

I. OPENING

CALL TO ORDER: The General Business & Developer meeting of Lower Saucon Township Council was called to order on Wednesday, October 21, 2009 at 7:05 P.M., at 3700 Old Philadelphia Pike, Bethlehem, PA, with Mr. Glenn Kern, Council President, presiding.

ROLL CALL: Present – Glenn Kern, President; Tom Maxfield, Vice President; Sandra Yerger, Priscilla deLeon and Ron Horiszny, Council members; Jack Cahalan, Township Manager; Leslie Huhn, Assistant Township Manager; Kevin Kochanski, Township Planner; Linc Treadwell, Township Engineer, Brien Kocher; Township Solicitor. Absent: Jr. Council Member, Kimberly Kelly.

PLEDGE OF ALLEGIANCE

ANNOUNCEMENT OF ANY EXECUTIVE SESSION (IF APPLICABLE)

Mr. Kern said Council did meet in Executive Session prior to this meeting to discuss potential property acquisition, specifically the Vanscavish easement, the Draveczech easement, and the Bilous property. They also met to discuss the Hoyt Cinema Tax Assessment appeal, the Kipp pending litigation and Meadows Grove zoning violations
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Attorney Treadwell asked for a motion to join into the Hoyt Cinema Tax Assessment Appeal and the Township to join as a party.

MOTION BY: Mr. Horiszny moved for approval as stated above by Attorney Treadwell.

SECOND BY: Mrs. deLeon

ROLL CALL: 5-0

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 Leslie or Jack or call the Township office. Please state your name and address. If you can’t hear, please let us know. You can check the minutes on the website, which is www.lowersaucontownship.org.

III. PRESENTATIONS/HEARINGS

None

IV. DEVELOPER ITEMS

A. LEHIGH GAS – ROUTE 378 – REQUEST FOR SECURITY REDUCTION

Mr. Kern said The developer has requested a security reduction for work completed to date. An inspection of the work has been completed and Hanover Engineering is recommending a security reduction in the amount of \$85,826.13.

Mr. Kocher said as a condition, the Zoning Officer has very recently discovered that they may be parking behind the new fence that they just built which you may see along Route 378. He asked that you add that as a condition to this that it be sufficiently resolved to his satisfaction. Mr. Kern

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asked what is the issue? Mr. Kocher said that they may be parking there. He just needs more time to investigate. If they are parking there, it's in the front yard which would not be allowed without a variance. They need to communicate with Mr. Garges.

Mr. Maxfield said the landscape deficiencies that were cited, are those covered under this also or is that just progress as it goes through? Mr. Kochanski said he believes it was accounted for in the request. Mrs. deLeon said can you update us on the security reduction? (COULD NOT HEAR HER).

Mr. Kocher said if it's okay, that could be condition number 3 to the release. Mr. Kern said yes, we'll indicate that as condition number 3.

MOTION BY: Mr. Maxfield moved for approval with the addition of number 3.
SECOND BY: Mr. Horiszny
Mr. Kern asked if anyone had any questions or comments? No one raised their hand.
ROLL CALL: 5-0

IV. TOWNSHIP BUSINESS ITEMS

A. CONSTELLATION ENERGY ELECTRIC SUPPLY AGREEMENT – APPROVAL TO EXECUTE CONTRACT

Mr. Kern said at the last meeting Council adopted Ordinance No. 2009-10 to enter into an Intermunicipal Agreement with the Municipal Utility Alliance for the purchase of energy. Council will now need to approve the execution of the Agreement between the Township and Constellation New Energy for electric supply.

Mr. Cahalan said at the last meeting Council was given the Intermunicipal Agreement and the Ordinance that allowed the Township to join with the Municipal Utility Alliance to aggregate with other governmental entities to obtain a fixed price for electric energy and we're doing this because of the looming deregulation of PPL electric rates due to go into effect in January 2010. We had indicated that it was anticipated the rates would go up anywhere from 21% to 40%. PPL has indicated it would be around 30%. The Solicitor has reviewed this agreement and it should have a fixed price for electric energy of .0939 cents per kilowatt hour. That would be for a period of three years. That would be lower than what we would get from PPL on the deregulated rate charge.

The Solicitor can talk about the agreement document we are recommending that Council approve executing this agreement.

Attorney Treadwell said he doesn't have a problem with the agreement. He's looked at it and it's fine. A question that came up at a previous Council meeting was what does the PA League of Cities & Municipalities get, if anything, and that rate that Jack just quoted does include a very small amount that does go to the PA League for setting up and administering this program. Other than that, he doesn't have a problem with it.

Mr. Cahalan said we did clarify with them that it doesn't include all of our energy usage centers. Some of them are unmetered such as street lights and they will not give you a fixed price for something that is not metered. It includes everything else and it doesn't restrain us from pursuing other energy savings. Any energy we are purchasing from them will be at this fixed rate.

Mrs. deLeon said her question would be, is the Lutz-Franklin Schoolhouse and the Heller Homestead covered under this since the Township gets billed? Mr. Cahalan said we have to get a specific list from them as some of these buildings may not be covered if the electricity is not metered with a meter, we get separate electric bills that show the amount of kilowatts that are used.

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He believes the schoolhouse is metered and he knows the Heller Homestead is, so those would be covered. There are certain ones that are not metered. The street lights are one. The Blair or E-House is another one. Those would not be covered, so we would be charged the PPL rate. Mrs. deLeon said the chart that is on the agreement, what jumped out at her was these addresses and some were still listed as RR9. They really should have the exact four digit number with the 911 system being in so long now. If there's ever an emergency at that site, the address is not going to mean anything with the 911 center. Mr. Cahalan said he will bring that to their attention. Mrs. deLeon said backing up, and again, the other thing that jumped out at her was each party has caused this agreement to be executed by its authorized representative on the respective dates below. It's listed as Cathy Gorman, Director of Finance. She really thinks it should be the Manager or Council President. Mr. Cahalan said we are going to have the Council authorize it. He said we can have that changed to the Council President or Township Manager.

MOTION BY: Mr. Maxfield moved for approval to execute the contract as stated above.
SECOND BY: Mr. Horiszny
Mr. Kern asked if anyone had any questions or comments? No one raised their hand.
ROLL CALL: 5-0

B. REQUEST TO LOWER SPEED LIMIT ON LOWER SAUCON ROAD

Mr. Kern said Kathy McGovern, 4260 Lower Saucon Road, sent a letter to PennDOT requesting the speed limit be reduced on this road. PennDOT conducted a traffic study and as a result they have agreed to lower the speed limit from the existing 40 mph to 30 mph in the area of her residence. PennDOT requested the approval of the Township to purchase, erect and maintain the speed limit signs if the study indicated a speed limit of 35 mph or less. If Council approves this speed reduction, they should authorize the advertisement of an amendment to the code for this reduction. Ms. McGovern also requested Equestrian Crossing signs which PennDOT does not issue and would need a request from the Township for approval to place this type of sign in their right-of-way.

Mr. Cahalan said this was something that went directly to PennDOT, it did not come to the Township. They did the traffic study and approved lowering the speed limit. They are going to put the signs up and they'll be responsible for their maintenance. The equestrian crossing signs did not come to us. He doesn't know what she's asking for, but it says a permit can be issued for the installation of this type of sign in a right-of-way. It's up to us. He can find out more information. It's the first they heard about this when they got the letter in from PennDOT. Mrs. Yerger said do we know where this is on Lower Saucon Road? Mr. Cahalan said close to where the bridge was replaced near Bull Run. Mr. Cahalan can get more information on the equestrian crossings and bring that back as a separate item. This requires no action on Council's part as PennDOT is just notifying us that they are going to lower the speed limit and put up the signs.

Mr. Horiszny said we approve it, but they buy the signs and pay for it? Mr. Cahalan said yes, the speed limit signs. Mr. Kocher said they will expect you to buy and maintain the speed limit signs. They will purchase the warning signs. There's actually three issues here. They are telling you that you have to do the speed limit signs and the equestrian signs and you are responsible for the maintenance and they will take care of the others. Mr. Horiszny said the way its stated, you have to know what they are talking about because that's not what it says. Mr. Cahalan said is there anything we'd have to do here other than go back to them and say we approve. Mr. Kocher said it's almost like you don't have a choice on the speed limit signs because they are going to do it. You should amend your vehicle code. The equestrian sign is up to you. Mr. Horiszny said what would they do if we said we weren't going to buy the signs, go ahead and lower the speed limit. Then it's an unknown. Mr. Cahalan said we would ask for Council motion to approve erecting the signs, per the PennDOT traffic study. Mr. Kern said the 35 MPH signs? Mr. Cahalan said yes.

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Mr. Kocher said and also to amend your vehicle section code to lower the speed limit and offer it as advertisement, which we have to pay for.

Mr. Cahalan said it would be a motion to authorize the advertisement changing the ordinance and then purchasing and erecting the signs. The equestrian signs he will get information on and bring it back to Council again. Mrs. deLeon said doesn't Springtown Hill Road have these signs? Mr. Cahalan said he's not sure. Mrs. deLeon said she thinks they are by Donna Bristol's house. Mr. Cahalan said is it a sign we're required to put up or a special purpose sign? The equestrian would have to pay for the cost of that sign. Mrs. deLeon said who did the duck signs? Mr. Cahalan said the woman paid for the cost of those signs. The most recent request came from Stephanie Brown who asked that deer crossing signs be put up and we indicated those were not special purpose. Those were something that the Township was responsible for erecting as a safety action. We were responsible for paying for them. Mr. Kocher said it was more of a subjective call, but PennDOT is not going to pay it, so we looked and said if it's equestrian, it generally means some resident owns the horse that is crossing so that particular resident could share in the burden for that. Duck crossing generally is because of a pond that the particular resident owns. Deer, we don't have any control over that and it's a safety issue for the roadway. Mr. Kern said he thinks the sign should be on the homeowner. Mr. Cahalan said he'll come back with the information. Mrs. deLeon said she'd like more information as she's kind of mixed up on that because ducks are ducks and just because somebody has a pond doesn't mean they own the ducks, it's nature. It's not the first request we've had for special request signs over the years. Mr. Cahalan said as far as he knows over the last five years, the only special purpose sign was the Duck Crossing and then the next request was the Deer Crossing signs and they said the Deer Crossing wasn't special purpose, so we paid for those. The equestrian signs we can bring that back and discuss it. Mrs. Yerger said we also need to know a little more about where the placement of the sign would be. It might not be appropriate. Mr. Horiszny said could an equestrian crossing sign have 35 MPH speed limit posted on the same thing in yellow instead of white 35 MPH sign? Mr. Kocher said it wouldn't be enforceable then. Those yellow advisory ones are not enforceable.

MOTION BY: Mr. Maxfield moved for approval for advertisement for the change in reduction in speed limit sign.

SECOND BY: Mrs. Yerger
Mr. Kern asked if anyone had any questions or comments? Mr. Allan Johnson, resident, said he lives on Martin Lane in Lower Saucon Township. Martin Lane intersects with Lower Saucon Road. When he saw this item on the agenda, he was hoping you were talking about the speed limit on the entire length of Lower Saucon Road. He would like to see the speed limit lowered to 30 MPH for the entire length. From listening to the conversation, it seems like we don't have anything to do with it. It seems like PennDOT is the one that makes the decision. They decided to lower it only in the area of her residence, and that's it. Attorney Treadwell said he doesn't see that it's clear from PennDOT's letter where the speed limit is being lowered. It only says in the area of your residence. It doesn't say from mile marker x to y. He's not sure what they are talking about. Mr. Cahalan said they are going to send that package to us with the drawings. Mr. Kocher said it would show it on the drawings, but it's at segment 80. If you want to see what that is ahead of time, the white signs that say R2012, the number underneath that will tell you what segment you are in. Drive out and see where 80 is. They generally go from "some" intersection to "some" other intersection; however, PennDOT makes it up. Mr. Maxfield said then it probably goes from Applebutter Road to Buttermilk Road which is about three-quarters of a mile. Mrs. Yerger said that's what they authorized was that section of road only. Mr. Johnson said is there anything the Township can do to get PennDOT to lower the speed limit elsewhere. Mr. Horiszny said there are too many unknowns, and he's not going to vote for this. Mr. Maxfield said Mr. Kocher seems to have more info on it than anyone. Attorney Treadwell said what Brien's referring to is at the top of the letter where it says Segment 80. He doesn't think anybody sitting here tonight knows what Segment 80 entails. Mr. Kocher said that doesn't mean you couldn't do it on the rest of the

road. It's just that PennDOT probably just studied the portion that this woman asked him to study. Mr. Cahalan Easton Road divides the PennDOT part of the road and LST part of the road. Mr. Johnson said is the area of Lower Saucon Road south of Easton Road the Township's responsibility? Do you have the power to change the speed limit there? Mr. Maxfield said probably not, you'd have to ask PennDOT. Mr. Cahalan said you'd have to ask the Council and a study would have to be done there. Mr. Kocher said you would need a study, but you wouldn't need PennDOT's approval. Mr. Johnson said he'd like to give you a couple of reasons why you should look into it. He travels that road sometimes twice a day and at least five or six times a week from Easton Road mostly all the way out to Martins Lane which it out by Polk Valley Road. In that section, there are a lot of turns that you can't see around. There's a lot of little hills that when you are going over the hill, you can't see what's on the other side of the hill. If you are going 40 MPH, you are basically going over the top of the hill or blindly around those curves. On the road, there are people riding their horses. There are people walking. There's one lady that walks up and down the road with her two little babies in a stroller. He stopped to tell her one time that it was dangerous. She said she can hear the cars coming. Just think of what a person would feel like that would hit her. Not only will she be sorry, but the poor driver that hit her with the kids – that's terrible. Maybe if you were going 30 MPH, you'd have a better chance of slowing down to prevent something like that. There's occasionally heavy farm equipment on that road. There's bicycles on that road. It's because there is no pavement alongside and the people who live out there want to walk. They live in the country and they want to take a walk and look at the nice countryside, so they are forced to use the roads. They are on the roads all the time. Some of the people won't even get off the road. You have to go over the double yellow line to get around them which is also dangerous. Someone might say, just slow down, that's what he does, but the people who want to go 40 MPH are right on your back bumper and you can just feel their irritation and the fact that they have to slow down to 30 MPH because that's how fast you are going. For all these reasons, a 30 MPH speed limit is much more realistic on that road than a 40 MPH speed limit and he forgot to mention the deer. Mr. Maxfield said if we had to pick a section of that road, when he read this, his suspicion was it was right at the stretch from Banko Lane almost down to Bergey's as that is insane to go 40 MPH around that curve. That road is narrow, you can't see and at night there's so many deer, it's ridiculous. If we had to narrow it down to a part of a road, he would support that area in particular. He's had that same experience. You drive that stretch of road, you always have someone on your tail all the time. Mr. Kern said why do we have to do a study? Why aren't some things self evident and why do we have to pay for a study? Attorney Treadwell said because it's not enforceable unless you have a study to back it up. Mr. Johnson said what does the study look like? Mr. Kocher said the study can also be done by the Police Department, in some cases, so he'd suggest if you don't want to pay for the study, you first refer that to the Chief and ask him if he has enough evidence to produce a study that would allow you to lower that. If not, you can bring it back here and we'll fill in the gaps. Mrs. Yerger said we can refer it to the Police Chief and he may have enough evidence of what has happened on that road that we would not have to go through a full blown study with an engineer. Mr. Johnson said does the study take into consideration the kind of things he's talking about or is it just the traffic flow? Mr. Kern said he'd give Allan's list to the Chief. Mr. Kocher said even though it's not a PennDOT road, you may just have to follow their guidelines. Some of those things are site distance issues which is a PennDOT issue. Curves generally are not because PennDOT will say put an advisory speed limit sign up for the curve. It depends on the road, that's why you have to do a study of the road. Mr. Johnson said what is the advisory speed limit? Would that effectively lower the speed limit in the area of the curve or is that just something you can follow if you want to? Mr. Kocher said that tells you, as a driver, you should slow down even though the rest of the road may support 40 MPH, for example, you'd better slow down to 25 MPH for this particular curve. Mr. Johnson said can you get ticketed if you don't do that? Mr. Kocher said no. Mr. Johnson said so it's a voluntary thing. Mr. Maxfield said other municipalities have done that. Some possibly like Freemansburg where the road classification is 35 MPH and they put up 25 MPH speed limit

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signs and he thinks they are advisory speed limit signs. Mr. Kocher said Freemansburg probably could because it probably meets the definition of a residential area which automatically can be 25 MPH. Mr. Maxfield said PennDOT gave them a hard time and didn't want to reduce it to 35 MPH which was years ago, maybe it's changed. Mrs. Yerger said it would be a good thing to get input from our Police Department and start there. She's sure they have a good handle on the history of that road. Accident records, things like that. That would assist us also as we move forward on this. Mr. Kern said he'd suggest a motion to direct the Chief of Police to do a study of lowering the speed limit on the portion of Lower Saucon Road that's on the Township. Attorney Treadwell said you already have a motion pending. If you want to go ahead and act on that motion, maybe with the provision that we hold off until the next study comes in as if we are going to amend the code to say the speed limit is being reduced, we may as well only do it one time for either the whole road or a portion of the road. Otherwise, you pay for the advertisement twice. Mr. Maxfield said isn't PennDOT going to move ahead with this? Attorney Treadwell said PennDOT will send you the materials they said in their letter, but until you enact your revision to your vehicle code, nobody can enforce it. Mr. Cahalan said unless they have an agreement that they are going to purchase and erect and maintain it, he doesn't think they are going to order the signs. Mr. Maxfield said if we go through the study and don't find we do have enough information or enough to support changing it, do we then revisit it? He'd feel bad if in the meantime we didn't act on this and then there was an accident that killed people in this particular area and that area is bad. If it's the area in front of the old Pichel farm, it's bad. People fly through there. Mrs. Yerger said Jack said we have to wait for the agreement to come. Is our advertising it, would it be better to wait? Mr. Cahalan said that's on our end. PennDOT's end, they want something back from you saying you are okay and that you'll purchase, erect and maintain the signs. Then they'll go ahead and put them up. What Linc is saying is a good point. There is an expense in going through an ordinance change twice. Mr. Kern said because of that, would you withdraw your motion? Mr. Maxfield said reluctantly. He really thinks we should act and do as much as we can. If no one else wants to support it, he'll withdraw it. Mrs. Yerger withdrew her second. Mr. Cahalan said he'd like to clarify the section they are talking about. Did he hear from Banko Lane to Bergey's? Mr. Maxfield said yes, that would be the one section of it, maybe we can start there. Mr. Maxfield asked if people ride horses there near Martin Lane? Mr. Johnson said yes, occasionally they go down Martin's Lane, but he never saw them on Lower Saucon Road. He saw people on Easton Road. Mrs. Yerger said should we just go from Banko to Easton Road. It's a long stretch. Mr. Kocher said you can study PennDOT's portion also. There's nothing that says you can't do that. You could do that. Mr. Maxfield said why don't we start with the entire stretch we own in the Township. Mr. Kern said we would need a motion to direct the Chief of Police to do a speed limit study to lower the speed limit possibly to 30 MPH on the portions of Lower Saucon Road within Lower Saucon Township.

ROLL CALL:

MOTION BY: Mr. Maxfield moved to direct the Chief of Police to do a speed limit study to lower the speed limit possibly to 30 MPH on the portions of Lower Saucon Road within Lower Saucon Township.

SECOND BY: Mrs. Yerger
Mr. Kern asked if anyone had any questions or comments? Mrs. Yerger said Mr. Cahalan will check into where the resident wants the equestrian signs. Mr. Cahalan said yes, he will check into it.

ROLL CALL: 5-0

C. POLK VALLEY PARK SIGN – APPROVAL OF ADDITIONAL EXPENSE FOR DOUBLE SIDED SIGN

Mr. Kern said at a previous Council meeting approval was given to purchase a park sign for Polk Valley Park in the amount of \$2,220. After the approval, it was brought to our attention that quoted price was for a single sided sign and we would like to place a double sided sign to be seen from both directions. We are asking Council to approve an additional \$480 for a total of \$2,700 for the double sided sign.

Mr. Cahalan said that was miscommunication with the sign manufacturer that we caught in time and we do need Council's approval for the additional money.

MOTION BY: Mrs. deLeon moved for approval of the additional expense for the double sided sign of \$480 for a total of \$2,700.

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

ROLL CALL: 5-0

D. KINGSTON PARK DESIGN DISCUSSIONS

Mr. Kern said Boucher and James has completed the design of Kingston Park and Hanover Engineering has prepared the final plan design which includes the landscape design for Ella's Garden.

Mr. Cahalan said we've come to Council several times to discuss the design for Kingston Park. We had a discussion several weeks ago about the pathways and at that time we were talking about the grading plan for what would become Ella's Garden. Mr. Kocher and Mr. Kochanski have done some additional work on the design. We did bring to Council's attention that we needed to move the parking lot more internally to conform with the Township ordinance. We wanted to show you the outline of the park because there are some slight changes we wanted you to look at and indicate if you were comfortable with them. We had given them a hand drawn drawing of the parking lot. Mr. Kochanski said we noticed there was an issue with the parking spaces. They were too close to the roadway in the front yard which was a violation of the ordinance. We provided you with two sketches. One was moving the entire area further into the site and the other keeping the driveway and flipping the parking spaces, the reserved parking spaces versus the permanent parking spaces. We were also working on the grading on the design of Ella's Garden. It was important to note that the relocation of the restroom facility. They were previously located between the parking area and the roadway and provided good access off the parking lot to service that facility. Unfortunately, that access is no longer there. The edge of pavement is further away from the woodland. We were looking for an ideal location of where to put that and we needed access for maintenance also. What we ended up doing was putting it back into the site along where the bus parking was going. He showed on the map where it is now and where it was. It's 150' further into the site. That was the only design change. There was a slight change on the configuration of the trail. We talked about the one trail versus the two trails. We ended up reducing some of the impervious coverage on the site. There were some slight modifications to the trail system in and around the bus parking area, turn around area, only because of the swap in the parking spaces. The main design change was the relocation of the restroom.

Mr. Cahalan said we're getting close to the final design, that's why we brought it back. Mr. Horiszny said what about moving the bell to where you have the restroom and the restroom to where you have the historic bell. We already have a bell on the schoolhouse. No use having two of them right next to each other. Would that work? That would probably be more convenient for the restroom to the schoolhouse than it is this way? Mr. Kochanski said it's not saying it couldn't work, but the concern was when you were pulling in, looking into the site, you'd see that restroom facility. Previously it was tucked in to the woodland. Now when you pull in the drive aisle, the

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restroom will be right there. Mr. Horiszny said when you come into the driveway, you are going to see it anyway making that turn. Mr. Maxfield said we can use some buffering of some kind also. Mrs. Yerger said from past experience, she would not move the bell out there. We have had some significant, heavy, heavy artifacts that had easy access to a truck being backed up, stolen from the Conservancy. Unless you plan on somehow anchoring it with heavy concrete. It was planned, it was done, and it was done well. You're not going to have an alarm system out there. She would keep it as close to the schoolhouse as possible. Mr. Horiszny said if someone is going to steal it, that difference is negligible in his estimation. Mr. Kochanski said the plan calls for a physical barrier along that edge of the parking area and that would wrap all the way up to the first accessible space. Mrs. Yerger said that would not be as accessible. You should just keep it so you can't back a truck up to it. Mrs. deLeon said when you say restrooms, is this still the port-a-potties or are we putting in restrooms? Mr. Kochanski said port-a-potties, they are portable.

Mrs. deLeon said with the restrooms, she doesn't remember what we decided. Is there going to be another set of restrooms located closer to the schoolhouse? Every time someone has to go to the bathroom, they have to go all the way over there.

Mrs. Sue Horiszny, Black River Road said they were talking about the proposed restroom facility. She does have some concerns. When they have school groups come, the teachers always walk out to the port-a-potties with the kids. They'll take two or three at a time. That's going to be quite a distance for them to walk if they are at the schoolhouse for a program. Her other concern is if they use the building at night, and a lot of their members are older, and she's concerned about them walking that distance to use the bathroom. She doesn't know where the perfect spot is to put it. Mr. Kochanski said that was one of the things they were struggling with. They were looking at locating this from an access standpoint and from a maintenance standpoint. They tried to balance it out. Looking at the approximate location, it looks like it's on the other side of the site, it's 150 feet, give or take, from where it was originally located. Mr. Kern said to be serviced, a truck has to come up and get really close to it. Is it piped, like a suction? Mr. Kochanski said yes. The other thought with that location was with the school busses were parking that coming and going, the children would in essence be walking right past it so it would provide an opportunity as they are coming off the bus to stop and use the facilities and then proceed on to the park. Mr. Cahalan said what Sue is saying about the current restroom, the portable restroom behind the schoolhouse, it is close by. They've been using it, but it has issues with its accessibility and also with the maintenance. If the public is using the schoolhouse, it could be a problem as it's not ADA. To maintain it, the truck has to drive over the lawn in the back of the schoolhouse to do that. There are issues with that and that's why we were trying to go with something along this line. Mr. Maxfield said we don't want to have the restroom facility too close to the pavilion either. Mr. Cahalan said we spoke about that at a previous meeting. Mrs. deLeon said there was some kind of law they have to be so far away from a pavilion. Mr. Kochanski said it being away from the park system, how are you going to get that truck there to empty it and maintain it. The truck driver will be driving through the site. Mrs. deLeon said to Sue Horiszny, the schoolhouse has limited use in the winter time because of the snow, will you be having more winter type programs when the parking lot is there or will you still have to get the kids to walk through the snow to the schoolhouse? Mrs. Horiszny said she thinks their programs will still be fairly limited. Mrs. deLeon said the port-a-potties will still be there in the winter time or will they be removed in the wintertime? Mr. Cahalan said normally we remove them at some of the locations, but the ones where there may be some winter activities, we keep them there. We discovered Polk Valley Park has become a winter time venue, so we leave a port-a-potty there for people. Mr. Horiszny said is there going to be an ADA problem if we have two locations with portable facilities? Mr. Cahalan said if the second one is the one behind the schoolhouse, yes, we will with that one. Mr. Kochanski said that one would not be ADA accessible. Mr. Horiszny said it has to be even though there is another one that is? Mr. Cahalan said if the public is using it. Mr. Kochanski said if the public has access to it, you'd need to have an ADA facility adjacent to it. Mrs. deLeon said what would be the difference if your front door didn't have a ramp, but your back door is flat, you have a way of getting in. Mr. Cahalan said

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if you have that one behind the schoolhouse and someone is at the schoolhouse for a function, they look around the back and see a port-a-john and they assume that's where the facilities are. Mr. Kern said he didn't quite get a clear answer to Mr. Horiszny's question, so if the one in the parking lot is ADA accessible, can't we have the existing one stay and not be ADA accessible? Mr. Kochanski said given the proximity of the two and the separation, there could be issues with not having an ADA facility next to the one behind the school. There's also an issue that there's two separate parcels. Mrs. deLeon said maybe it should be treated as two separate sites. Mr. Cahalan said if we go back to considering the port-a-john in the rear, then we'd have to revisit the pathways that were eliminated on the schoolhouse property. Mrs. Horiszny said they really didn't want more pathways put in. Mr. Horiszny said what's the ADA accessibility rule. Does it have to have a path to it or just has to have access? Mrs. Yerger said it's got to have access. Mr. Kochanski said you get into the type of paving surface and there's certain requirements. Mrs. Yerger said it becomes a real issue. Her instinct is to approve this, go forward and see how it works. Port-a-potties are not permanent. We are not building a giant structure. If they really don't work in this little site, there is the possibility of putting them somewhere else in the future, to some extent. Mr. Kochanski said you could consider an alternate location and provide additional pathways to those in order to try to facilitate both access and maintenance. Mrs. Yerger said that's just her suggestion. Start with this and again, if you need additional pathways, if we need to relocate them, then maybe that's something that needs to be done. You may also have a better idea of where it might be once they start utilizing it and it will give you a good location or the best location of where they should be located. It's just a suggestion. Mrs. Horiszny said that's a good idea. Mr. Maxfield said we'll know pretty quick if it doesn't work. Mrs. Yerger said that's what she is kind of thinking. Mrs. deLeon said if it doesn't work, then we'd have to put in a path along the fence in the back. That was the original plan from Boucher & James. When we looked at it, it just seemed like too many path ways. What we're doing here, if you visualize it, are we wasting money? Mr. Kochanski said this layout would not require any addition. In essence, you're putting the restroom facility right at the edge of your trail. If you were to remove that, you are not needing to take out any paths, no additional paths would be proposed as part of this location. For something in the back, you not only need to provide pedestrian access, but you would also want it to provide some sort of vehicular access for the maintenance. You're not just talking trails coming in and around the schoolhouse, but something coming in off the road for the truck as he doesn't think you'd want to condone the trucks continuing to drive there as it's going to be a maintenance issue. Mrs. deLeon said let's go one step further. Right now coming off the curb, there's a path way to the school and you make your left hand turn and go into the park. If you guys decide you want the port-a-potty on the schoolhouse property, and it would be where it is now pretty much, Mrs. Horiszny is okay with access where it is now. Who would decide where the path way would go? Where would it go? Mr. Maxfield said along the tree line. Mrs. deLeon said let's visualize where the path way or the road for the vehicle would go to maintain it. Mr. Kochanski said the road would be in direct alignment in some sort. Mrs. deLeon said that's what she is visualizing. Mr. Cahalan said you'd also have to have a pathway for access. Mr. Kochanski said you'd have to connect to the pathways around the school to come back. Looking at the plans, Mrs. deLeon said where the people would be coming in, doing a simple walk through, how are you going to get to the bathroom. Mr. Cahalan said originally there was a pathway circling the whole schoolhouse and that was eliminated. Mr. Maxfield said maybe the best thing to do would have Mr. Kocher find a site in the middle of the two sites that is marked on the plans, something close to the existing path way pattern, not too close to the pavilion, maybe just outside of the legal limit. Mr. Kochanski said one option from what he's hearing in the discussion is we could consider looking at the original or previous location along the tree line and do a break in that border – a curb cut in essence, a pathway, trail or driveway access that is wide enough for the vehicle to get back in there, but also tie in back along this trail. This trail used to come down and wrap around the edge of the parking area. That could continue to come down and meet up with the potential location of the restroom facility, so you'd have access for the truck off of an access drive.

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Mrs. Yerger said what she's hearing from Mrs. Horiszny, is your biggest concern the kids during the day right now or is your biggest concern what you will need should you start using the facility for nighttime programs, or is it equal? Mrs. Horiszny said actually no, the students they can always suggest that as soon as they get off the bus, they use the bathroom facilities. We can work around the children. We are limited to night time use because people right now are afraid to walk out the door and walk down to the bathroom which is right behind the school. We don't have a path and it is very dark down there. She is thinking they are going to feel the same way unless it's well lit if they have to walk clear out to the parking lot.

Mrs. deLeon said there's no lighting proposed? Mr. Cahalan said no, that's one thing we didn't discuss yet. That may be something we need to discuss. Mrs. Yerger said regardless whether we run a path down the back, we still don't have lights, so what it sounds to her is it's more of a darkness issue and traveling a path that's not lit. She understands it's a little further. She wanted to see what the biggest concern was and what she is hearing it's the darkness. Mr. Kochanski said he would think the darkness issue whether it's located in the area we previously had it, it's still getting over into that area, so it would still be dark, so that light issue is an issue that would be in either location. Mrs. Yerger said if we move it to where it currently is being proposed or to basically the parking lot, it's still going to be dark going from the schoolhouse to wherever the facility is and whatever end of the parking lot. Maybe it's more of a lighting issue than a location issue. Mr. Maxfield said in the middle of winter you have to walk another extra 100 feet which could be an issue. It could be cold. Mrs. Yerger said if it's icy, they shouldn't be walking the pathways anyway. Those things should be taken care of. You shouldn't be having an event if your pathways are icy. Mrs. deLeon said you don't want to shoot yourself in the foot with future activities. You want to be there for the public and community and have the facilities there so you don't turn the people away from them. Mrs. Horiszny said if it's raining hard, that's another issue if they have to go a longer distance.

Mr. Horiszny said Mr. Kochanski's comment about putting it at the other end of the handicapped parking spots, which would be a 100 feet closer than it is now? Mr. Kochanski said he wouldn't recommend on the handicapped parking side, he'd recommend back on the part it previously was, only because that's really starting to interfere with your site line and into the site where the garden is. Even if you buffer it, it's still that visual impediment than tucking it into the trail. It could work if you were to do a driveway access off of the back, which could be a 10 foot to 12 foot wide pathway off of the parking lot and will serve the parking lot as well as people on the trail system, that still does not address the issues of lighting which can be overcome whether it's solar powered lighting and there's a lot of advances in those types of lighting or some sort of pedestrian walkway lighting as well. Mrs. deLeon said what about the existing shed that is there. Could that be moved and the port-a-potty be put there? Mrs. Horiszny said you have the same thing, then you'd have to put paths around the school. Mrs. Yerger said if it eliminates 100 feet and you put it where Kevin is saying on the other end of the parking lot, it moves it closer and gives you a feel of it being closer to the school also, which it's not a feel of it being so far out in the boondocks. Mr. Kern said we're back to Ron's suggestion of 30 minutes ago. Mr. Horiszny said if you put it where the word "proposed" is. Mr. Kern said that's where it should go. Mr. Maxfield said you can also take the bell and move it closer up to the pavilion where it would be further away from traffic access and closer to the school. Mrs. Yerger said move it to where you can't back a truck up to it. Mr. Maxfield said how much parking redesign will that take? Mr. Kochanski said if you are talking about locating it where the word "proposed" is, we could do some sort of screening, whether it's some type of arborvitae hedge or a fence, the only thing they would need to do is bring in the trail coming down from, in essence, where the bell would be located. You could even keep it in that general vicinity, just tuck it back into the tree line and accomplish the same thing. They would need to provide a driveway access that's wide enough. Mr. Maxfield said he was thinking about putting a bollard in the parking lot. Mr. Kochanski said there are different types of collapsible bollards you could put up there. He doesn't know if there's much limit for vehicle driving onto the

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trail system now, so that could be an issue. It's not really a short cut to anything. It's primarily in serving the restroom facility. They can look at things like that.

Pointing to the plan, Mrs. Yerger said Mr. Kern was pointing to another site. Mr. Kochanski said that's where they were talking and he was suggesting maybe a little bit further into the tree line. Take that where the word "stone" is on stone pillar and just from that area, you'd have an access drive coming off of the parking lot which would be a ten to twelve foot pathway which could serve vehicles and pedestrians and also connect. You are adding an L shaped pathway. It's not too far from where it was originally, but the pathway changed. Mrs. Yerger said it really wouldn't change the grading plan that much. Mr. Maxfield said there would have to be some grading in that area as there are dips and drops in that tree line. You'd have to remove a tree or two. Mr. Kochanski said you could work around the tree. You'd probably want to put it on a pad so that as it's coming and going and taking it out for the season, it's always recommended to have that sturdy base so it doesn't move.

Mr. Fran Robb, 3233 Bingen Road, said he finds it a little ironic that they fought so hard to eliminate having the restroom facilities behind the schoolhouse and he wished they wouldn't even consider that again as then they get into needing an 8 foot drive and possibly a 12 to 15 foot cut through the hedgerow and a loop road all the way around the Kingston Park area so the truck can service it. Right now the truck just pulls in on the lawn and backs out on the road again. He doesn't see where there's any difficulty in putting the restroom facility back where they were proposed on the previous drawings and the drivers are perfectly capable to pulling down behind those parking spaces and then backing out where it says "Buses Only". Mr. Kochanski said he believes that's where we are talking about. Mr. Robb said you wouldn't want to be locating it where it says "stone pillar". That's almost out on the road and right in the middle of the hedgerow. Mr. Kochanski said the facility would be located approximately where the word "stone" is, not where the actual stone pillar is. That's where they are saying. Mr. Robb said it's centrally located for everything there. The black top drive and parking areas are still in the same place as in the previous drawings and the parking was simply flip to the other side of that? Mr. Kochanski said the location of the drive aisle remains the same as the parking was located south of the drive aisle and we moved it to the north side of the drive aisle. The parking places are still ten by twenty. Mr. Robb said the whole blacktop area is another 20 foot further out into the park than it was previously and this is for the sake of a township ordinance. Mr. Kochanski said correct. We had two different options. The ordinance does not permit parking within the front yard. Mr. Horiszny said coming south, it's too close to the right-of-way. Mr. Robb said we can't get a variance from our own ordinance? We're giving up an additional 120 x 20 feet of park in having to change the parking arrangement. Mrs. deLeon said why can't we go for a variance? She wouldn't want us to waive our ordinances because if we expect our residents to go through the process, we should go through the same process. Mr. Robb said he doesn't see any of the neighbors objecting to the parking closer to the road. Mr. Maxfield said what might make this okay is there is nine normal and two handicapped spaces for eleven spaces. If you have a function out there, there's been a lot more cars out there. If you look over where it says "five future parking spaces, if necessary", he thinks if sometime in the future those eleven aren't enough spaces, that area would make enough sense to open into. It's like a reserve space. The other way is if we open up that area now, we may find we have to go to the north side anyway. Eleven really isn't a lot of spaces. Mr. Kochanski said in their file they had the previously proposed sketch and what was in that location was the six future parking spaces if you would need those. What they did was locating five of them and the additional one up top. In essence, it wasn't taking additional room, that room was accounted for previously part of future parking if it was ever needed. Mr. Robb said okay. Mr. Maxfield's thought was a good one. His only other comment was on the bell, and that's the least of our problems. We might just hang on to it and we are talking about a future pavilion, it might not be that much additional expense to hang the bell on there. Mr. Maxfield said you do have a few bells. Mr. Robb said that particular one is too large for two or three guys to move. It is from one of our Township schools. Mr. Maxfield said it would be nice up there at the pavilion.

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Mr. Kern said have we reached a consensus as to the location of the parking lot and the restroom? Mr. Maxfield said yes, as long as Mr. Kochanski has it all in his head. Mr. Kochanski showed Council the area they were looking at as discussed previously. Mrs. deLeon said are you moving the curb closer to the port-a-pot or proposing a little stub thing? Mr. Kochanski said for the pedestrian access, the curb would stay as it will be the main traffic flow. You could have it like a T intersection like we previously had. A little spur coming into the service drive.

Mr. Cahalan said do you want Boucher & James to suggest other locations for the bell? Leave the bell where it is on the plan? Mr. Kochanski said that location hasn't changed. Mrs. Yerger said that's not a huge issue. You can work on that and think about it. Mr. Maxfield said it won't make sense to have it up there until there is a pavilion. Mrs. Yerger said that can hang there for a while.

Mr. Cahalan said he heard discussion on lighting. Do you want recommendations from the Planner for lighting at the park? We don't have any at this point. Mr. Maxfield said as long as it's as minimal as we can get away with. Mrs. Yerger said she'd also like to entertain solar sidewalk lighting. Mrs. deLeon said also in the period of the school so it's not modern. They could just be plain. Mrs. Yerger said maybe we want to think about using the lighting from a certain point on. Mr. Kochanski said in the Pocono's, out in the rural areas, there is street lighting that acts as solar lighting and it's not as bright. He can take a look at matching the period of the schoolhouse. Mrs. Yerger said let's start looking at pathway lighting first from the schoolhouse to the port-a-potty.

Mr. Robb said may he suggest we only need the pathway lighting from the hedgerow over to the parking area. Mrs. Yerger said yes, that's what she was talking about. Mr. Robb said maybe we can get enough lighting from the porch light.

Mr. Horiszny said before we put in a driveway for a truck, find out how long a hose they have. Mr. Maxfield said they have to deliver it and pick it up also.

Mr. Kochanski said in your packet is the landscape plan they prepared for Ella's Garden. They did meet with the Kingston's and the Kingston's had one request. The request was for a plant that is not a native plant and can get very aggressive just because the color is not a natural color. When we relayed those concerns to the Kingston's, they were okay with the design as we had it shown. We have the plants in your packet and what they will look like. We will have a year long blooming so there is always color happening in the garden. There was also discussion about park benches and monumenting. The Kingston's indicated they are willing to donate to the park. They have not quite settled on the bench or a monument, but it's a low ground level, not something real tall. He showed where the benches and the monument would go. There is also a cost estimate for the plant material which is over \$13,000 for the plantings and the seed mix. Mrs. deLeon said what's the time period in implementing this garden? Mr. Kochanski said depending on if this is something the PW could do. The grading, we're probably looking at next year. The plantings maybe September. You're probably looking at this time next year for wrapping it up. Now is the time you want to do the seed mix.

Mrs. deLeon said is the parking lot going to go in first, then the garden? Mr. Cahalan said the plan was to get the parking lot and the pathways in as we want to do the pervious concrete that we did out at Polk Valley Park. That's why we brought it to you to get the last of the changes. We need a final design plan and need to bring it back? Mr. Kochanski said what we have, in essence, could be the final plan. It would have to be a little more formalized, but in essence, it's designed at this time.

Mr. Cahalan said if Council wants to approve that as the final design plan, we can talk to Roger about some grading for the garden and some dirt removal to put the garden in. He has to get the equipment to do the pathways. It's possible we can do some of that this year. It's hinged on the final approval of the design. Mr. Kochanski said if PW were to construct it and work it, they could

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work off of a plan like this. He's talking about Ella's Garden. Mr. Cahalan said he's talking about the parking lots and pathways. Mr. Kochanski said that is what Brien was preparing. Mr. Cahalan said we don't have that document to give to you. Mr. Kocher said what Roger would be building off of wouldn't really look any different than what you have before you tonight except whatever access you have to the port-a-potty, that's it. Otherwise, Roger can work with this, the grading is designed. Mr. Maxfield said other than the extension and the pad, the possible bollard, just that tiny little area, everything will be the same. Mr. Kocher said it's the plan they have here tonight. Mrs. Yerger said with the expectation of moving the port-a-potties where the word "stone" is on the map.

MOTION BY: Mrs. Yerger moved for approval of the plan for Kingston Park dated October 15, 2009 with the revision of moving the site of the port-a-potty to roughly where the word "stone pillars" start on this particular map.

SECOND BY: Mr. Horiszny
Mr. Kern asked if anyone had any questions? Mrs. deLeon said we are going to start doing the grading of the parking lot now and the path walks. The garden won't start until next year. Mr. Cahalan said the grading of the parking lot will be done. We have to do some dirt removal. The pathways, parking lot will be done, and the plantings sometime next year. Mr. Kochanski said the physical plantings would be September or October next year. Mr. Cahalan said he will have to talk to Roger about whether the pervious concrete is still available, and if he can mobilize the equipment. Mrs. deLeon asked Mr. Cahalan to email them that information if Roger is available to it this year. Mr. Robb said going along with Tom's idea about using the area south of the drive in Kingston Park for additional parking, perhaps hard top future parking, we may have to consider if there are parking barriers there now that it wouldn't be useful now if we have a large group. Is it possible to put that drive in without the barriers? Then we could park on the lawn as auxiliary parking now and that area would have to be lawn rather than wildflowers. Mr. Kochanski said the original design and the change in the restroom location did not change. There was a barrier around the parking area that's been in place for some time now. The change in location did not add any additional barriers. Mrs. Yerger said what Fran is saying is the lower portion should be made lawn and the bottom barrier should not be put in place so they can use that if necessary for overflow parking. Mr. Maxfield said there's a larger gap where you pull in, some sort of drive access to that area. Mr. Kochanski said the other issue gets back to why we were swapping and you are going to end up in some locations having parking in the front yard. Where the reserve parking spaces are, it is not an issue. Mr. Maxfield said right now if they have a function and they have overflow parking and the road is filled up, where would they go? It would have to be to the left when you are pulling in. Mr. Kochanski said you have limited space there for any kind of parking. You are only going to get a few cars in there. You could design the site with more parking and shift it to address the zoning issues, but then you are getting back to the other alternative sketch they presented that's pushing everything into the site. Mr. Horiszny said if we don't know what those barriers are going to be made out of yet, he doesn't think they will be going up very quickly. Mr. Kochanski said he doesn't know if it'll be a split rail fence or some kind of barrier. It could be constructed and see if you need it. Mr. Cahalan said that will be future discussion. Mr. Maxfield said we just need to consider the hardscape. The access to the restroom, which isn't even hardscape and could be moved in anytime. We're talking about the macadam and the cement that's going down. Mr. Cahalan said if you are comfortable with the design, we can move ahead with that. Mr. Maxfield said are there regulations for the barricades? Mr. Kochanski said he doesn't know what the original intent was to provide those, but they were provided around the entire parking area. Mr. Cahalan said he believed that it had to do with the safety being close to the pathway with the children walking. Mr. Kocher said it was to keep the cars from encroaching on the kids. Mr. Maxfield said now the path isn't there. Mr. Johnson said he was wondering since you are going to move the proposed restroom, would that give you space for a couple of more parking spaces in that area where the restroom used

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to be? Mr. Kochanski said he does not believe so. It was for a turn around and backing in for the bus.

ROLL CALL: 5-0

E. APPROVAL OF CITY OF BETHLEHEM ACT 537 PLAN REVISION RESOLUTION

Mr. Kern said Resolution #72-2009, which has been prepared for Council adoption, would approve the Act 537 Plan Revision prepared by the City of Bethlehem, which was reviewed by the Lower Saucon Authority, and to which Council previously approved sending comments to the City of Bethlehem.

Mr. Cahalan said they did have a presentation by Brad Youst and Gar Davidson on this and Council did approve sending those comments. The comments were incorporated into the Act 537 plan revision that the City prepared and they are asking us to approve the resolution indicating we support the revisions they made to the 537 plan.

MOTION BY: Mr. Horiszny moved for approval of Resolution #72-2009.

SECOND BY: Mr. Maxfield

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

ROLL CALL: 5-0

IV. MISCELLANEOUS BUSINESS ITEMS

A. APPROVAL OF OCTOBER 7, 2009 MINUTES

Mr. Kern said the minutes of the October 7, 2009 Council meeting have been prepared and are ready for Council's review and approval.

Mr. Horiszny said on page 3, line 13, it should say "to close" not closed. On page 17, line 27, it says he said he will abstain on this one. He said maybe there were too many abstentions.

MOTION BY: Mrs. Yerger moved for approval with corrections.

SECOND BY: Mr. Maxfield

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

ROLL CALL: 3-1 (Mr. Horiszny – No; Mrs. deLeon – Abstained – she wasn't at the meeting)

B. APPROVAL OF SEPTEMBER 2009 FINANCIAL REPORTS

Mr. Kern said the September 2009 financial reports have been prepared and are ready for Council's review and approval.

MOTION BY: Mr. Maxfield moved for approval of the September 2009 Financial reports.

SECOND BY: Mrs. Yerger

Mr. Kern asked if anyone had any questions? Mr. Horiszny said Check No. 63500, \$225,000 to ourselves, that's a transfer? Mr. Cahalan said it's a transfer to another account approved by a resolution. Mr. Horiszny said we need to do that with a check? Mr. Cahalan said to move it to another account, we would have to.

ROLL CALL: 5-0

V. PUBLIC COMMENT/NON-AGENDA ITEMS

- Ms. Joan Madzarac, Easton Road said her problem is still the Bethlehem Fields, in the city of Bethlehem. She had come here and told Council it was resolved. On September 3, they turned on more lights and these are those huge globes. Her whole house inside and out is lit up. They are in

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the parking lot and shine up in the sky. The problem is they allowed these lights to put in and they light up their neighborhood. They are supposed to be a rural residential area and they have trees, fruit trees, which need lights. They are killing her apple trees. She went to the District Attorney and they told her they may have to have a lawsuit. She called a lawyer and he said she should go back to the City to one of their Council meetings. She wrote up this great proposal and went on October 6, 2009. She was met with dead silence, dead faces, dead everything. No one responded to her and some really nice guy in the audience stood up for her. He told them they should listen to her, she definitely had a problem and she shouldn't have been met with silence. The next day she called Lower Saucon. She wanted to find out if LST would back her up if she would go to court. Nobody returned her call. She was told to have an email sent. She went over to her neighbor and they prepared an email and sent it down here. She was told that last Tuesday there was going to be a meeting and it was going to be brought up. She never hear anything. This Monday she called Leslie and left a voice message and expected to get a return call and she never did. She would at least like to know yes or no. Yesterday she found out that the street lights are the responsibility of the City. She went to their Council meeting last night. She stirred things up. They listened to her this time. They went back and forth. Finally they said they were going to come out and look at the lights. The whole audience stood up for her and said she definitely had a problem and the zoning in Bethlehem has to address lights. She thinks LST should too. Lights that they have today are miserable. They interfere in your life, enter your home and destroy your property. She hopes they see these light are very bad. She gave all the points in her email of the lights they want changed. They want the street lights turned downward and six of the porch lights turned off. They have a spotlight on Building I which shines into her house. She's not the only one. Her other neighbors work and they can come here and speak about this. It was the wildest Council meeting she's ever been too. They said they will come out and look at the lights. She said she understands someone from LST came out and took some pictures. Mr. Maxfield said they've all been out there sometime. Mr. Kern said the Manager and Assistant Manager have given Council photos of the situation and the lighting. They were discussing that today. He was going to ask the Solicitor since we are in another jurisdiction, can we force our ordinance on another jurisdiction? Attorney Treadwell said part of the issue is obviously LST didn't have anything to do with the approval of the plans. If the light is spilling from the City of Bethlehem into property that's located in LST, then the effect of that is to cause a problem for the property in LST, so yes, we can file something. It's not as cut and dry as if the light was in LST and the spillage was in LST. But, yes, we have the right to take some sort of action. He would think before we did that, we would work with the City of Bethlehem to see if they can't do something to address the situation. Mr. Kern said his suggestion is to determine if they are in violation, which we don't know yet. That involves taking a light meter measurement at nighttime. Our ordinance is very specific about the luminance on the property line. The lumens may be okay on your property line and the lights coming in. It all depends on the lights on the property line. Ms. Madzarac said when she talked to the District Attorney's office, they called it light trespass and light invasion as it's in her house plus it's invading her property. They said she had a case. Mr. Maxfield said there's supposed to be compatible zoning areas between municipalities. He's guessing that if at one time those were compatible zones between LST and Bethlehem, they were allowed to become incompatible through a zoning change to allow those units to be built. Ms. Madzarac said you're exactly right. Mr. Maxfield said the type of the building that is there. Ms. Madzarac said in 2003, they were called into Bethlehem to see the plan. They deny this, but the plan across the street from LST was supposed to be no building and a drive going in across the street from her neighbor. She went to every meeting until it was voted on. At the night of the meeting, it was completely changed from what it was. They never called the neighbors back. Lou Pektor owed Allied Construction money and Allied did the work. She talked to the electrical inspector and asked him not to put any lights there. He said they are legal lights. She asked about the setback to the road. The guy said they wanted to make the building a little bigger, so they allowed them to extend it over to the street. That was wrong. Easton Road is not a wide street, now we're stuck with this four story building. If there was any building along Easton Road, it was supposed to be a two story condo. Mr. Maxfield said if the zoning was changed so that those things could have been built there, maybe

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when someone says the lights are legal, maybe they are legal per what it was changed to. That doesn't mean it becomes more an agreeable compatibility with us. That's why we really need to look into how much we can enforce, what spills into our township. It's offensive and when they grant an incompatibility like that, there ought to be some considerations given to those types of things that affect surrounding residents. Mr. Kern said that's what he was saying. We are compelled by our existing ordinances and we need to see how much light is spilling in. We need to define that. Mr. Maxfield said let's find out what their old zoning was there that would have been an acceptable, compatible use and find out what the lighting restrictions were for the old use. Mr. Kern said that's irrelevant, as it all depends what the light is at the border and we have an ordinance which states what that should be. Mr. Kochanski said that's for Bethlehem versus the issue with LST. He doesn't know if there's enforcement for their ordinances within our municipality, likewise the other way. There are pretty significant standards in our zoning ordinance for lighting, and we'll see if we can go out and measure those. He will get back to staff. You just need a light meter. Ms. Madzarac said someone came out with a light meter and said they were within the legal rights. Mr. Maxfield said they may be within the legal rights of Bethlehem, but not LST. Mrs. Yerger said their legal limits may be different than ours. Mr. Maxfield said no matter what we find, it seems that all things are pointing to the fact that we are going to need Bethlehem's cooperation to address this. Maybe doing the investigation of finding what the old zoning was and presenting it to them as an argument saying this is incompatible, this is why, and it might help the argument. We have to get their cooperation. Mrs. deLeon said if you remember in our township when they put in the new Giant, and it was horrible going past there with the bright lights, but our ordinance was our ordinance. We realized that it needed to be changed. Fortunately, Giant worked with us. They met the lighting regs. Mr. Maxfield said they got a variance for the standard height, but we didn't know it was going to put the bulb in people's eyes. Mrs. deLeon said we learned from that and we revised our ordinance, and it's not perfect. Ms. Madzarac said they keep inventing new lights. They looked it up on the internet and the lights are being banned all over the country. They light up the sky. She found a dead bat in her yard. They think the bat got confused with the lighting and we can't kill these animals. Mr. Maxfield said we certainly don't like what's happening. Ms. Madzarac said she got some estimates on how much it is going to cost her to block these lights out of her house. She doesn't have air conditioning in the summer. The one guy told her to move her house. She's not going to sleep in her basement again. She needs to sleep in darkness. Mrs. deLeon said when you say the Township backs you, she thinks you need to define what backing you are talking about, so you aren't walking away from here with a misunderstanding. Ms. Madzarac said if they don't do anything and she has to take them to court, somebody would say yes, we saw the light. Mrs. deLeon said she doesn't think we are making a decision tonight to go to court. Ms. Madzarac said no, her neighbors would go to court. Mrs. Yerger said what are you looking for? Ms. Madzarac said that you agree that those lights are illegal. Mr. Kern said we need to first do an investigation, which we are going to do. Mrs. deLeon said right now we are looking into this. Mr. Kern said the only way we can back you is if we find out that they are in violation of our ordinance and that's what we are going to determine. Once we find out that answer, then we can answer that question. Mr. Maxfield said he drives past there every night, and it is bad.

- Ms. Laura Ray said two months ago at their EAC meeting, she brought up our geothermal regulations and maybe we should revisit them again because she's going through the process of putting geothermal heating in her farmhouse. There are some revisions that could be made to improve them. They are very restrictive and would be good to encourage people to use geothermal heating instead of making it a nightmare. She is not an engineer, but she was going to have her designer come to the EAC meeting and then Mrs. Yerger thought it would be good if the Township sent an engineer from Hanover to the meeting also to discuss it. She's here to request that. Mr. Kocher said he thinks Ron Madison had a lot to do with what was there in the ordinance, but Mr. Kocher can look into it if you authorize him and he can let Jack know who will be there at the meeting. Mrs. Yerger said Ms. Ray's geothermal guy is on the EAC agenda next month, but for this meeting only, she thought it would be productive from someone from HEA to discuss our regs and why they are in place. They would need Council's approval. Attorney Treadwell said the regs

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were changed when Joe Colosi was still here and his recollection was the biggest issue and the reason why they are so stringent was the threat of ground water pollution. Mr. Maxfield said all the applications were in the watershed protection area. Mr. Kern said that was the main issue. He's not sure he's willing to agree to the expense of having the engineer go to the EAC meeting when it's something that can be discussed at this meeting. We should put it on our agenda as they are regulations a previous Council did enact. At that time, he was not in favor of some of the stringent aspects. Ms. Ray said the other thing was vertical versus horizontal. There's another thing that your field has to be 25 feet away from any structure. She's going to have to be moving pipes a 1/2 mile long to get away from her structures because she has a farm, a barn, a corn crib, a smokehouse, a greenhouse, a shed, all these buildings she's going to have to weave the pipe around. It will not encroach into the conservation easement area. Mr. Maxfield said this is really an environmental issue and he thinks he'd like to support Laura's suggestion of bringing it to the EAC and the EAC make a recommendation to Council. Mr. Kern said the EAC should bring the expert to Council and then it will be reviewed HEA and be brought to Council. Then we can discuss it. Mrs. Yerger said we don't know when those regs were put in place. Mr. Kern said some of us know, some of us don't. Ms. Ray said we didn't get the why's? Mrs. Yerger said that's what our EAC needs to hear, why those regs were put in place. We don't incur too many expenses and would like to hear both sides to make an informed decision to Council. Just this once, we are asking to have an engineer there to talk about the geothermal and why those regs were recommended by HEA. Mr. Kern said that engineer is no longer here. Mr. Maxfield said Jim Birdsall came and spoke to them about geothermal at times. We need to hear both sides. Mrs. deLeon said when it does come to Council, then we'll have all the EAC members prepared and they'll come up with questions. The next meeting for EAC will be on November 10. Council directed Mr. Kocher to send an Engineer on November 10. If November doesn't work, he'll let Mr. Cahalan know right away. Mrs. deLeon asked Mr. Cahalan to email Council and let them know.

VI. COUNCIL AND STAFF REPORTS

A. TOWNSHIP MANAGER

- Mr. Cahalan said Mr. Mark Wirth had raised two issues with the Pierpont-Warner property. The first one had to do with a stone filter or dam in the back of the new bank building. Chris Garges looked at it, and it has been identified by HEA in their October 2, 2009 letter. It was an E&S measure for construction of the bank, and it's on their punch list for the security reduction and it will be removed. Mr. Kocher said it's part of their E&S plan and whenever they are allowed to remove the feature, they will remove it.
- Mr. Cahalan said second thing was Mr. Wirth indicated there were some crossings that were put in over the drainage way that runs in the back of the bank and down behind where Quest Exterminating is. He looked at that and did find that there were two crossings that were installed and it's over a drainage way that was mapped by the Saucon Creek Watershed. He felt it was a violation of the riparian buffer ordinance and the other one was a ditch that was adjacent to a wetland area. That ditch feeds a channel which runs along Route 78. Chris Garges also felt that was a riparian corridor. He spoke to Mr. Warner about that and asked him to remove them. Chris reported they both have been removed. The area has been covered with seed and straw. They were there in the first place to give them access to the back of the property.
- Mr. Cahalan said Mr. Maxfield asked them to look into the Columbia Gas mini-site along Easton Road. The question was were they required to notify the Township to do any of that work. The conclusion on that was they do not need a local permit for any of the work since they are governed by the PUC. They are doing some upgrading to their pipeline transmission station. The other question was about trailers on the property. They indicated that it actually wasn't on their property, it was on the property owner next to them. Chris contacted that property owner and he indicated to Chris that the trailers have been there since I-78 has been constructed and he intends to remove them sometime in the spring.

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- Mr. Cahalan said this Saturday, October 24, 2009, at 9:00 AM, rain or shine, there will be a dedication of the Redington Chapel historic marker. That will be concluded before SV History Day starts at 10 AM.
- Mr. Cahalan said the budget hearing is scheduled for next Wednesday evening, October 28, 2009. It was advertised at 7 PM in the beginning of the year. If there are no objections, he'd like to move the start time to 6 PM. They have the readvertisement ready to go. Mr. Kern said please change it.
- Mr. Cahalan said the staff and consultants have been working on gathering information on the wind mill and solar energy regulations that Council asked them to look into. The question they had, does Council want the information reviewed by the EAC prior to coming to Council? Mr. Maxfield said yes. They were planning on looking at it anyway.

B. COUNCIL/JR. COUNCIL PERSON

Kimberly Kelly - Absent

Mr. Maxfield

- He said he spoke to staff about this, but he'd like everyone to support the idea of installing curb stops at the Polk Valley Park up on the top parking lot. He spoke to Mr. Kochanski about it. He was there the morning of a sports event. Our infiltration areas and unprotected stone area, people drove over them and parked in them. The stones were all over the place. He asked Kevin about the normal part of parking lot barrier that would not be an impediment to water flow and he mentioned there were some that had cuts underneath that fork lifts could pick them up. They also discussed the fact that the parking lot slats are all be slanted so they would funnel the water down into it. He thinks it would extend the life of our infiltration areas and keep leaking petroleum products from directly leaking into those stone areas. He would like to make a motion to look into this and add it to the plan where it applies only to the infiltration areas. Mrs. deLeon said is there a problem with the leaves falling and people not knowing where to park. Mr. Maxfield said it's pretty wide open. People seemed to be in a real hurry and people are used to driving over stone. We need a little reminder that they are infiltration areas.

MOTION BY: Mr. Maxfield moved for approval to explore the cost of curb stops at Polk Valley Park upper parking lot.

SECOND BY: Mrs. Yerger

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

ROLL CALL: 5-0

- He said Sandy had mentioned seeing horses up at Polk Valley Park. He thought we had sent a letter to one of the owners that we knew were riding across that site, but maybe we never sent a letter. Mr. Cahalan said he didn't get an ID on who the owner was. Mr. Maxfield said the site that is attached to it is the old Hellertown dump site and right across the street from that is a horse farm. He would bet that is it. Mrs. deLeon said why wouldn't they be able to ride? Mr. Maxfield said on walking trails it's kind of hard to step around the manure. Mrs. Yerger said they were on the other side, on the dog park side. They were not in the main section of the park. Mr. Cahalan said he hasn't had any complaints about horses. Mrs. deLeon said she doesn't see a problem. Mr. Cahalan said one of the interesting things that has come up in our preliminary discussions on the rail trail, there are trails that allow both horses and both pedestrians, and then there are other trails that prohibit horses. That is something the committee is starting to look at. Mrs. deLeon said we want that trail to be accessible to everyone to make it cost effective. Mr. Cahalan said some of the bicyclists don't like it. Mrs. deLeon said they have to ride around it. Mr. Cahalan said it's wide enough and can accommodate both. Mr. Maxfield

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said what if they start riding horseback on our pervious concrete where the hooves could damage it. Mrs. deLeon said then we put up a sign on that particular path.

- Mr. Maxfield said he wanted to make you aware of, we might want to send a comment letter to DEP. In order to smooth the process, DEP is proposing to lift the E&S reviews from county conservation districts across the state for projects that they call minor projects which are under fifteen acres, so just about everything that comes through here would not have an E&S review by county conservation. That's follow up reviews and anything. He thinks what they do is very important, and maybe sometime in the future, it's a proposal now, if it goes through, we might want to make a statement. Mrs. deLeon said maybe the Citizens Advisory Council for DEP, who are the ones that look into DEP regulations, it might be appropriate to write to them and tell them we would oppose that and that small municipalities rely on that. We can get in our spiel with storm water. That would be appropriate and it's one of their roles.

MOTION BY: Mrs. deLeon moved to have staff write to the DEP CAC and ask them to look into eliminating the E&S reviews for small projects and to oppose it and also cc it to Boscola, Freeman.

SECOND BY: Mrs. Yerger

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

ROLL CALL: 5-0

Mrs. Yerger

None

Mr. Horiszny

- He said History Day is this Saturday, October 24, the Lutz-Franklin Schoolhouse, Grist Mill and Heller Homestead will all be open at 10 AM.

Mr. Kern

None

Mrs. deLeon

- She said we've had the encampment for four years and it's rained. She has a flyer for Saturday for History Day if anyone wants one. There's lots going on.
- She is on the Gaming Authority. She just got an email that tomorrow night there's a gambling public forum in Bethlehem, October 22. A town hall forum on table games and other casino issues is planned at the NCC Fowler Center from 7 to 9 PM. There will be a panel of people there.
- She said Friday is the Northampton County Association of Township Officials Convention.
- She said the Landfill Committee met and went over various issues. HEA sent Jack a letter on DEP correspondences. It said "During the September 24 monthly joint landfill meeting the issue of copying the township on written and email correspondence between DEP and IESI was discussed. The landfill committee agreed that the Township should be copied on all future written and email correspondence and any requested documented between us to allow appropriate review and comments. To allow appropriate township staff to review and provide comments, if necessary, when the department is resolving issues that it deems significant enough to have noted the issue in public documents such as the DEP monthly engineer status reports and the DEP inspection report. A recent example of a significant issue was a DEP monthly engineer status report which noted an ongoing DEP's review of IESI's certification of documentation for the construction of a new disposal cell and the request by DEP for documentation and engineering calculation from IESI to justify a cell liner construction method that differs from the method approved in the Phase IV permit. Normally the monthly engineers report would only note that a review of documentation was ongoing and not raise particular concerns of other issues. HEA has verbally discussed the aforementioned issue of copying the Township with Mr. James Berger, DEP's engineer

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for the IESI facility and he said that LST should submit a written request to DEP to be copied on all future written correspondence between DEP, IESI and IESI's consultant during the resolution of those significant issues." We're not asking for every little email, but if it's significant to mention in these reports, we'd like to be cc'd. They suggest the Township write a letter. Personally, we shouldn't have to do that because of Act 101. Mrs. deLeon would like Jack to write a letter as stated above.

- She said last month we received a letter from a resident about burning on September 9, was that addressed? Mr. Cahalan said he doesn't recall the letter. Mrs. Yerger said it was in the last packet. Mrs. deLeon said she should be getting a written response about our nuisance ordinance, the procedure, etc. Mrs. Yerger said she should be made aware that burning garbage is illegal in LST. Mr. Cahalan said this was referred to the Police, so he has to find out if they followed up on it.

E. ENGINEER - None

F. SOLICITOR - None

G. PLANNER - None

VII. ADJOURNMENT

MOTION BY: Mr. Horiszny moved for adjournment. The time was 9:31 PM.

SECOND BY: Mrs. Yerger

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

ROLL CALL: 5-0

Submitted by:

Jack Cahalan
Township Manager

Glenn Kern
President of Council