorney Treadwell said every single word goes on the tape and it's transcribed word for word. That's why they are 80 pages long sometimes. Mr. Kern said is the tape itself available? Mr. Cahalan said no, it's taped over. Mr. Maxfield said maybe you need to quit worrying about me and concentrate on your zoning variance. That's where it's at. Attorney Treadwell said it's public comment and Mr. Kiefer has a right to come and make a public comment. Mr. Maxfield said he's saying things I didn't say. Attorney Treadwell said no one edits the minutes. The transcriptionist takes it right off the tape. Mr. Maxfield said sorry you feel that way.

- Ms. Stephanie Brown said she's been slandered at this Township by Mr. Maxfield and she's gotten over it. She really wishes someone would address some of the nastiness she sees in this Township over the last six years.
- Ms. Stephanie Brown said the reason she's here is because a couple of weeks ago she was at the festival at the schoolhouse. She used the port-a-john facility while she was there, that's one of the port-a-johns that happens to be handicap accessible. She isn't handicapped, but she does have a boyfriend who had a stroke and is handicapped. He wasn't with her that day, but if he had been and walked into that port-a-john, it's sitting on such as slant, she thinks he would have fallen and gotten injured. She wonders if you could look into it. It's not the most flat surface, but it's on enough of a slant that someone is going to get hurt walking into it. She said she's not physically handicapped. Mr. Cahalan said it's temporary. There is going to be paving up at Kingston Park very shortly. When that is finished, it will be on a flat paved surface. We also hope to hear from the State that we may be awarded a grant for the composting toilet. That will be one of the sites where the composting toilet would be cited. If that's there, it will be flat and level and will be on a foundation. Ms. Brown said she understands that, but you need to take care of it now. It's very dangerous right now. Mr. Cahalan said those get serviced by the company and they get moved. Ms. Brown said she understands, but just wants to bring it to your attention. The other thing was when she was in the port-a-john, she understands it is serviced, but that particular port-a-john is nasty dirty in terms of mold. The walls were dirty and she could smell the mold over the toilet, as she's highly allergic to mold. It's just nasty in there and maybe you could contact the company who is servicing it and have them replace it or wash the walls down. She's been in other port-a-johns in the Township and Hellertown and out of the Township, and that one is kind of nasty. If you could look into that, she would appreciate it. Mr. Cahalan said they will look into it.

VII. COUNCIL AND STAFF REPORTS

A. TOWNSHIP MANAGER

- Mr. Cahalan said there was a motion made at the EAC meeting about the DEP policy on dredging and permitting of streams. The motion recommends to Council to contact our representatives regarding the current DEP policy as to dredging and permitting of streams. To sort of address that, he didn't prepare a draft to our representatives, but he prepared a draft to the Regional DEP Director, which is in your packet, marked "DRAFT". He will read it and see if it addresses part of the request. It's to Michael Bedrin, DEP Northeast PA Regional Office, Wilkes Barre. "Dear Mr. Bedrin, It has come to the Township's attention that in response to recent storm events, the Department has issued several emergency permits in our municipality. Our understanding is that the permits have been issued to repair storm damage to waterways, some of which are in the FEMA floodplain. The Township has not been copied on any of the permits and is unaware of the quantity and scope of work associated with this project. As you may be aware, the Township does have ordinances that protect sensitive areas, which are water courses, riparian buffers, and floodplains. The Township staff has fielded several phone calls from concerned citizens who have either experienced storm damage or who have witnessed repairs occurring on individual properties. Without current permit information from the department, the staff is

unable to accurately guide citizens or monitor the repair work for compliance, with not only the Township standards, but to standards approved on emergency permits. In an effort to provide quality service to our residents while also enforcing compliance with the ordinances of the Township, the Council of Lower Saucon Township would hereby like to be provided copies of permits, which have been issued by the department in the previous 90 days within our municipality as well as courtesy copy of any future documentation that may be generated through the emergency permit procedure within the department". That's there is Council would like to direct that the letter be sent. We can copy it to Senator Boscola, Representative Freeman, and Representative Justin Simmons. Mrs. deLeon said we should also send one to Charlie Dent as he is Federal and FEMA. Mr. Maxfield said they also have a set of criteria they go by that either permits them to issue this emergency permit or not and we don't know what that it. It would be nice to know that. Part of the rationale behind it is that they said 15 to 18 emergency permits were issued within our area just after the last event. We're supposed to have more and more flood and extreme weather events and if we start issuing 15 to 18 permits every time we have an event, pretty soon we are not going to have a healthy stream left. Mrs. Yerger said she believes Diane forwarded us a copy that the Conservation District is not happy with one of these projects as well. Mr. Maxfield said however, the Conservation District doesn't really have any power. Mrs. Yerger said they have concerns as well. Mrs. deLeon said how could the policies be in conflict? Mr. Maxfield said the policy is in conflict with everything that DEP has stated in the past that we should be doing to protect our own streams. They encourage people to get heavy machinery and go and clear out streambeds. Mrs. deLeon said the property owner was following direction, so what would you do if you contacted FEMA. Mr. Kern said what precipitated this? Was there flooding on this waterway. Mr. Maxfield said it's a convoluted problem. A lot of the problems on people's property with waterways when it floods result from a couple of different things. One, they bought property on a floodplain, two, they have followed procedures on their property that don't mitigate the flooding at all, things like cutting down the riparian corridors, any of the kind of those things. Mrs. Yerger said the vegetation, the trees, they mow right to the edge so there's nothing to absorb the water content or hold the bank, so they have issues. Mrs. deLeon said there's no law saying they shouldn't do that. Mrs. Yerger said no. Mr. Maxfield said on the new properties, we have the protection, but we don't have the grandfathering. It's just healthy stream practice. When he spoke to the DEP person, he said yes, a lot of time we go back to the same properties over and over again, which means there's no encouragement for these people to really do the proper thing. They just go back and make sure they are cleaning out the stream like DEP thinks they should and he also said they actually go out and encourage people to clean gravel bars and sediments and things like that out of creeks without anybody complaining about it. They'll go out and check out a situation. The problem is you keep dredging the stream. He actually said to Mr. Maxfield, the silt, the next time it rains, that silt will wash right out of that creek and go down to the main branch. Mr. Maxfield said that's the problem. The DEP guy said he's not surprised that Mr. Maxfield is surprised that they are recommending this as it's conflicting with everything they told you to do in the past, but these property owners have problems on their property. Mr. Maxfield said we can't be issuing 15 to 18 emergency permits every time. The Saucon Creek East Branch is now up for redesignation for a high quality stream and you keep doing that thing with the tributaries that run through people's yards and where the main branch runs through the yards, we are not going to have a high quality stream as it's going to be filled with sediment. The DEP guy said if you want to change the policy, write your representatives. He's thinking in the future, we have a lot more of it coming. We should warn our emergency coordinators of the different events we are going to see in the future and we need to make other provision than for people to just be digging out creeks. There's no real oversight. The DEP representative goes to the creek, talks to the property home owner, to the excavator if he's there, and say this is what I want you to do and that's the plan. There's no drawn plan. The DEP person doesn't come back until it's done. If there are changes to be made, then he has to go in and dig

again. Mrs. Yerger said do they require the municipality to just be notified or don't they require that? Mr. Maxfield said they notify the County Conservation, but they'll send a copy of the permit to County Conservation and say it's the permittees responsibility to do the contacting. Mrs. Yerger said we should be notified somehow? Mr. Maxfield said they are recommended to, but not required to. Mr. Cahalan said if there were 12 or 18 permits that were issued this last storm event, we received a copy from one homeowner. Mrs. deLeon said that was the purpose of Act 101 back in 1988 with the landfills. They weren't even getting notices from DEP on enforcement actions that they took and that's why they put into law that the municipality has to get notified. We don't still always get everything. Her concern is these people they need help. They bought homes that may not have been in the floodplain at the time of their purchase and then when FEMA widens the floodplain area, now all of a sudden their home is in the floodplain and they have to buy floodplain insurance. She's concerned for the property owner. If that was her buying next to a creek as she'd love to live next to a creek, and then it overflows and now she has damage to her property, how does she fix it? So you call FEMA. Mrs. Yerger said you want a practical solution to a problem. Mrs. deLeon said we are trying to teach the residents, but they are out there and affected by what happened with Irene and all these other rain events that have happened. How do they fix their property and exist at their house? Mrs. Yerger said she thinks part of the issue is property. Some people are worried about what their lawns look like and that's the property they are concerned about. They are not talking structural damage, they are not talking flooding their house, they are not even talking about touching their car or swing set, they are talking about damaging their lawn because they have a stream that runs somewhere on their property and they mow down to the edges and they are damaging lawn. Mrs. deLeon said she agrees with that, but it's not 100% of these people. Mrs. Yerger said it's quite a few of them. Mrs. deLeon said it's not all of them. Mr. Maxfield said he agrees that you may need to take different steps for emergencies, but what he's saying is these emergencies are going to be occurring lots more in the future and we can't absorb that type of impact to the creek over and over again. For one of their residents, they obviously contacted FEMA. Chris Garges thinks they applied for FEMA funds because of flood damage to their property. FEMA wouldn't pay unless they had damage to the structure. Obviously, there wasn't, but the FEMA individual who was reported was a guy they imported from Texas to come up and look at all these properties, went around the property and said, if this was my lawn, I wouldn't clean up all this gravel and rocks in my yard, I'd just fill it in with dirt and fill in the floodplain. As a result, this person thought they had the okay to fill in the floodplain, so five truck loads of dirt sit on Easton Road on the edge of their property and luckily County Conservation told them they can't fill in the floodplain. So there are all sorts of misinformation and there's activity that nobody is watching until it's done, then it's too late. If you got to go in and correct the stream where they restored it wrong, no one is telling them how to restore a stream. If there's no direction, there's no oversight, they could do anything they want. Mrs. Yerger said this letter is not addressed to the resident, it's addressed to DEP to relook at this policy. Mr. Kiefer said there are two things he's seen other municipalities do. One of them is to make sure anybody who goes near your riparian buffer, you have a riparian buffer ordinance. Mr. Maxfield said we do. Mr. Kiefer said they need to be certified in your Township. That's the first step. You need to find someone who is knowledgeable, educated and pass some kind of certification to be near that stream. You just can't let some excavator come in there with his tractor and start tearing the stream apart. If you make that rule, then you have someone who is educated about stream restoration that can tell you yes, we want to get rid of the evasive species, you want to put these kinds of plants in as it will stabilize your bank, and things like that. That would be one step you could take to resolve this. Mr. Maxfield said the problem is that DEP okays go over our head and DEP is saying that it's okay for this excavator to do it. Mrs. deLeon said who has jurisdiction – us or DEP? Mr. Maxfield said DEP. Mrs. Yerger asked Mr. Kiefer what Townships? Mr. Kiefer said Jersey, Hunterton County and it's mostly Jersey that has those kinds of things. They do a lot of work in Florida over the winter on stream restoration. He

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can give you a lot of literature as his older brother has a doctorate in stream restoration. Those ordinances are pretty strong and most homeowners who live by a stream want to do the right thing. They bought a property by a stream because they enjoy it and they want to keep enjoying it. They don't want their property destroyed. You can work with them to do that, and if you make an ordinance, at least it's there. How many people have streams? Even if you just sent a direct mailing to those people. Tell them you understand they have a stream, they have a buffer riparian and we have an ordinance. He has a stream on his property and the kids love it. He gives the kids \$5 or \$6 to go down and fill up a trash can of debris. Give these people those kinds of suggestions. Tell them what the evasive plants are. Make them aware of it. Mrs. Yerger said there aren't any evasive plants. Mr. Kiefer said if you educate the people a little bit, it's a minimal cost. It's a flyer, it's a pamphlet. Mrs. Yerger said we can send it again. Mr. Kiefer said he thinks it's an ordinance you should look at. You can't blame the excavator, he needs work, but he's ignorant. The recommendation he has is just making people aware. There's a lot of grant money out there right now in Northampton and Lehigh County for stream restoration. If you make people aware of that, a lot of people don't know about it and it's easy money to get. The resident may be thinking they have all this property damage and don't have money to fix it. The state has money that will help them. Mrs. Yerger said this letter is to ask DEP to reconsider their policy. Mr. Kiefer said he wasn't aware of what was going on there. Mrs. Yerger said basically what we heard, they know it's not the correct recommendation, but it's the easiest one right now. Mr. Kiefer said instead of fighting with the people and tell them they can't do anything, give them the other options and tell them what is out there. There is money out there; this is what you should be doing. Mrs. Yerger said they have gotten approved from DEP, we haven't stopped anything. We need to figure out what to do. Mr. Kern said if DEP provides an approval for a stream restoration, is there any way we could have an approved vendor list? Attorney Treadwell said he believes that they have jurisdiction as the stream is classified as waters of the Commonwealth and it's a Commonwealth stream, so that gives DEP jurisdiction to control it in the way they see fit. Mrs. Yerger said back to the letter, if we address DEP and ask them to give us the criteria and then when the criteria is reviewed, to copy us. Mr. Kern said if DEP was aware that Lower Saucon Township had an approved vendor list, would DEP then suggest that? Attorney Treadwell said maybe they would take it into consideration. Dealing with the State, as you know, whether it's PennDOT or DEP, sometimes they listen, sometimes they don't. Mr. Kiefer said a lot of what you do may be superseded by the State. Everything probably you do can be superseded by the State or the Federal Government, but you write these rules and regulations so people are aware of it and you hope they follow it. He's aware of that, the State and Federal law supersede everything that you would do. He's saying make the ordinance and maybe if you get 60% of the people to say yes or concede to it, that's more than half your battle done. Mr. Maxfield said right now with DEP's contact policies, we don't even know who these people are or where to go. Mr. Kiefer said we deal with them all the time and most of the time the guys are busy. If they can defer something, they will. If they can say the Township has an ordinance, go talk to them, here are our guidelines. As long as your guidelines coincide with their guidelines, then you just add stuff to it so people are aware. He would be willing to help you do that. Mrs. Yerger said what Mr. Maxfield mentioned about criteria needs to be added to the letter. Mr. Maxfield said we want to mention to them that the predictions are for more and more of these events and need to find a way to deal with them. Mrs. Yerger said do you want to wait to have the draft come back with the additions or do you want us to recommend it with your suggestions? Mr. Maxfield said they can make the changes and send it out.

MOTION BY: Mrs. Yerger moved to send the letter to Mr. Bedrin at DEP, with the additions that Mr. Maxfield suggested and include all the representatives, with the addition of Charlie Dent.
SECOND BY: Mr. Maxfield
ROLL CALL: 5-0

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Mrs. Yerger said you can't really address something if you don't have all the information and this will hopefully get us the information from DEP and we can move forward from there.

- Mr. Cahalan said he wanted to report that he has some photographs of vandalism at Steel City Park. Public Works discovered this morning that someone used a reciprocating saw to cut into the playground equipment and the pavilion supports. The police are investigating. They canvassed the neighborhood and no one heard or saw anything. They've had several cases of vandalism at the park. They went after some park benches and picnic tables. The park sign was cut in half. It's troubling as we are preparing next year to spend over \$100,000.00 on improvements on this park. It concerns him about this occurring up there. That's something we are going to have to discuss. We will have a meeting with the consultants in November to discuss the plan for the construction in 2012. This is troubling. Mrs. deLeon said could we ask the Parks and Rec Board to maybe meet with Steel City residents. Maybe we could hold the meeting at the Steel City Fire Company and have a meeting there and kind of do a park watch. Mr. Cahalan said they could do that. Mrs. deLeon said the residents were all excited about the improvements, and this could really affect it.
- Mr. Cahalan said in your packet is a letter from Northampton County and they are notifying us there is a property. It's .2 acres and an odd shaped piece of property off of Pleasant Drive. It goes in-between two houses in that development. They checked with the Lower Saucon Authority and there is no interest in it. There is a bid that they've received for a dollar. If we are interested in it, we have until the end of November to submit a higher bid. Mrs. Yerger said she's concerned for this property owner as it literally looks like it's going to the edge of the garage and they may not be aware that someone else could buy this. Could we notify them? Mr. Cahalan said they can notify them. Mrs. Yerger said if they are not the bidder, they should at least have notification about it. They should have an interest. It's off of Hickory Hill Road. Mrs. deLeon said we need to notify the two property owners. Attorney Treadwell said he thinks the guy who is buying it, it's his driveway that is encroaching on to the sliver. It says "enclosed is a map of the referenced property. As you can see, the bidders driveway extends on to this property". The person who offered a dollar is the owner. Mrs. Yerger said then we're good. Attorney Treadwell said we can let them know we are okay with it going to that property owner.

MOTION BY: Mrs. Yerger moved for approval to notify the County.
SECOND BY: Mr. Maxfield
ROLL CALL: 5-0

- Mr. Cahalan said we had Eric Medei, a police officer resign on October 10th. The Chief will be looking to fill this vacancy.
- Mr. Cahalan said the Halloween Parade is this Sunday, October 23rd in Hellertown at 2:00 PM. We will be getting a truck for the Council members to ride in. We're still looking for a convertible for the Council President and the Mayor. If you want to meet at 1:30 PM on Walnut Street along by the school, they will have the truck and the candy. Mr. Kern said there's a new parade route. Mr. Cahalan said you are going out on Main Street. Mrs. deLeon said Tom Rieger has the route on Hellertown's website.

B. COUNCIL & JR. COUNCIL

Mr. Maxfield – No report

Mrs. Yerger

- She said the EAC met on October 12th, made a motion to have the Charles Martin property located on Silver Creek Road, to have an appraisal done on it for land preservation. It was discussed with Laura Baird from Heritage and they have everything ironed out as far as

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what acreage he wants for a conservation easement. It is ready for appraisal. It was scored by the EAC Sub-Committee.

MOTION BY: Mrs. Yerger moved for approval to have the Charles Martin property located on Silver Creek Road appraised, not to exceed the cost of \$3,500.00.
SECOND BY: Mr. Horiszny
ROLL CALL: 5-0

Mr. Horiszny

- He said on the budget we received, is the first slide in there supposed to have 2012 proposal? It says 2011 proposal and 2011 is all in there. Mr. Cahalan it's a typo.
- He was going to see if we needed a motion to ask Roger Rasich or permit him to go to the Saucon Valley Community Dinner which will be honoring Tom Henshaw, and he's the counterpart for Roger in Hellertown. He thought it would be good if we showed support. If he was available and go, the Township should pay for it. Mrs. deLeon asked if we authorized to pay for that expenditure? Attorney Treadwell said yes.

MOTION BY: Mr. Horiszny moved for approval to have Mr. Cahalan offer Roger Rasich the opportunity to attend the SV Community Center dinner for Tom Henshaw on Friday, November 18, 2011 at the Township's expense if he is available and wants to go.
SECOND BY: Mr. Maxfield
ROLL CALL: 5-0

Mr. Cahalan said they will bring Council a resolution for that event. He'll be going with Roger to present it.

Mr. Kern – No report

Mrs. deLeon

- She said next Thursday, October 27th, Hellertown-Lower Saucon Chamber is having an event, a speaker on 2012 tax information and it's at 5:30 pm at Hellertown Borough. The cost is \$10.00 and they are going to have light refreshments.
- She said on October 28, 2011, it's trick-or-treat night from 6 pm to 8 pm.
- She said on November 25th it is light-up night at Hellertown.
- She said on Monday, October 24th, they are having a Gaming meeting and the Authority members were asked to compile their scores and submit them to Alicia. They've been compiled and the grants totaled \$3,254,268.13. Out of that, we're hoping to fund about \$1.3 or \$1.5 million. Obviously, not all of the grants are going to be funded. It's an open meeting and starts at 5:30 pm at the County.
- She asked if there has any other reports from the Township regarding gaming? Mr. Cahalan said they submitted the applications and provided the presentation. Mrs. deLeon said the next round, and she can't confirm it yet, will be starting January 1, 2012. She knows the Township submitted \$146,000.00 for their own grants. They would be for the uncommitted monies.

Jr. Council Member

- Jameson Packer said he had no report. Mrs. deLeon said your other peers have reported on different things that have happened at the school district that Council might be interested in. Just feel free to report anything that is going on at the school that we should know about. There may be events or things like that.

D. SOLICITOR

- Attorney Treadwell said he wanted to correct one thing for the record. Earlier tonight when Mr. Kiefer and Mr. Maxfield were discussing his issue, Mr. Kiefer inferred that he had never violated any Township ordinances previously. Mr. Maxfield referred to a staff

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summary that showed some things. Attorney Treadwell was looking for it and he now found it, and the staff summary itemizes that Mr. Kiefer has received four NOV's from the Zoning Officer. Mr. Kiefer said he never stated he wasn't cited. What he said was he's never been found guilty. Attorney Treadwell said after you got the NOV, you eventually came in and did what the NOV instructed you to do. Mr. Kiefer said Mr. Maxfield said Mr. Kiefer broke numerous zoning laws. One, there is no such thing as a zoning law; and two, he never broke a zoning law. Attorney Treadwell said obviously we have an interpretation issue.

E. ENGINEER – No report

F. PLANNER – No report

VIII. ADJOURNMENT

MOTION BY: Mrs. Yerger moved for adjournment. The time was 9:20 PM.

SECOND BY: Mr. Maxfield

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

ROLL CALL: 5-0

Submitted by:

Jack Cahalan
Township Manager

Glenn C. Kern
President of Council