

I. OPENING

CALL TO ORDER: The General Business & Developer meeting of Lower Saucon Township Council was called to order on Wednesday, November 1 2006, 7:02 P.M., at 3700 Old Philadelphia Pike, Bethlehem, PA, with Mr. Glenn Kern, Council President, presiding.

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

PLEDGE OF ALLEGIANCE

ANNOUNCEMENT OF ANY EXECUTIVE SESSION (IF APPLICABLE)

Mr. Kern said Council did not meet in Executive Session.

PUBLIC COMMENT/CITIZEN AGENDA ITEMS

Mr. Kern said for citizen agenda items – Council operates under Robert’s Rules. What that means is during agenda items, Council will talk amongst themselves and amongst staff and the interested parties. At the conclusion of that, we open it up to the public for public comment. There is an opportunity for non-agenda items at the end of the meeting to discuss whatever your business might be. We do have a microphone and there are microphones up at the table. There is a sign-in sheet in the back of the room. Please print your name and address and email address. It is very helpful in transcribing the minutes. For those who want to receive emailed agendas, please give your email address to Diane, Leslie, or Jack or call the Township office. Please state your name and address. If you can’t hear, please let us know. Mr. Kern asked if anything was taken off the agenda this evening? Ms. Huhn said yes, the Filler Major Subdivision.

II. PRESENTATIONS/HEARINGS

III. DEVELOPER ITEMS

A. SAKELE BROS. CO. – SEIDERSVILLE ROAD (TMP #Q-3-8A) – REQUEST VARIANCE TO CLEAR, THIN OR REGRADE ENVIRONMENTALLY SENSITIVE WOODLANDS AND STEEP SLOPES TO PLACE FILL FOR LATER CONSTRUCTION OF A SINGLE FAMILY DWELLING

Mr. Kern said the applicant is proposing to disturb woodlands environmentally sensitive woodlands, and steep slopes in environmentally sensitive woodlands and steep slopes in exceedance of the allowable disturbance in section I80-95 of the zoning ordinance. They are proposing to plant 42 trees.

Terry Souders, Registered Landscape Architect and David Tettermer, Keystone Consulting were present. Mr. Tettermer said there were here a number of months ago for this plan. Sakele Bros. would like to take approximately a tract of land at Seidersville Road and South Mountain Drive and would like to do some regrading, remove a lot of the existing trees as they are not good quality trees, and plant new landscaping on it. They do need a variance because they are exceeding the

**General Business Meeting
November 1, 2006**

allowable tree clearing requirements. At the last meeting, a positive recommendation to the ZHB was made and they were given some direction to do some on lot testing to make sure they are not disturbing an area they would later use for a septic system. They did that, and because of the size of the system, and also the need for an alternate system, they are disturbing a slightly larger area of about 400 to 600 sq. feet extra. It was determined that before they go to the ZHB, they should bring this back to you to show you this new plan and get a new recommendation for this. The numbers changed slightly. One of the variances would be for existing environmentally sensitive woodlands. The proposed disturbance would change from 1.081 acres to 1.09 acres, so about 9/1,000th of an acre. It's essentially a small change to the disturbed area.

Mr. Maxfield said the plan now shows significant grading on the southeastern part of the property where there is no septic or house site plan. Can you explain why that is occurring? Mr. Tetteimer said he's pretty sure the grading is the same on this plan as was on the previous plan except for the area of the primary disposal system. The intent is to use some existing waste material from another site, regrade it nicely, and relandscape it. Mr. Maxfield said it's a disturbed area that is really not necessary for the construction of house or septic systems. Mr. Tetteimer said yes.

Mrs. deLeon said the plan we are looking at, this is the plan going to the ZHB. This is the Township's site plan then? Mr. Tetteimer said he believes so. Her problem looking at this is the little box at the corner shows the relationship of I78 to the site. She's not sure if the regs say this or not, but if she was going to buy this lot to build a house on it, would they know it was so close to I78 and why didn't you depict I78? Mr. Tetteimer said they do have I78 noted. Mrs. deLeon said the only reason she brings this up is the residents from Woodsfield's have complained to them about sound and wanting sound barriers put up because when they planned I78 that was a field. She wants them to know there are noise issues in that area because of I78. Mr. Souders said when they go to look at the site, they will know that I78 is there. They are trying to soften that a little bit by putting some evergreen trees there. It's impossible to really get rid of that no matter what. They are leaving it "buyer beware".

Mrs. Yerger asked if Boucher & James has been to this site? Mr. Tralies said he has not personally, but Judy may have been there at one point. Mrs. Yerger said we are comfortable that a lot of these trees were not native. Mr. Tetteimer said they are "tree of Heaven", which is an invasive plant and those are the ones they want to take out. They corresponded with DNR about this. They are adding 42 new trees to replace this. Mr. Tralies said at the last meeting, there were comments about the species they are proposing. These plants still show a couple non-native species, the Koosa Dogwood and the Norway Spruce. He spoke at length today with Mr. Ray, their botanical advisor, and he stated he didn't have any problem changing these to native plants, but again, if this is the plan you are making a recommendation on, it still shows the non-native. If you want to include something in your recommendation regarding the native plants, it shouldn't be a plant. Mr. Souders said a native Dogwood is a native plant, but Penn State says don't plant native Dogwoods. The substitute is Koosa Dogwood, but it's a better substitution. So you just can't say, you have to use native plants. There's a time and place to use native plants. They have a problem with deer on the site and deer will eat anything in very bad winters, but a few of the evergreens are the Spruce which they won't eat, which is why they are on there. Mrs. Yerger said the Colorado Blue Spruce is what she put in because of the deer issue.

Mrs. deLeon said we have a new updated, revised zoning application that you submitted, but it's not signed by the zoning officer. She has a problem with that and would hope it's signed before the ZHB meeting. She asked Jack to please make sure it is signed.

Mr. Birdsall said the grading shows a lot of fill, but then it shows an extra ridge of fill along Seidersville Road and along Mountain Drive. They have not checked this for grading purposes, so he wants to make sure that storm water management has been addressed with regard to a formal

General Business Meeting
November 1, 2006

submission or a formal review. He is concerned if water is trapped along Seidersville Road and Mountain Drive, it may create a drainage problem along the public roads. The storm water naturally sheets off of Seidersville Road on to this property. He'd want to make sure, through the grading plan process, that the filling they are doing is not adversely affecting the public roads. Mrs. deLeon said she's not real comfortable with this. Mr. Tettermer said they will submit this for a building permit when the time comes and a grading plan. They will certainly submit it and whatever requirements are there, they will address. Mr. Birdsall said he would like that information in front of the ZHB so they aren't approving this plan and then there is no flexibility. Mr. Tettermer said they are not approving this plan, they are granting variances to remove the trees, so there's a difference there. Mrs. deLeon said there isn't a difference there as there is always a debate afterwards and we'd like to protect ourselves. Attorney Treadwell said if Council wants to take a position, the position would be if the ZHB decides to grant this variance that we have conditions that address those issues. Jim and Attorney Treadwell can draft those issues. Mr. Birdsall said the issues would be storm water and grading satisfaction to the lot grading ordinance and Township Engineer and landscaping satisfactory to the Township Planner. Mr. Maxfield said can we make a statement that clarifies that we are not approving this particular site plan because the variances that are included which are asking for disturbance of steep slope areas, almost say yes, this plan is what's being under consideration. He'd rather the grading issue be separate, if possible. Mrs. deLeon said how can we do that? Attorney Treadwell said Jim and him can certainly put that in the condition in a letter to the ZHB. Mrs. deLeon said we are always in this situation that whenever we say, please put this as a condition, we don't want that implied as we are always supporting something because it needs to go through their review and meet all the regulations for the variance. Attorney Treadwell said that's correct and the letter that comes from the Township says, if the ZHB grants this variance, we would request that the following conditions be imposed. Mrs. deLeon said should we say we are taking no position on this, unless the ZHB grants it. Attorney Treadwell said that's what it says, no position. If they chose to grant it, we request the following conditions if the applicant agrees.

Mr. Maxfield said he's uncomfortable with the grading in the southeast corner. That's his position. They may need to get rid of some fill soil. Mrs. Yerger said doesn't that again have to be addressed with the grading plan? Mr. Maxfield said a grading plan to ensure that's an okay grading scheme is one thing. Disturbance in an area where it's not needed for the house site or the primary or secondary septic site is something totally different. Mrs. Yerger said what you are saying is there is excessive grading to get rid of the fill that's already on the site. Mr. Maxfield said he's not happy with the amount of grading that is proposed for the site. Referring to the site plan, he showed the primary, the secondary and the house – what is all this and why? What he understood was fill from another site was trucked in there and being graded out on there. Mr. Souders said they do have that amount of fill that they want to get rid of from another site, so that's where this is going. Also, by adding this fill, it creates a more pleasurable lot for a house. They are trying to create a plateau at the top. If you put a house there now, it's all slope. There's no level spot to even throw a ball around. By building this plateau and putting in fill dirt, we now create a flat spot, not only for the house and septic, but we do have some areas where kids can play, etc. That's why one of the issues why this slope gets pushed out so we have a level plateau where the houses goes and so forth. It's not to get rid of fill, it's to create a useable lot. Mr. Horiszny said the flat spot you are talking about would be as far from the house as you can get on a lot. Mr. Souders said down to the eastern portion, there is another flat spot. Mr. Horiszny said Tom is worried about the area just up from the car on the map. Mr. Tettermer said they do understand that they are disturbing more than they would absolutely need to do to develop this lot. The intent is to use this lot. The existing woodlands on it are not the highest quality. What the developer would like to do is use this as a disposal area for his existing excess from another development, regrade it, and relandscape it with higher quality trees creating more useable areas. The way the landscaping is planted is going to be done in a manner allowed for the flatter areas. It's a combination of two things – both using the property as a disposal area for soil and creating a more useable lot. That's

**General Business Meeting
November 1, 2006**

the intent of this. Yes, we are disturbing additional area, but realistically the developer is going to end up building a house on it, selling it, and he has to create something that looks nice if he wants to get the best value for it.

Mr. Souders said one of the things he had behind the house, and you think that slope is so steep, it's a 3 to 1 slope, so it's not that steep. You can get a riding mower on it. The slopes on the area we are talking about is even less. Mr. Maxfield said it's the approach they've seen a lot of times where you buy a lot and you make it the lot you want instead of the lot you buy. It's not their responsibility to allow excessive disturbance so you can create a lot you want. If you don't like this lot, buy another one. This is excessive.

Mrs. Yerger asked if there was any way to anticipate potential storm water issues with this now? Mr. Birdsall said they could look at the upstream watershed and calculate how much water is coming down on to this property and where it goes now versus where it would go in the future, and do an analysis like they are going to have to eventually anyhow for the lot grading permit. That could be done right now. He always encourages the water getting off the road as many different places as possible and traveling cross country than staying along the edge of the road. Mrs. Yerger said what you are saying in the spirit of a variance, they are asking for more than the minimum relief. Mr. Maxfield said it's not a hardship, it's a desire to create something that doesn't exist. He's willing to go wherever the rest of Council goes, but he just wanted to express how he feels about this. Attorney Treadwell said the variance wouldn't give them relief from the lot grading permit. Mr. Kern said we are putting the cautionary notes in the letter and it's going to come back to Jim and Jim has already expressed his concerns, and if it doesn't meet staff's approval, it's not happening. Mr. Tettermer said they still have to meet whiter erosion controls requirements, and whatever Township grading plan requirements would be there. Just having a variance to that one section of the ordinance, that allows them to disturb the trees and that's all it allows them to do. Mrs. deLeon said we don't want to create additional storm water issues to Woodsfield's as they have been before us already with storm water issues. Mr. Maxfield said it's got to be storm water off the road as the road is the issue.

- MOTION BY:** Mr. Horiszny moved that Council take no position, but we have the cautionary or conditional letter from Attorney Treadwell and Jim Birdsall sent to the Zoning Board expressing concerns about storm water management, grading and the landscaping.
- SECOND BY:** Mr. Kern
Mr. Kern asked if anyone in the audience had any questions or comments? Mrs. deLeon wanted to add "hardship" to the motion. Mr. Birdsall said there may be other things than hardship, so it's just broader to say you have no position on the requested variance.
- ROLL CALL:** 5-0

B. MCCLOSKEY AVENUE – UPDATE ON STORMWATER ISSUES

Mr. Kern said the Manager will report to Council the findings of a site visit with staff regarding the storm water runoff in the McCloskey and Strauss Avenue areas.

Mr. Cahalan said residents, Ms. Thomas and Mr. Trexler came to a previous Council meeting and indicated there were storm water issues up on Strauss Avenue. Council asked him to look into this and he made two trips up to the area with Brien Kocher, Roger Rasich and Chris Garges to look at the situation. The first thing they established was they could not identify any new construction or any other disturbance further up on the hill which would have caused increased storm water flows down to the Strauss Avenue area. The other thing is the natural flow of water that is coming down off of that hill and they'll show you a map that you can see there is a large amount of storm water that does flow right over the area where they are indicating there are problems. There is storm water that is flowing off McCloskey Avenue minor subdivision that Mr. Blair is going to develop.

General Business Meeting
November 1, 2006

It runs down across Mr. Hertzog's property and joins up on a paper street behind their property. That's what is causing the flow. Mr. Hertzog indicated there were about three storms that he can recall that the water did come across his property and then down to the properties on Strauss Avenue. Mr. Blair is aware of the storm water issues based on the testimony that was given at the ZHB. He is in the process of revising his plan to come back to the PC. The Township believes we can work with the developer to make some improvements to the gutter on McCloskey so the water can be conveyed along McCloskey and not jump the gutter as it's doing now. The Blair Development is being revised and is going to come back to the PC. Nothing has been done with the grading. The bottom line is after going out and looking at this, their conclusion is there isn't really anything you can do up there to alleviate the situation unless you put in an entire storm water conveyance system. The roads have no berms on them and there are some storm water flows as they will show on the map.

Mr. Birdsall showed the residents and Council the storm water map and explained the roads, and where the water was coming down the road.

Mr. Todd Shimko, resident, said he owns the bottom lot right next to Mr. Hertzog on McCloskey Avenue, directly across from the lot that is going to be developed by Mr. Blair. There is a real problem and he's found the source where the water is coming from and it reflects all the way back up to Stonestrow and the development. Prior to their home being built in 2002, there was a ranch home built up on Stonestrow. He approached Council and showed them where his house was and where the water was coming from. The flow that comes down from the mountain collects into the runoff of the stream and it drops right into a culvert, a drainage tube, a little bridge, that you cross and flows right down into this little basin and serpentine right through. It's a basin rock, which is really pretty, but then connects with all the runoff of the mountain. There's a little bridge once you meet the intersection of Evergreen and Stonestrow that goes across that catches all the flow coming down off of the mountain which connects eventually to another basin which flows right to the back corner of the lots where they meet. Then it all connects into one and flushes down. When it all meets and we get heavy rains, this surge flows right down into Mr. Fishel's wooded lot which discharges and works its way all the way down through here and branches off and when we get high rains, they get thousands and thousands of gallons per minute. It's so deep that he couldn't even stand there. The drop from the flow coming off of the road and the runoff from the mountain where it all connects at the back corner, it doesn't really affect the higher part of Mr. Fishel's sanctuary, but it works its way and when it flows through there, above his Scotch pines, there is a swamp land, and it gets so saturated and builds up and just branches and breaks off. All the source of the water coming off the mountain, that's what is rushing across the street across from Mr. Hertzog.

Mr. Hertzog approached Council up front and said when he moved in his home in 1958, he used to live up on Stonestrow Road and they experienced the water coming down Stonestrow Road going into the field. He showed Council where his house was, the pond was, and where the water was coming from and where the flow of water was heavy. Mr. Shimko said they are talking about building a swale. He's not an engineer, but what is that going to do. Mr. Birdsall said it would protect the homes being built, but it would almost have to be on the next door neighbor's property because you're into all different earth disturbance ratios and everything else. He didn't think Mr. Blair was going to do that on his property and still stay within the zoning criteria.

Ms. Anne Anders approached Council up front and said she lives on Walter & McCloskey. There is water coming down off of McCloskey on to Walter and into their back yard. Ms. Rebecca Thomas said she paid lots of money for new topsoil and the next storm it all washed away. Ms. Anders said the water is coming down all over the place. Mr. Shimko said his concern is that if the swale is built, and all that water is being caught from coming down off the mountain, he'd like to show Council the angle of the overflow when it's all caught and where Blair wants to dump it into

**General Business Meeting
November 1, 2006**

that existing storm drainage. The angle he has presented, and the volume of water, you can see what it would do to his property. He hopes if the development is done, he hopes it's done the right way.

Mr. Maxfield said Rick Tralies brought all of this up and alert the EAC about this property. It was the middle of the process and that's all they could do at that point, meaning we had to go back and look at it. Mrs. deLeon said what can we do? Mr. Birdsall said it still has to go to Planning. Mrs. deLeon said the previous applicant, you are going to go before the ZHB and get a variance and now you have to do all this stuff to the site, and what if you can't do it? Now here we have the situation, is there a possibility you can get two lots out of there? She wouldn't want to own that house with all that water coming down. Mr. Shimko said there is so much saturation there already. With the saturation, he had two 80 foot trees crash right down on to his land, by the corner of his house. That's just another example of how much wetness is over there. He's not opposed to building, that's fine. Mr. Kern said no one here wants to see another home, but they are bound by municipal planning codes to permit homes. They can't say you can't build. They make them comply with the existing standards that the municipal planning code sets up. Mr. Maxfield said in order to build, he's got to remove things that are helping to mitigate it. It's above the call and duty with storm water. Mr. Kern said it's fortunate it's in the planning stages. He's got to show us that it works. Mr. Birdsall said no one will be talking about a berm, if anything, it would be a swale. Even a piping system like this, you are talking about hundreds of acres potentially, there's no way the number of inlets shown would be anyway near enough. If they do go in this area, they will get back to the earth disturbance, and if that happens, it may be that the variance may need to be amended and they'd be back in front of Council with another variance which would give you a little more leverage before it goes to the ZHB. Mrs. Yerger said it's good you came as they try to visualize this and try to put it together, but it's very hard as they don't know what it looks like. Their input has been extremely helpful.

Mr. Hertzog said every home on the west side of McCloskey Avenue that has a driveway, water flows down and it goes into Mrs. Anders yard. Mrs. Yerger said there must have been some water flow issues in the past.

Mr. Kern said Mr. Blair is before the planning process at this point, so what we can do is really tow the line with Mr. Blair and make sure his development does not impact on you folks. That does not say that the existing storm water problems can be alleviated. We can only address what Mr. Blair is bringing before the Township with their particular application.

Ms. Thomas said down towards Stonestrow, there is water coming down some of the yards, and when it runs down Stonestrow, there is a little bit of macadam lip and it's not high enough. If there's a big volume of it coming down, she can see the grade of it that it can come down and you can see where it runs down McCloskey, down Walter and Walter slants towards their alley, so it goes down into the alley. There's other sources of water also. When this development came up, they already have water coming down. They had lots of work done to their foundation, and the guy said their land is very wet, and when he was drilling holes into the block, he said the foundation was just holding water. Their land is just saturated with no where to go. Mr. Maxfield said the rancher you were talking about, was it built in the last couple of years? Mr. Shimko said approximately late 1999, early 2000. Mr. Maxfield said we will check into this and make sure it was built according to the grading plan. Mr. Birdsall said our first grading ordinance was 2000 and something, but they will check it. There are building permit records.

Ms. Thomas said how do we address the other water that is coming down from Stonestrow? Mr. Maxfield said you are doing it right now. Mr. Blair has to go before the PC. HEA will write a follow up memo based on tonight's meeting so he doesn't waste his time with a half complete plan before he goes to the PC.

**General Business Meeting
November 1, 2006**

C. VNA HOSPICE – BLACK RIVER ROAD – SECURITY REDUCTION AND IMPROVEMENTS AGREEMENT EXTENSION

Mr. Kern said the applicant is requesting an extension to complete the improvements and is also requesting a security reduction for improvements that have been completed to date.

Mr. Kern asked if anyone was present representing VNA Hospice? No one was present. Mr. Birdsall said they are recommending a reduction in security. Most of the work has been done for a while. They still have concerns about the landscaping not being in agreement with the plan. It may actually be better, but he can't make that judgment. They would ask that Boucher & James check it out as compared to the latest approved plan. We are asking for some retainage for the split rail fence, so the conclusion is, we are recommending a reduction.

MOTION BY: Mr. Maxfield moved to release the funds for the developer.

SECOND BY: Mr. Horiszny

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

ROLL CALL:

MOTION BY: Mr. Maxfield amended his motion and moved to release the funds for the developer per HEA's letter of October 24, 2006.

SECOND BY: Mr. Horiszny amended his second.

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

ROLL CALL: 5-0

D. FILLER MAJOR SUBDIVISION – MEADOWS ROAD – PRELIMINARY PLAN CONSIDERATION

Mr. Kern said this is off of the agenda. Mrs. deLeon said she knows this is off the agenda, but they did send a letter saying Council's recognition of the acceptance of the 90 day extension. Attorney Treadwell said it's the developer's option, and they are granted the 90 days. We do not need to do anything.

E. O'BRIEN'S FARM – MEADOWS ROAD – PRELIMINARY PLAN CONSIDERATION

Mr. Kern said the developer is requesting a four month extension to complete the improvements in this subdivision. Mrs. deLeon said this is the one that continues to give us money for the liquid fuels for snow plowing. She asked why they are not completing this? Mr. Birdsall said he didn't know, but it slightly works to our advantage as we don't have to plow the snow and they now have to come back and do more maintenance work than they would have had to. The problem would be if the snow wasn't plowed and we would get complaints.

MOTION BY: Mr. Horiszny moved for approval, per the staff recommendation.

SECOND BY: Mr. Maxfield

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

ROLL CALL: 5-0

**General Business Meeting
November 1, 2006**

F. CLOVER VIEW – DRIFTING DRIVE – REQUEST FOR EXTENSION TO COMPLETE IMPROVEMENTS

Mr. Kern said the developer is requesting a security reduction. HEA has completed an inspection and is recommending a reduction in the amount of \$112,352.40. Mr. Horiszny said it should be “Drifting Drive” instead of “Meadows Road”.

MOTION BY: Mrs. Yerger moved for approval of the security reduction for Clover View in the amount of \$112,352.40 as per HEA’s recommendation of October 27, 2006.

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

ROLL CALL: 5-0

Mr. Maxfield said he knows a lot of trees were cleared off that property and they were supposed to do a pretty elaborate planting scheme. Have they entered into any of that? Are they at that stage yet? Mr. Birdsall said he doesn’t have an answer this evening, but will get an answer for them. Mr. Maxfield said he got a phone call from a resident, and either the folks at Clover View or maybe their Realtor, has been harassing one of our residents to the points that police action was required and it has to do with marketing signs on people’s property and repeated warnings. He would like the Township to let the people at Clover View know we don’t appreciate this type of activity. It’s been going on for quite some time. The resident is Ms. Anne Marie Crown at Quadrafolia Farm. We need to make a statement to them, and this is uncalled for.

MOTION BY: Mr. Maxfield moved to send a statement/letter to Cloverview as stated above. Attorney Treadwell and Mr. Cahalan will take care of that with a letter or a phone call.

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

ROLL CALL: 5-0

Mr. Birdsall said one of the things that slowed down our normal process was the letter from the Eliot Group dated September 28, 2006. They indicated they were looking for a full release of letter of credit. That is very unusual at this stage of the game because they aren’t anywhere near done. We felt we had to do a through inspection and set the letter up as though it was a rejection of a request for improvements acceptance. In addition to the motion you took, he would ask that you issue another motion rejecting the improvements based upon HEA’s letter dated October 27, 2006, and that letter be sent certified to the developer.

MOTION BY: Mrs. deLeon moved as stated by the engineer above.

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

ROLL CALL: 5-0

G. COTTAGES AT SAUCON VALLEY – MOUNTAIN DRIVE – REQUEST FOR SECURITY REDUCTION

Mr. Kern said the developer has requested a reduction of security for work completed at this subdivision. HEA has done an inspection and they recommend a reduction in the amount of \$33,350.40 with \$285,419.76 to be retained as security.

**General Business Meeting
November 1, 2006**

- MOTION BY:** Mr. Maxfield moved to approve the security reduction in the amount of \$33,350.40 with \$285,419.76 to be retained as security.
- SECOND BY:** Mrs. Yerger
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.
- ROLL CALL:** 5-0

H. COBBLE CREEK – SKIBO ROAD – REQUEST FOR EXTENSION TO COMPLETE IMPROVEMENTS

Mr. Kern said the developer has requested a one year extension to complete the improvements in their subdivision.

Mr. Horiszny said “Friedensville Road” should be “Skibo Road”. Mrs. deLeon asked what this had to do with the liquid fuels. Mr. Birdsall said this is the town house that just has a couple of private driveways, so there’s nothing we have with regard to snow plowing or road acceptance.

- MOTION BY:** Mrs. Yerger moved for approval for the extension request as per HEA’s October 25, 2006 letter to Cobble Creek.
- SECOND BY:** Mr. Maxfield
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.
- ROLL CALL:** 5-0

IV. TOWNSHIP BUSINESS ITEMS

A. RESOLUTION #60-2006 – PLACEMENT OF TMP # R7-17-22, R7-17-24, R7-18-1 & R7-23-12B IN WILLIAMS TOWNSHIP AGRICULTURAL SECURITY AREA

Mr. Kern said resolution 60-2006 has been prepared approving the request for inclusion of the referendum of the referenced tax parcels in the Williams Township Agricultural Security Area. Mr. Cahalan said you have a map of the parcels known as Bechtold’s Orchards owned by Mr. Rowe. As the resolution states, the LST has not established an agricultural security area (ASA). Neighboring Williams Township has created an ASA and this resolution would allow Mr. Rowe’s parcels, a total of 69.3 acres to be included in the ASA in Williams Township. This is one of the requirements we have to do on our end to complete the process. Mrs. deLeon said she went to a dinner at the Sheraton, and they said yes, you can do this.

RESOLUTION #60-2006

RESOLUTION OF THE COUNCIL OF LOWER SAUCON TOWNSHIP APPROVING PLACEMENT OF TAX MAP PARCEL NOS. R7-17-22, R7-17-24, R7-18-1, and R7-23-12B IN THE WILLIAMS TOWNSHIP AGRICULTURAL SECURITY AREA

- A. Lower Saucon Township has not established an Agricultural Security Area (“ASA”) pursuant to the Agricultural Security Law (Act 43 of 1981).
- B. Williams Township has created an ASA.
- C. Section 1381.31 of the regulations of the Agricultural Security Area Program permit adding land to an ASA where the land proposed for inclusion lies entirely outside the local government units in which the ASA is located. (7 PA Code Section 1381.31(C).
- D. William R. Rowe, Sr., has applied to Williams Township for inclusion in the Williams Township Agricultural Security Area of approximately 69.3 acres, more or less, known as Bechtoldt’s Orchard located at 2209 Leithsville Road in Lower Saucon Township and identified as Northampton County Parcel Nos. R7-17-22, R7-17-24, R7-18-1, and R7-23-12B.

**General Business Meeting
November 1, 2006**

- E. The Council of Lower Saucon Township supports the application of William R. Rowe, Sr. for inclusion of the Bechtoldt's Orchard in the Williams Township Agricultural Security Area.

NOW THEREFORE, BE IT RESOLVED AND ENACTED by the Council of Lower Saucon Township that the Council approves and consents to inclusion in the Williams Township Agricultural Security Area of the above-described properties being identified as follows:

R7-17-22	9 Acres
R7-17-24	31 Acres
R7-18-1	21 Acres
R7-23-12B	<u>8.3</u> Acres
Total Combined Acreage	69.3 Acres

RESOLVED and ENACTED by the Council of Lower Saucon Township at a regularly advertised meeting held on November 1, 2006.

- MOTION BY:** Mr. Kern moved for approval of Resolution 60-2006.
- SECOND BY:** Mr. Horiszny
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.
- ROLL CALL:** 5-0

B. RESOLUTION 61-2006 – PLACEMENT OF TMP Q8-1-32 IN WILLIAMS TOWNSHIP AGRICULTURAL SECURITY AREA

Mr. Kern said Resolution 61-2006 has been prepared approving the request for inclusion of the referenced tax parcel in the Williams Township Agricultural Security Area. Mr. Cahalan said this is another resolution we've been asked to prepare by Williams Township to complete the process of including a parcel of 42 acres belonging to Mr. & Mrs. Carl Brostedt. It's at 2431 Wassergass Road and this would allow the parcel to be included in the ASA.

RESOLUTION #61-2006
**RESOLUTION OF THE COUNCIL OF LOWER SAUCON TOWNSHIP APPROVING
PLACEMENT OF TAX MAP PARCEL NO. Q8-1-32 IN THE WILLIAMS TOWNSHIP
AGRICULTURAL SECURITY AREA**

- A. Lower Saucon Township has not established an Agricultural Security Area ("ASA") pursuant to the Agricultural Security Law (Act 43 of 1981).
- B. Williams Township has created an ASA.
- C. Section 1381.31 of the regulations of the Agricultural Security Area Program permit adding land to an ASA where the land proposed for inclusion lies entirely outside the local government units in which the ASA is located. (7 PA Code Section 1381.31(C)).
- D. Carl W. Brostedt and JoAnne Brostedt have applied to Williams Township for inclusion in the Williams Township Agricultural Security Area of approximately 42 acres, more or less, located at 2431 Wassergass Road in Lower Saucon Township and identified as Northampton County Parcel No. Q8-1-32.
- E. The Council of Lower Saucon Township supports the application of Carl W. Brostedt and JoAnne Brostedt for inclusion in the Williams Township Agricultural Security Area.

NOW THEREFORE, BE IT RESOLVED AND ENACTED by the Council of Lower Saucon Township that the Council approves and consents to inclusion in the Williams Township Agricultural Security Area of the above-described property

**General Business Meeting
November 1, 2006**

RESOLVED and ENACTED by the Council of Lower Saucon Township at a regularly advertised meeting held on November 1, 2006.

MOTION BY: Mr. Horiszny moved for approval of Resolution 61-2006.
SECOND BY: Mrs. deLeon
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.
ROLL CALL: 5-0

C. INVITATION TO JOIN CITY OF BETHLEHEM ENTERPRISE ZONE PROGRAM

Mr. Kern said the Township has received a request from Triad Associates, consultants hired by the City of Bethlehem to explore the reauthorization of Bethlehem's Enterprise Zone Program asking whether LST, which shares common commercial and industrial areas (particularly the former Bethlehem Steel property) with the City, is interested in participating with Bethlehem in a joint Enterprise Zone designation. The Boroughs of Hellertown and Freemansburg have indicated a preliminary interest in this initiative.

Mr. Cahalan said Council has a copy of a request from Triad Associates who the City has employed to draft a strategic plan. The City is considering whether they want to have an area in the City of Bethlehem designated for an Enterprise Zone. They previously had one from 1985 to 1992, and it was primarily in South Bethlehem. They are in the process of considering whether they want to redo that. They have extended the invitation to the Township and also Hellertown and Freemansburg. He doesn't have a lot of information other than what's in the packet. It indicates there are some benefits to companies if they were to locate in an enterprise zone area, low interest loans, priority for DCED grants, and so on. He's asking Council if you think it is something we would be interested in, authorize Mr. Cahalan to notify Triad Associates and possibly set up a meeting with the consultant and learn more about this initiative. Mrs. Yerger said she thinks it's a good idea, but we need to know more. Mrs. deLeon would like to put this on the SVP next meeting. Mr. Maxfield said instead of putting it on the SVP agenda, could we find out more about it first to see if we even want to put it on any sort of agenda. Mrs. deLeon said they can mention that it's here. Mr. Maxfield said we need more information. How can you discuss an item you don't have information on? Mrs. deLeon said they can just talk about it and talk about what they have at the moment. Mr. Cahalan said Hellertown sent a copy of a letter that they sent to Triad and they are asking for more information also. Mrs. deLeon said that's what we'll report at the SVP meeting. It's really not an issue. She asked why it was dated stamped September 16 and never remember seeing it in Councils packet, did Council get this in a FYI packet? Mr. Cahalan said they have the routing on it, and it usually goes to Council.

MOTION BY: Mrs. Yerger moved to have Jack set up a meeting and pursue this further.
SECOND BY: Mr. Maxfield
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.
ROLL CALL: 5-0

D. SPCA – AUTHORIZE EXECUTION OF 2007 AGREEMENT

Mr. Kern said the Township Manager will review the proposed 2007 agreement with the SPCA for animal services for stray, abused, injured animals for 2007 and is requesting Council's approval of the agreement.

Mr. Cahalan said the annual contract is to pick up stray animals. The procedure up through this year was residents could drop off animals at the shelter and our police officers would get calls and

**General Business Meeting
November 1, 2006**

pick up dogs and take them to the shelter and they would charge us per animal for them which was \$40. Under this contract, the \$40 fee is going to remain the same, but we did a report and gave it to Council where it shows the number of stray animals being dropped off or picked up is going higher and higher and we're running at a rate where it could total about 150 animals this year, which is up from 2005 where we only had 96. In 2003, we had 123, so it's up and down. We do have to budget funds in the 2007 budget which we gave you a proposed budget yesterday. We are going to have to raise that as we estimated about \$4,000 and it looks like we'll need about \$6,000 to cover those increased numbers. One of the things they are going to do in 2007 is institute a new rule for Township residents that if they show up with a stray animal at the shelter, they are going to start charging them between \$25 and \$40. We're not sure what the reception is going to be to that. He's concerned if people don't want to pay that fee, then there will be an increase in the number of stray animals. If they become strays, and they are dogs, then the Police would pick them up and do that. If they are cats, we do not have our officer's pick cats up for their own safety. That could show an increase in our stray cat population. We'll be looking at that during the year to see if there are any problems with that. He's recommending the contract be renewed. They have a program if you pick up a stray or identify a stray to them, it's called a trap/neuter and return program for some of the feral cats. They will come out and pick up the animal, neuter the cat and return the cat to the community. They say in the letter the program resulted in a 44% reduction in the stray feral cats in Easton. Mr. Maxfield asked if there was a fine if you caught someone dropping off an animal on the road. Mr. Cahalan said he'd have to check that out. Mr. Maxfield if there is an existing fine, we should raise it \$50. Mr. Cahalan said he doesn't think we have anything on that. This will be put in the newsletter.

Ms. Segaline said she started a program with the SPCA where people are getting their animals spayed and getting their shots for free from the SPCA. They are coming to pick up animals at the church and then they are going to the SPCA building and bringing them back and it's all for free. All they need are the cages and the carriers.

- MOTION BY:** Mrs. deLeon moved for approval of the SPCA contract – Authorize execution of 2007 agreement.
- SECOND BY:** Mr. Maxfield
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.
- ROLL CALL:** 5-0

E. REVISIONS TO 2006 MMO'S

Mr. Kern said the Township Manager will review with Council a letter received from the Township actuary recommending correction action on the MMO's for 2006 which Council adopted in 2005.

Mr. Cahalan said this is something our new actuary, Municipal Finance Partners, reviewed the MMO for 2006 which was given back to you in 2005. You approved them prior to the year and Chuck Freeland provided us with a letter dated October 17, and in the letter, he pointed out he reviewed the MMO's for 2006 for both the Uniform and the Non-Uniformed pension plans and what he found was that the administration expenses for these pension plans were not reported on one and under reported on the other. As he points out in the letter, if these expenses are not reported on an MMO or placed in our budget, and it's discovered later by the Auditor General in an audit, we could have a finding in our audit report. To do that we need to put in the increased funds and Cathy Gorman is prepared to do that in the current 2006 budget. Mrs. deLeon asked about the accountability with the previous firm? Attorney Treadwell said they have some ongoing issues with the previous firm. Mrs. deLeon said the MMO is supposed to be certified by the governing body by the end of September, why do these things you signed say October 2005? Mr. Cahalan

General Business Meeting
November 1, 2006

said it was revised. Mrs. deLeon said this is a significant increase and the taxpayers have to make this up, it's really not right.

MOTION BY: Mr. Maxfield moved to take the corrective action that's recommended in Chuck Freeland's letter dated October 17, 2006.

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

ROLL CALL: 5-0

F. CASINO UPDATE

Mr. Kern said the Township Manager will update Council on the October 30, 2006 meeting that representatives from LST, Hellertown Borough and Freemansburg had with Northampton County Executive John Stoffa regarding the County process for funding the priority municipalities in the host county for casino related impacts.

Mr. Cahalan said they had a meeting with Mr. Stoffa. There were representatives there from LST, Hellertown Borough and Freemansburg. The purpose of the meeting was to discuss with Mr. Stoffa the process with the contiguous municipalities to the City of Bethlehem. This is all contingent upon Bethlehem getting the slots casino license. The concern was how would we go about getting the funding that the host county would receive if Bethlehem got the slots. One of the reasons we wanted to meet with Mr. Stoffa was there had been a change in the funding arrangement. Originally, there was a 2% amount that was going to go to the host county. There was a revenue sharing arrangement made with the cities of Bethlehem and Allentown and Lehigh and Northampton County to share the revenue money that would come to the host county. That reduced the amount which would have been about \$5.6 million and reduced it to about \$3.6 million, so there's less money that is going to be available to the host county and to the municipalities. They are now considered priority municipalities, thanks to Senator Boscola, who had that language inserted in the bill. Mr. Stoffa congratulated us for getting together in a coalition to work on this issue. He didn't have a lot of details about how the funding was going to get done. He was committed to having a procedure that was non political and that was fair and equitable and objective so they could come to the county and request funding for traffic impacts, police and EMS. They are going to be working together, as a group, and trying to come up with some criteria that we can recommend to him to use for this funding process. We also talked about some other things we need to establish and that is to get some baseline information about traffic counts so we can show in these funding requests that we are getting impacted by casino traffic. We will be monitoring the land development plans the casino has submitted to the City of Bethlehem. It was a very good start and good communication between the group.

Mr. Kern said how do we get a baseline on the traffic counts? Mr. Cahalan said we all agreed that the best way was to do a regional impact study. Again, there's a cost with doing that, and we're not sure the casino is going to step up and agree to pay for that. It is something that would be important if we are going to establish that there will be impacts. Mrs. deLeon said John was impressed that this was a team effort and that instead of submitting three different requests annually, we should try to agree to come up with one request with our three sections in there, and in that way, County Council will review one request, and we'd have a better shot at them approving our request. On Tuesday, there was a PC meeting at the City. They approved the preliminary plan, and if the casino is approved in December, the Council will look at that. If announce that Bethlehem is going to get the casino, we need to get our act together as we need to go to the city Council meeting and present all the records of our concerns so the casino owners are aware of what we need before they approve this plan. Mr. Birdsall said unless there is special legislation in the city dealing with this particular subject, the typical city process is to not have land development plans go to City Council. The PC is the only agency in the City that typically reviews and approves

**General Business Meeting
November 1, 2006**

a land development plan. It may not come back to Council, but it does have to come back for final plan. Typically, there is a sketch plan to the PC and if they give their blessing to the sketch plan, it's not a typical preliminary plan like we're used to. The developer goes right to final plan and then the Solicitors' office works on the developers' agreements. Attorney Treadwell said we could go to PC. They voted on preliminary. Mr. Cahalan said what they said was they established a new procedure based on the zoning that was passed. They actually shared with them an architectural design and indicated in the article the land development plans would not be submitted until after they were sure they had the license. They did also say one of the things they would work on would be an improved traffic impact study for the city.

Mrs. deLeon said the one article mentioned a second entrance from 412, we don't know where that is? Mr. Cahalan said the one where it says 412, it says a pedestrian crossing to the South Bethlehem Greenway proposed across Route 412. The way this is planned is it's on both sides of the Minsi Trail Bridge and they want to allow the commercial traffic back and forth. Mr. Birdsall said he's not sure what the reference is to a second access on 412.

Mr. Maxfield asked if the traffic would be improved down our way at all? Mr. Cahalan said he didn't know. Mrs. deLeon asked if we sent Jim's study to the City? Mr. Cahalan said we didn't and we focused on the gaming control board. Mrs. deLeon said we should send it and say this is part of the official statement we are making. Why didn't they notify us? Mr. Maxfield said they are making presentations in front of Bethlehem proposing greenways through LST without ever talking to us. We need to start asserting ourselves with Bethlehem. The impact on LST is great. We need to start forcing open some type of communication.

G. ORDINANCE – AMENDMENTS TO NRP ORDINANCE 2005-01

Mr. Kern said staff is recommending revisions to the NRP Ordinance pertaining to riparian and wetland buffer setbacks.

Mr. Cahalan said the Council asked the Staff to look into this some time ago. They had a memo from Judy and she reviewed the riparian buffer issues and there were some recommendations in there. The recommendation are put into a draft ordinance for Council's review. Mrs. deLeon said the memo is date stamped January 13, 2006, but her letter is dated January 11, 2005, is that a typo? Mr. Cahalan said he's not sure, it looks like it would have come in 2006. Rick Tralies should relay that back to Judy.

Mrs. Yerger said on page 6 of Judy's memo, "we recommend the Township consider amending the ordinance further to clearly stat that a riparian buffer is required adjacent to and along all rivers, waters of the United States, waters of the Commonwealth, perennial streams and intermittent streams". When you go to the actual draft ordinance, it only talks about delineated waters of the Commonwealth, waters of the US. Do we need have to add perennial streams and intermittent streams? Mr. Tralies said yes, we have to add that wording. Mrs. deLeon said it mentions Natural Features in sections 2 and 3. Is it defined somewhere? Mr. Tralies said he doesn't believe natural features is defined in your ordinance. Council decided to stop at "These areas shall be utilized to protect the quality of bodies of water", and delete "preserving the natural features around them, which are a part of their natural ecosystems". Mrs. deLeon said in the letter it also says we recommend the issues be reviewed by the EAC and the Township solicitor and it missed the PC. Attorney Treadwell said it definitely goes to the PC. Mr. Maxfield said actually you can replace EAC with the PC as the EAC was one of the people that asked for it in the first place, so they pretty much reviewed it already. Mrs. deLeon said wouldn't it be better to put it on your agenda and have a motion so that's the record. Mr. Maxfield said okay. Mr. Tralies said our Zoning Officer has also made a recommendation that we make a slight revision to the site capacity calculations. One line in the calculations currently reference base site area, where it should reference net buildable

**General Business Meeting
November 1, 2006**

site area. We would amend Section 180-95C(d)2 as Chris has recommended that we revise and state “find the square footage of net buildable site area” in the section of the site capacity calculations and are a portion of the NRP ordinance.

MOTION BY: Mr. Horiszny moved to authorize advertisement and to submit it to all of the relevant agencies, PC, LVPC, EAC, with the all the revisions and additions and amendments from Rick and Chris.

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

ROLL CALL: 5-0

V. MISCELLANEOUS BUSINESS ITEMS

A. APPROVAL OF OCTOBER 18, 2006 MINUTES

Mr. Kern said the minutes of October 18, 2006 have been prepared and are ready for Council’s review and approval.

Mrs. deLeon said on page 1, take out Brien Kocher and add Jim Birdsall. On page 7, line 4, take out “splotch” and put in “spot”. Page 7, line 33, add McNemar after Lauresa. Mr. Horiszny said on page 17, line 36, last word should be “police”, not policy. Page 20, line 13, “placemen” should have a “t” on the end of it. Page 20, line 29, second last word, take out “their” and put in “our”.

MOTION BY: Mr. Kern moved for approval of the October 18, 2006 minutes, with corrections.

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

ROLL CALL: 4-1 (Mr. Horiszny – No – Too Long)

VI. PUBLIC COMMENT/CITIZEN NON-AGENDA ITEMS

- Stephanie Brown, resident, said she wants to know why trees were planted in the right-of-way by her house on Stover Road. She called and complained about. Mr. Cahalan said they were done according to a plan with Toll Bros. that was submitted to the Township and was approved. There was a letter back where they were requesting to put in additional trees along Stover Road and they are planting the trees per that agreement and it’s probably seven or eight years ago. Ms. Brown said it violates the zoning ordinance. Mr. Cahalan said it doesn’t apply the to the 3 foot in the zoning ordinance as these trees don’t come under that or apply to those trees. Mr. Birdsall said zoning does not apply when it’s not on private property. When it’s on public property, the rules of the construction standards of the street or the approval of the plans governs, zoning doesn’t affect what goes on outside of private property in a public street area. Mail boxes wouldn’t be allowed because they’d be in a structure in a front yard setback, so the same rules don’t apply to a public street that apply on a private property. Attorney Treadwell said he would agree with that if it’s in the Township right-of-way. Ms. Brown said they are shade trees and they are not happy with them. They are less than 20 feet from their pool and will cause them more property maintenance and maintenance of the sidewalks. They have a lot of problems and are willing to take this issue to court. Attorney Treadwell said they are actually not on your property? She said not that she’s aware of. She was told that once the streets get turned over, that does becomes what we have to take care of. Mr. Birdsall said the curb and sidewalk become the responsibility of the property owners under the ordinance as they are an enhancement to the frontage of the property. Ms. Brown said it was never implied that they would have to deal with this. Attorney Treadwell said this is the first he’s heard of this, so Jim and Attorney Treadwell will look into it and come back in two weeks

**General Business Meeting
November 1, 2006**

and report. Mrs. deLeon said could you please give us an abbreviated portion of the site plan showing us so we have some idea of what is going on out there? Mr. Birdsall said yes. Ms. Brown said they are part of the old development, Wagner Farm. Attorney Treadwell said he would guess that the old plans show street trees throughout that development. Ms. Brown said she believes he is right, but it was supposed to be incorporated with the thought where the houses were going to be built and this wasn't. No one wants to do anything about this. Mr. Kern said we are doing something about it. You brought it to our attention and we are doing something about it and will find out about it in two weeks.

VIII. COUNCIL AND STAFF REPORTS

A. TOWNSHIP MANAGER

- Mr. Cahalan said Lorraine Torella from the LST Historical Society said that a resident has offered to donate gravel for a temporary path at the schoolhouse. It would be laid down from the Limpar Lane up to the front steps and would be helpful in inclement weather and in the winter time. Judy Stern Goldstein has no objection to the temporary path being put down.

MOTION BY: Mrs. Yerger moved for approval of the temporary pathway of gravel for the Lutz Franklin Schoolhouse.

SECOND BY: Mr. Maxfield

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

ROLL CALL: 4-0-1 (Mrs. deLeon – Abstained – relationship with the donor).

B. COUNCIL/JR. COUNCIL

Mrs. Yerger

- She and Tom went to the school board meeting and did a brief presentation, with Rick Tralies' help, and they thank Rick very much. They went over the facts of the open space plan and the referendum and tried to explain what it was all about. In the course of that, the question about Act 4 came up. Northampton County has passed it. She said the school board said they would consider supporting it if the Township passed it and gave them a copy of the resolution that they used to pass it with the wording, so we need to match it up with the County wording. Attorney Treadwell said we need to do an ordinance to adopt it if the school district wants a resolution ahead of time stating that Council supports. We can do either one. Mrs. Yerger said they want to see our wording first and see what exactly we adopted, then they'll take it on and consider it. Mr. Maxfield said if we have any basic information on Act 4, they didn't seem to even have heard about it. If there is anything we can relate to them, that would be great. Mr. Cahalan said he handed that information out to the SVP representatives, and asked them to bring it up at a school board meeting. Mrs. Yerger said they need to see the exact language. Mr. Maxfield said they also asked one other thing which he doesn't know if we can accomplish. Their solicitor asked if we could identify potential properties in LST that this would affect so they could determine how that would affect their incoming tax revenue. Mr. Cahalan said the only ones we could identify are the ones that are open space right now. Future – probably not. He said something that Wilson did it that way. It might be easier for Wilson as they don't have a lot of open space. Mr. Maxfield said we are always looking for larger properties and have been in the neighborhood of excess of 50 acres, so we could identify 50 acre plus parcels in LST and send them a GIS map. Mr. Cahalan said that map is already produced. Mrs. Yerger said it doesn't state we are going to get all of this land.

**General Business Meeting
November 1, 2006**

- She said Leslie passed on a press release about EAC's November 14 meeting with the Appalachian Hiking Club coming and they will be talking about the Highlands Region that runs through the southeastern and south portion of LST - some of the trails they plan on doing, some of the greenway plans.
- She is going to ask our Jr. Council member to mention to the high school there is a recycling day being down at the Township and see if they could distribute it or post it. We are going to be doing paper recycling also and up to three bins at the school district where residents and school personnel can deposit paper. The LST Historical Society is going to do this as a fund raiser. They will send her information about this. Vanessa will inform the environmental club.
- There is something that was brought to her attention about the NPDES post construction storm water permitting from DEP. They are looking at initiating a new procedure in which, he talked to Jim about it and asked Staff to look at it, and she thinks upon Jim's and Linc's recommendations, we need to put some kind of letter together to our legislative representatives that this is NOT a good thing. What it's going to do is limit the amount of commentary the municipality can make on this permitting process. It's really going to hamper us. We really need to be pro-active in addressing this issue. Springfield has already sent a letter out to Senators and Representatives. It's pulling storm water issues out of our hands. Mrs. deLeon said would this be something that could be brought to the attention of the CAC. It's a concern to all municipalities. This will be put into the bulletin. It's kind of an early circulation and get comments in before it gets to the bulletin stage. When it gets there, it's almost too late.

MOTION BY: Mrs. Yerger moved to authorize Mr. Birdsall and Linc, if necessary, to draft a letter in response to the new DEP NPDES permitting and specifically address a statement that says, "The group officials and others works collaboratively to meet both the goals of the developer and the regulatory requirements of the agencies".

SECOND BY: Mrs. deLeon
Mr. Kern asked if anyone in the audience had any questions or comments? Mr. Maxfield said why would we work for the goal of a developer? The letter should go to Boscola, Freeman, Beyer and McGintey. Mr. Birdsall said there should almost be two letters, one written to McGintey and the other written to Boscola, Freeman and Beyer.

ROLL CALL: 5-0

Mr. Maxfield

- Nothing

Mr. Kern

- Nothing

Mrs. deLeon

- They talked last night about the fire company meeting. She'd like to get together with Glen and get some dates together so something can be set up.
- They had the special meeting on September 28, are they going to get minutes? Leslie said yes. She asked for a map or plan of some sort, she didn't get it yet. Leslie said okay.
- Regarding the letters for the UCC issue, what happens now with the inspector? Mr. Cahalan said in the memo that Chris did, he recommended we will take some action with our third party reviewers. He points out in there these are independent people performing these inspections. We don't have lot of control over them and in one instance they had somebody who wasn't licensed. They are going to take steps to pull in this ban of control by reducing the number of inspectors for residential and commercial. This will be an improvement. They do it annually and look at the inspectors. The audit was kind of a surprise and pretty well in-depth, but focuses the direction on Chris and his licensing. It is

**General Business Meeting
November 1, 2006**

a Township responsibility. We are taking steps to rectify the situation. One of the things he points out is that after he approves something, the owner of the establishment can make changes to the establishment. They went and looked at the establishments six months after they were given the approval, and one instance, they installed the counters once we did the original inspection. Mrs. deLeon said what Chris did was fine, but the deficiencies with the establishments, do they have to go back and reinspect them again? Mr. Cahalan said they pointed out they were deficiencies and they won't go back and reinspect them.

Mr. Horiszny

➤ Nothing

Jr. Council Member

➤ Vanessa met with the Principal of SV High school and they discussed how she could help the students of the school. He said he will inform the students they could talk to her about any problems or questions they have about LS. The school this year, they are doing in school suspension instead of out of school suspension. They said the students will be able to work better on a one to one basis rather than at home. This year the principal said he wants to increase our PSSA scores.

C. SOLICITOR

➤ He said in the paper, there was an issue in the Express Times about an individual in LST who evidently has been discharging a firearm in violation of four firearm's ordinance. He was convicted once which was upheld by the Northampton County Court and the Superior Court of PA. He was cited again by our PD and at the Magistrate hearing, it was dismissed. He would request Council's permission to appeal that if the District Attorney's office does not do so.

➤

MOTION BY: Mr. Horiszny moved for approval to appeal as stated above by the Solicitor.

SECOND BY: Mr. Maxfield

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

ROLL CALL: 5-0

D. ENGINEER

Nothing to report

E. PLANNER

Nothing to report

III. ADJOURNMENT

MOTION BY: Mr. Horiszny moved to adjourn. The time was 9:50 PM.

SECOND BY: Mr. Maxfield

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

ROLL CALL: 5-0

Submitted by:

Mr. Jack Cahalan
Township Manager

Glenn Kern
President of Council