

I. OPENING

CALL TO ORDER: The General Business & Developer meeting of Lower Saucon Township Council was called to order on Wednesday, November 4, 2009 at 7:02 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; Judy Stern-Goldstein, Township Planner; Township Engineer, Brien Kocher; Township Solicitor, Linc Treadwell; and Jr. Council Member, Kimberly Kelly.

PLEDGE OF ALLEGIANCE

ANNOUNCEMENT OF ANY EXECUTIVE SESSION (IF APPLICABLE)

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

II. PUBLIC COMMENT/CITIZEN AGENDA ITEMS

Mr. Kern said for citizen agenda items – Council operates under Robert’s Rules. What that means is during agenda items, Council will talk amongst themselves and amongst staff and the interested parties. At the conclusion of that, we open it up to the public for public comment. There is an opportunity for non-agenda items at the end of the meeting to discuss whatever your business might be. We do have a microphone and there are microphones up at the table. There is a sign-in sheet in the back of the room. Please print your name and address and email address. It is very helpful in transcribing the minutes. For those who want to receive emailed agendas, please give your email address to 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

A. PRESENTATION BY THE STATE FIRE COMMISSION ED MANN TO SE-WY-CO VOLUNTEER FIRE COMPANY

Tabled until 12/02/09 Council meeting

B. RESOLUTION #73-2009 – RECOGNIZING SE-WY-CO FIRE COMPANY FOR ACHIEVING STATE CERTIFICATION

Tabled until 12/02/09 Council meeting

IV. DEVELOPER ITEMS

A. ZONING HEARING BOARD VARIANCES

1. BORIS STEFANOV & MARIETTA PEYTCHEI – 1845 VIOLA LANE – REQUEST VARIANCE OF REAR YARD SETBACK FOR A DECK

Mr. Kern said the applicant is requesting relief of approximately 4’ of relief from the rear yard setback of 40’.

Mr. Boris Stefanov was present. He said they are requesting this relief for construction of a deck. They currently have from the building “as built”, eight feet of available space to build a deck and they are requesting another four feet.

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

Council took no action.

2. **WALTER FINKBEINER – 2153 WASSERGASS ROAD – REQUEST VARIANCE OF FRONT YARD SETBACK TO BUILD A GARAGE**

Mr. Kern said the applicant is requesting 7’ of relief from the minimum front yard setback of 40’.

Mr. Walter Finkbeiner was present. He said he wants to put up a garage so his wife has a place to put her car.

Council took no action.

3. **PIERPOINT SLATER PROPERTIES – 3495 RT. 378 – REQUEST VARIANCE OF FRONT YARD SETBACK TO INSTALL A SIGN**

Mr. Kern said the applicant is requesting 10’ of relief from the required sign setback.

Mr. Ed Flowerdew from Boyle Construction was present representing Pierpont Slater. He said the new Embassy Bank would like to install a monument sign. To install it in its required location, it would have to be installed into a newly installed infiltration area which consists of large stone. The Civil Engineer does not like this idea, so they would like to move it a little bit closer to Route 378 to get out of the infiltration area.

Mr. Kern asked if there were any issues in doing that from an engineering perspective? Mr. Kocher said it’s probably better than putting it in the infiltration area. Mr. Kern said are there any safety issues? Mr. Flowerdew said they are clear of all the sight lines they have from Colesville Road and Route 378.

Mr. Maxfield said the information where the “Welcome to Lower Saucon Township” sign is, is that included in the variance or not? Mr. Flowerdew said there are two different signs and he and Chris Garges did meet out at the site to find an alternate location for the “Welcome” sign as well, which would be next to the new utility pole. He does have a new sketch showing the new location. Mr. Maxfield said it is included with this particular variance? Mr. Flowerdew said yes, it will be included.

Council took no action.

4. **EDWARD & DOLORES HILL – 2021 SCENIC VIEW LANE – REQUEST VARIANCE TO CONSTRUCT AN ADDITIONAL FOUR DWELLING UNITS IN ONE NEW BUILDING**

Tabled until 11/18/09 Council meeting.

B. HIDDEN MEADOWS – LOWER SAUCON ROAD – REQUEST EXTENSION TO COMPLETE IMPROVEMENTS

Mr. Kern said the developer is requesting a one-year extension to complete the improvements associated with this subdivision.

HIDDEN MEADOWS EXTENSION

The Lower Saucon Township staff recommends that Township Council approve an extension until November 6, 2010 for completion of improvements at the Hidden Meadows Subdivision. This approval is subject to the following conditions:

1. The owner/developer shall enter into an Extension Agreement with the Township satisfactory to the Township Solicitor and Township Council.
2. The Improvements Security shall remain in full force and effect until project completion or December 6, 2010, to the satisfaction of the Township Solicitor.
3. The owner shall pay any outstanding plans and appeals account invoices owed to the Township.
4. The Township Engineer is hereby directed to inspect the erosion and sedimentation controls for the project and notify the developer of any deficiencies. The developer must correct any deficiencies noted by the Township Engineer within 60 days of receipt of his report.

MOTION BY: Mr. Horiszny moved for approval of a one year extension to complete the improvements at Hidden Meadows – Lower Saucon Road, based on the staff recommendation.

SECOND BY: Mrs. Yerger

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

ROLL CALL: 5-0

IV. TOWNSHIP BUSINESS ITEMS

A. SADDLE RIDGE HOMEOWNER’S ASSOCIATION – DISCUSSION REGARDING STREET SIGNS

Attorney Treadwell said this is an update. He sent another letter to the Homeowner’s Association (HOA) about the posts because there had been some emails back and forth about whether they had somebody at PennDOT who was going to approve it or not. They got another letter today from their Attorney, John Reiss, basically stating they will attempt to get an official letter from PennDOT by our drop dead date, which was December 31, 2009, stating that the manufacturer they are intending to use, and the posts that they are intending to install, are break away and satisfactory to PennDOT. Hopefully in the next couple of weeks, they will get that letter from PennDOT and then they’ll be fine.

Mr. Kern asked if anyone in the audience cared to comment? No one raised their hand.

B. BETHLEHEM FIELDS LIGHTING ISSUE

Mr. Kern said staff would like to update Council on its investigation into the light situation at the Bethlehem Fields development located in the City of Bethlehem.

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Mr. Cahalan said we are still investigating the issue. The Solicitor is looking into it and also the Planner is getting data. They have no report at this point. They have informed Ms. Joan Madzarac that the Township will keep her posted. They Township will probably have something by the next meeting.

Attorney Treadwell said a couple of days ago and again this afternoon, he spoke with representatives from the City of Bethlehem. They have a City Council meeting tonight which Ms. Madzarac may be attending as opposed to being here. According to the people he spoke to at the City of Bethlehem, they believe that her issues have been resolved, but he would guess it's probably not the case for Ms. Madzarac. They were going to try to get some documentation for Attorney Treadwell showing what's been done.

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

**C. RENEWAL OF BETHLEHEM AREA PUBLIC LIBRARY AGREEMENT –
RECOMMENDATION FOR RE-NEGOTIATION OF BAPL AGREEMENT**

Mr. Kern said under the terms of our Agreement with the Bethlehem Area Public Library for library services, the Township is required to notify the BAPL by November 15th of our intent to renew the Agreement for another year. The Solicitor is recommending that the Township notify the BAPL of our renewal for 2010 and our intent to opt out of the current agreement and re-negotiate new terms by 2011.

Attorney Treadwell said we talked about this a couple of times previously. He has prepared a draft letter. The last time it was discussed, the BAPL had agreed that the fee that they charge the Township for allowing our citizens to use their library would remain the same for 2010 as it was in 2009. In the letter he has prepared, he will be notifying the library that the Township will be participating in the program for 2010 at the 2009 rate, but that we are opting out of that agreement that was from 1991 for the year 2011 and we would like to meet with them to discuss how we are going to renegotiate it. He made it clear in the letter that we still intend to participate in 2011, but we need to revise that old agreement. If Council is okay with that, he will send the letter tomorrow.

MOTION BY: Mr. Maxfield moved for approval for Attorney Treadwell to send the letter to the BAPL.
SECOND BY: Mr. Horiszny
Mr. Kern asked if anyone had any questions or comments? No one raised their hand.
ROLL CALL: 5-0

D. PRELIMINARY ADOPTION OF THE 2010 BUDGET

Mr. Kern said the budget has been prepared and Council will review and discuss the preliminary adoption of the 2010 Budget.

Mr. Cahalan said the budget hearing was on October 28, 2009 and they presented the proposed budget for 2010 to Council. At that time, there were only a couple of comments that were made, as follows.

The budget is balanced at \$6,592,171.00. In the General Fund, the budgetary fund balance increased from \$1,187,538.00 to \$1,197,164.00. The contingency balance increased from the \$703,292.00 that we reported on October 28 to a higher amount of \$723,368.00. We added in \$1,500 in the Executive Account, line item 01.401.341 for additional codification needs. We added \$1,050.00 into the Data Processing section, line item 01.407.751 for Council laptop software upgrades that Mr. Rasich reported at the hearing. In the Special Funds accounts is the Landfill Revenue account, line item 04.361.700 increased to \$1,724,584.00 as the the final payment for the

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year was received and that increased the contingency account to \$120,431.00. In the Fire Equipment Replacement Revenue fund, line item 04.411.310, we reduced the consultation line item to \$0.00 as there will be no need for any review of specifications in 2010 since there will be no requests for replacement fire equipment coming in from the fire companies. That increased the contingency to \$130,120.00 in that account. In the State fund, we've confirmed that the funding for next year will be \$328,842.00, and the contingency there will change to \$438,567.00. In the Heller Homestead account, we moved the funding for the gazebo that was under line item 37.452.700 to the contingency account and that increased the amount to \$17,760.00. Those are the only changes. Cathy will get the above out to Council members tomorrow. If Council gives the preliminary approval to the budget tonight, we'll advertise the budget and it will be available for public inspection for a period of twenty (20) days, and we'll also post the Power Point presentation that we gave at the budget hearing on the Township website. Council can consider adopting the final budget at your November 18, 2009, December 2, 2009 or December 16, 2009 Council meeting.

Mrs. deLeon asked about the Power Point presentation being on the website, it was the charts that were made up? Mr. Cahalan said it's the entire budget, line item by line item, that's in Power Point. Mrs. deLeon said was it on the website last year? Mr. Cahalan said after the final adoption last year, they put information on there about the final budget. Mrs. deLeon said other municipalities put it on the website, and maybe we could have done it for the preliminary as someone may have been interested and wanted to attend the hearing. Mr. Cahalan said the only thing on that was that it was just presented to Council, so normally if it's something in draft form, we let Council look at it first before we put it out. Mrs. deLeon said we should let the residents know what to come to the meeting about. You put the draft agenda on, and we might get more residents who want to show up. Mr. Cahalan said if Council is okay with that, putting something out in draft form before you look at it, we can put it on the website for that evening. Mrs. deLeon said what's the difference, it's up to us to change it anyway. If nobody is here to input anything, it puts us in a position.

Mrs. deLeon said the newsletter, we're doing it three times, mailing it two times and emailing it one time. Do we normally do that? Mr. Cahalan said that's what Council asked us to do last year. We had gone totally to an email version and Council requested at least a minimum of two issues be mailed out, which is what we are doing. The third one goes on the website. Mrs. deLeon said the cost would be printing and mailing? Mr. Cahalan said yes, if we went to the third one, the expenses would be in the \$25,000.00 range. Last year we opted to keep those expenses down and that's why Council directed a minimum of at least two issues be sent out.

Mrs. deLeon said getting back to the Fire Companies, the allotment we made to Se-Wy-Co a couple of months ago for their new truck, and now we're not replenishing that fund because technically we have no requests for another piece of equipment. Mr. Cahalan said we will not have requests during 2010 from the fire companies. Mrs. deLeon said right now they are compiling a new list. That was the last piece of equipment on the list. What do we normally put in the budget? Mr. Cahalan said we've been putting around \$150,000.00 to \$200,000.00 a year into that fund just to keep the balance up so we can meet the requests. Mrs. deLeon said what's the balance now? Mr. Cahalan said the balance is below \$200,000.00 and we put in, for planning purposes only, the possibility only that there will be some casino impact funding that might be received during the year so that would push it up above \$200,000.00. Long term, what we anticipate in 2011, the fire companies have been meeting together; they are talking about joining together in some sort of organization, which he doesn't know whether it's going to be a partnership or a consolidation, and at that point, we can start talking about equipment that's standardized at least with all the Township fire companies and Dewey Fire Company and Hellertown will be joining in. We'll be talking about equipment that is standardized so that everyone can use it and everyone will be trained to use it. At that point, at least from what he heard at the meetings with the fire companies, you are leaning towards funding that equipment at least close to 100% so they don't have to come up with

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all the fundraising. We are prepared to come back in 2011 with a whole new funding scheme for purchasing fire equipment that can be carried out from 2011 into the future. Mrs. deLeon said when she thinks about the gaming money and helping the fire companies, she always thought that would be in addition. We do get landfill money from the host fee and she always thought that money should go to help the fire companies because they serve all four regions of the Township. Are you going to be planning, and it's probably hard to be able to tell, but for next year's budget, you are going to be putting more money into the account? Right now that landfill money was \$1.8 million. Mr. Cahalan said you are talking about 2011? Mrs. deLeon said right. Mr. Cahalan said they will come back with a plan on how we propose the Township can fund fire equipment for all of the fire companies in the Township for 2011 and beyond. Mrs. deLeon said right now our landfill money we are getting is going to pay off loans for the park, for the building and the land acquisition fund. We're leaving out the fire companies. To her, the fund should be growing more. She just wants to make sure the thought process for the 2011 budget is to put money back in there. Mr. Cahalan said for the 2010 budget, there will be no requests for equipment, so there isn't any need for any funding in that account. Mrs. deLeon said it doesn't matter, there is always going to be a need and we can't count on the gaming money to always be there. We have to continue to use the landfill money. That landfill is going to close in 2014, and we're finding other uses for that money and that bothers her. Mr. Cahalan said if we are talking about funding fire equipment at the 100% rate, putting \$200,000.00 in the fire equipment fund each year is not going to take care of that. There's going to have to be other methods of financing to purchase fire equipment.

Mr. Maxfield said when did we ever talk about funding it for 100%? We never discussed that. Mr. Cahalan said no, that was just discussions at the Fire Services meetings, but it never came for Council action. These were meetings that were held with Council representatives and the Fire Chief's. There were discussions on how to finance fire equipment in the future. We were talking about fire equipment and some of it runs \$800,000.00 to \$1 million or more for a piece of equipment, and we talked about the ability of the fire companies, which is very limited, to come up with their portion of the cost. There was discussion about at some point, would the Township and Hellertown Borough have to commit to pay for all of the equipment. What he's proposing is that if that is the case, in 2011, they will lay out some steps and financing proposals to accomplish that. Mr. Maxfield said it's kind of closer to what you had proposed before where we had actual investment into a program that we built. That he would be in favor of. He's kind of shocked that Mrs. deLeon said we were leaving the fire companies kind of behind, considering we just paid about \$750,000.00 for some equipment this last year and the state that the budget is in right now with no purchases occurring this year and no monies going into it was done with the full knowledge of the fire companies, so he thinks we're okay for this year. We ought to do as planned for 2011 and plan to fund it at that point. We don't even know what we're talking about yet as we don't even have a list from the fire companies. Mrs. deLeon said she doesn't know if she agrees that the fire companies knew we weren't going to fund the budget for 2010. She thinks they heard in conversation by depleting the budget by \$750,000.00, that we gave them, there was still left some money in there, but she doesn't think we point blank told them that night we weren't going to put money in the next year's budget. Mr. Maxfield said he thinks they knew what was left in the budget and they knew what was possible to do. Mrs. deLeon said they expect us to replenish that line item every year and it's not happening. She doesn't agree with that. Mr. Maxfield said it's feasible for us to do if we follow a plan like Jack is putting together. There's got to be a way for this fund to grow on its own. Mrs. deLeon said it's not going to grow if you don't put money in it. Mr. Maxfield said every time we put some money into it, it gets taken out for equipment. Every time we've tried to grow the fund, there have been needs. We have to come up with a better way to do this. Mr. Cahalan said funding it from the General Fund or the Landfill Fund is not going to be feasible in the future if you are talking about paying 100% of equipment that's going to run over \$1 million and we're going to have to come up with, and we will, some other avenues for long term financing of that equipment. Mrs. deLeon said she said over a year ago, she wanted fire fighting to be the number one priority in the budget and she doesn't see that happening this year. We're not planning for the future. Mr. Cahalan said this meets all of the requirements that we have gotten for

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the fire companies so far and that is for no equipment in 2010. Mr. Horiszny said additionally, we don't know what the configuration will be if the merger occurs, so we're just guessing until that happens. Mrs. deLeon said how much money do we have in the fund should something happen? Mr. Cahalan said there is \$200,000.00 in there for planning purposes and that includes the casino impact funding. Mrs. deLeon said that's anticipated money coming in? Mr. Cahalan said for planning purposes, he mentioned \$200,000.00 from the casino impact fund. Mrs. deLeon said then that line item, what's the real money in there? Mr. Cahalan said what we went over last Wednesday; it was \$100,000.00 for planning purposes from the casino impact fees. Right now the budget balance is \$25,000.00 and with the \$100,000.00 from the casino impact fees, the amount we're projecting is \$130,121.00. Mrs. deLeon said not any guesstimates, what is the real number? Right now, in the 2009 budget, how much money is in that line item? Mr. Cahalan said \$25,121.00. Mrs. deLeon said she was hearing about what was going to be put in next year, but she didn't realize the amount was so low. She thought there was more money in there. We can only guess what the gaming money will be. She is on the Gaming Authority and they are going through all the by-laws and the requests for grant money, she is really not happy there's only \$25,000.00 of real dollars in there, and we don't know what year is going to bring. What if one of the fire companies needs something, what will we do? Mr. Cahalan said there's substantial money in the contingency accounts that Council can take from. Mrs. deLeon said that's not how you balance a budget. Mr. Cahalan said that's where we'd be moving the money from if you wanted to put it in the Fire Equipment fund. We'd be taking it from the contingency and putting it into the Fire Equipment fund. It's either coming from the Landfill Fund or the General Fund. If Council wants to move it into the Fire Equipment fund, we can do that. Mrs. deLeon said this is probably her 24th budget that she's approved or not approved. She's finished with her discussion.

Mr. Kern asked if there was any other discussion regarding the budget? No one raised their hand.

MOTION BY: Mr. Maxfield moved to approve the adoption of the 2010 preliminary budget.
SECOND BY: Mr. Horiszny
Mr. Kern asked if anyone had any questions or comments? No one raised their hand.
ROLL CALL: 4-1 (Mrs. deLeon – No)

IV. MISCELLANEOUS BUSINESS ITEMS

A. APPROVAL OF OCTOBER 21, 2009 MINUTES

Mr. Kern said the minutes of the October 21, 2009 Council meeting have been prepared and are ready for Council's review and approval.

MOTION BY: Mrs. Yerger moved for approval of the October 21, 2009 minutes.
SECOND BY: Mr. Maxfield
Mr. Kern asked if anyone had any questions or comments? No one raised their hand.
ROLL CALL: 4-1 (Mr. Horiszny – No)

V. PUBLIC COMMENT/NON-AGENDA ITEMS

- Mr. Alan Gross of Black River Road asked if there was any update on the Kipp and Williamson zoning violations? Attorney Treadwell said neither Mr. Kipp nor Mr. Williamson appealed their notice of violation to the Zoning Hearing Board (ZHB), so there have been actions commenced against both of them at the District Justice level. He was unfairly optimistic and he thought Mr. Kipp might have done something by today as the weather got better, but he doesn't believe he's made any progress, so he will continue under the theory that he is not going to comply. Mr. Kern said he's not in compliance as it stands now? Attorney Treadwell said he's not in compliance. We will proceed to the magistrate with a second filing asking for another per day fine. Neither Mr. Kipp nor Mr. Williamson appealed to the ZHB which would have been their venue for contesting

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the question of whether they are in violation or not, so by not appealing to the ZHB, they've basically admitted they are in violation. Now it's a question of the per day fine until they fix the problems. Mr. Gross said has either submitted a restoration plan? Attorney Treadwell said not to his knowledge. He doesn't think either has replied in writing in any way. Maybe they've had conversations with Chris Garges in the Zoning Department, but he doesn't think there's been any written communication.

VI. COUNCIL AND STAFF REPORTS

A. TOWNSHIP MANAGER

➤ Mr. Cahalan said on the Kingston Park construction, Roger Rasich, Director of Public Works indicated that Council at a previous meeting had approved the plan so that we could start the construction at Kingston Park on the roadways, the parking lots and the trails. Roger indicated he could begin that work this season, which would be to cut in the roadways, parking lot and trails and install the geo fabric and stone sub base by the end of the year and that will leave the asphalt paving and the pervious concrete trails for next Spring. In order to do that work, he indicated he needed to rent a track loader for about a month. He received three rental prices on machines. One was from Giles & Ransome for a 953 Caterpillar and the rate was \$700.00 per day or \$1,800.00 per week. The second one was from Plasterers Equipment Company on a John Deere Track Loader, and that rate is \$660.00 per day or \$1,930.00 per week. The third one is George Rasich Excavation and that is on a John Deere Track Loader and the charge is \$300.00 per day. The George Rasich rate is only charged on the days the machine is used. If it was up there for a week and they only used it three days, we would only be charged for three days, not for the full week. Therefore, the weekly price on that machine would be a minimum of \$1,500.00 or less, depending on the time they use it. Roger is related to the owner of George Rasich Excavation, who is his Father. Mr. Cahalan asked Roger to provide him with some information that could be reviewed by the Solicitor to determine if there were any conflicts with this transaction. He asked Roger to provide him with that relationship as he wanted to inform Council about that and put it on the record. He said George Rasich is his Father and his Father is the sole owner of this small excavation business. Roger Rasich has no financial interest in George Rasich Excavation. Roger does help him out on occasions, but he does not receive payment from him. Roger does use his Father's equipment for some of his own projects outside the Township and Roger does not have any other relationship with the business. His Father is the sole owner and he does not have any employees. Mr. Cahalan provided that information to the Solicitor and Attorney Treadwell gave him his opinion that if this information is presented to Council tonight, which Mr. Cahalan is doing, the amount of this transaction would fall in between \$4,000.00 and \$10,000.00 where the Second Class Township code requires that we obtain at least three price quotations or written records of price quotations from at least three qualified responsible contractors. We have done that with Giles & Ransome, the Plasterer's and the George Rasich quote. Based on Mr. Cahalan's determination, George Rasich Excavation is a qualified responsible contractor and it appears he submitted the lowest, responsible bid and based on that, the Solicitor indicated that if this is the case, then the bidding requirements of the Second Class Code would be met and this contract could be awarded to George Rasich Excavation. Attorney Treadwell said the provisions of the Second Class Code are clear that a Township employee or member of the governing body cannot be interested in a contract awarded by the Township unless it is awarded through the public bidding process. As Mr. Cahalan just explained, obtaining the three quotes meets the public bidding process requirement and out of an abundance of caution, he and Mr. Cahalan thought the best thing to do would be to present it to Council tonight to let everyone know that this was an issue that has come up, it's been looked at, and it's Attorney Treadwell's determination if Council chooses to do so, it's okay to award it to George Rasich Excavation as the lowest

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responsible bidder. Mr. Kern asked if anyone had any comment? No one raised their hand.

MOTION BY: Mr. Horiszny moved to accept the George Rasich Excavating bid.

SECOND BY: Mr. Maxfield

ROLL CALL: 5-0

- Mr. Cahalan said Council also had previously approved the revised job description for Public Works (PW) Crewman and they forwarded that to the United Autoworkers (UAW), the Union representing the non-uniform members, and it's been customary to do that with any personnel changes in the non-uniform contract. They haven't had an opportunity to sit down with the non-uniformed folks and discuss this face to face. He sent it off to the Union to look at and get back to him, but he hasn't received anything back from them. They do have an opening in the PW that was created because our Road Master, Joe Balik, has been out on a Worker's Comp for over a year and we are temporarily filling his position by moving Ken Luybli to the Road Master position and that opens up a position as Crewman. Roger would like to fill that position as winter time is coming upon us and there could be snow plowing that needs to be done. Roger is asking if he could recruit someone to fill the position without those desired fire fighter qualifications that we put into this job description. It would just be for this case only. We don't have the approval from the Union. Technically, we can't move ahead until we get that approval. We don't have a date to resume the negotiations with the non-uniform either. Mrs. deLeon said that would hold it up? Mr. Cahalan said if we don't meet with them and get the okay, we do need to get approval from the Union for a change like this. It could be done during negotiations or what could be done customarily is we send it off to them, they review it and send it back saying no problems, and they are okay with it. He doesn't have full approval for the job description. Mrs. deLeon said it's unfortunate that we have an opportunity now to fill this position and the non-uniform are without a contract. In good faith, we're working and trying to resolve that. Is there a way you could make a phone call? Mr. Cahalan said he can do that. Mr. Maxfield said he feels this may be a part of the negotiations as we're asking for more qualifications. That's going to become a bargaining point. Mrs. deLeon said technically, the Township can come up with their own job descriptions if we have a need to fill a position. Mr. Cahalan said we can prepare one, but we do have to discuss it with the Union. Mrs. deLeon said if they say no, how are we going to operate as a Township the way we want to. Mr. Cahalan said it's a personnel change and it's something that is negotiable in certain respects and it's something we've done with them historically. Usually the change is for the good and something like this usually improves something that's either an inducement or some other type of condition that's not a negative, so normally, they would go along with it. This is not something he sees as hampering anything. It's a desired qualification. If we had a field of fifty people applying for the job and none of them had the qualifications for fire fighter, we'd still have to move on and fill the position. It's something that we're trying to fill through the PW recruitment which hasn't happened for awhile and now we're faced with an opening. He brought this up as Roger was concerned about it. Mr. Cahalan will make a call to the UAW. Mrs. deLeon said she doesn't want to hold it up as Roger has to get his ducks in order. Mrs. Yerger said bring it back to us in two weeks.
- Mr. Cahalan said Bob Wise called him about getting some photographs of the Heller Homestead. He was advised by the PHMC, that the Heller Homestead is up for nomination for the National Register. The PHMC had returned the initial draft of the nomination with the Colonial Revival Style context with very few changes. They have reviewed the request and the process of making these changes, and he said he will get the finished draft back to us for Council review before sending it on to the PHMC. He needed to get some extra updated photographs and he mentioned that he asked Priscilla to allow him to get into the house. Mrs. deLeon said they did it yesterday. Mr. Cahalan said Mr.

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Wise should have something by our next meeting. If that goes back to the PHMC, he said we should be good to go for the upcoming Spring Historic Preservation Board meeting. He doesn't know what the date is. At that point, it should be ready to be put before the Review Board for action in the Spring.

- Mr. Cahalan said he got a request on October 23, 2009 – Heritage Conservancy asked for a support letter and he'll read it to you. He prepared it and sent it to them. He wanted to bring it to Council for your approval. It says "To Whom It May Concern: I would like to express our support of Heritage Conservancy's proposals seeking funding for land conservation and outreach to owners of properties in the highest conservation zone in the Lehigh Valley, particularly the Kittanning Ridge, Two Rivers area, and the Lehigh Valley Highlands. Lower Saucon Township has found Heritage Conservancy's expertise; services and materials invaluable in helping us consider open space opportunities and strategies. The proposed funding enabling the implementation of our conservation goals and timely and appropriate use of revenue raised from referenda is urgently needed. Benefits of strategic conservation in the Lehigh Valley are incalculable. Residents of the entire valley and generations to come will reap the rewards of a protected water supply, protection of biological diversity, and a continuance of a sense of place and quality of life. We are pleased to have staff of Heritage Conservancy working with our community to identify and facilitate regional conservation priorities. We look forward to continuing our work with the Conservancy to protect the extraordinary natural resources in the Lehigh Valley and we ask that you give this application favorable consideration." They asked us for a support letter and that's what he sent. If Council is okay with that, he would like a motion.

MOTION BY: Mr. Maxfield moved for approval of the letter that Mr. Cahalan sent regarding the Heritage Conservancy letter of support.

SECOND BY: Mr. Horiszny

ROLL CALL: 5-0

B. COUNCIL/JR. COUNCIL PERSON

Kimberly Kelly – No report

Mr. Maxfield

- He said congratulations to Glenn and Ron on the election, another hard fought win.
- He wanted to go back to something Glenn brought up earlier regarding Clover View. Maybe one of the things we ought to do also is contact the present owner of the remaining properties and make sure a lot of property owners that are absentee property owners give permission to people to ride or to hunt or do whatever and make sure it's not coming from that direction.

Mrs. Yerger

- She said she and Mr. Maxfield live along Easton Road and she knows they brought this up before. There is about a two mile stretch along Easton Road that is 55 MPH. The rest of it is 45 MPH. At this point, they have an intersection of Lower Saucon Road and Easton Road that has increased accident activity. There's been a couple again this year. She would like to petition PennDOT to reduce the MPH along Easton Road from Cherry Lane to Williams Township to stay 45 MPH. Within one night there were three deer that were hit in less than a half mile that caused substantial car damage and potential injuries to the drivers. There's a significant increase in the 55 MPH stretch. Since it's only two miles of an eight or nine mile stretch, to her it doesn't make any sense. They've had some increased building out there. There's an increase in access roads from developments, increased bus stops, so she would like to request a traffic study. Mr. Kocher said the first step is for Mr. Cahalan to write a letter to PennDOT requesting what you just said, and hopefully, they will do the traffic study themselves. Mr. Maxfield said we have been

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through this process before for Easton Road. Will they rely on the old traffic studies or do new ones? The old ones, the last time we tried to do them, they were citing State Police studies from years before. He would like to have some recent data. There are places on that road where 55 MPH is insane. The intersection of Ringhoffer Road, to pull from a 55 MPH zone onto that road where there's not enough room for two cars to pass is ludicrous. If there hasn't been an accident there yet, there will be some day and it's going to be a bad one. He'd like to know how that road ever got to be 55 MPH. The most populated part of the road is 55 MPH and we just got another approval for a driveway exiting on Easton Road. We really need to look at that. We need some sense on that road. Mrs. Yerger asked if our local police can send along reports of accidents that happened. Mr. Kocher said they can send the data along if the Chief has it readily available. Council directed Mr. Cahalan to start the process as talked about above.

- Mrs. Yerger said there is an EAC Conference for the NE region at Northampton County Community College regarding a lot of environmental issues. It's from 8:30 AM to 3:00 PM this Saturday, November 7, 2009.

Mr. Horiszny

- He said we had a request from Becahi for historical judging and the Historical Society is passing it on to their experts to see if anybody will volunteer to do that.
- Mr. Horiszny said at the Budget Meeting we directed the Police Department (PD) to provide information on Lower Saucon Road speeders, did we get anything on that? Mr. Cahalan said actually tomorrow we are going to have a meeting with the Chief and he is able to do some of it. We are also going to meet with Brien Kocher tomorrow to see what else HEA can augment so we can do the study that was requested by Council. We'll have something on that at the next Council meeting.

Mr. Kern

- He said he received an email that he distributed to Council and staff regarding a resident in Clover View development named Gary Myer. Mr. Myer expressed some concern regarding Township property that was purchased in Clover View in that he had three major issues. One is he alleging there is some ATV use on the Township property; there is hunting going on and around the property; and the third issue is that he seems to indicate there's clearing of grass or shrubs or just clearing in order to make the ATV's more accessible. He's bringing this to Council's attention as he wants this addressed. He wants to direct Mr. Cahalan to have the Zoning Officer go out and investigate this and see if these allegations are accurate and to post the land. We should probably post the land "No Hunting" and "No Trespassing", and definitely if there is ATV use going on there, it needs to stop. Mr. Maxfield said if Chris goes out and checks it out, we probably are going to have to refer to police enforcement. With hunters on the property, it could involve Game Commission also. Mr. Cahalan said they will take care of it. Mr. Kern asked Mr. Cahalan to report back at the next Council meeting. Attorney Treadwell said we should have a motion to post the land because the Police will have nothing to enforce until it's posted. You do have some current regulations in place about your park lands, but this isn't part of our park lands, so you'll have to post it first so the PD has something to cite and enforce it.

MOTION BY: Mr. Maxfield moved to have the land posted at Clover View as stated above by Attorney Treadwell.
SECOND BY: Mr. Kern
ROLL CALL: 5-0

- He said his second item is in regard to the traffic light at Polk Valley Road. They've been trying to get that light in place for some time. PennDOT is doing its thing and that's why we haven't got the light up in place. He read in the paper that two teenagers, a 15 and a 16 year old were hit crossing in front of McDonalds going across to Polk Valley Road. As

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tragic as it is, he would like to use that as an example to PennDOT to please get them to move faster in getting that traffic light going. Mr. Cahalan said they will pass that along to Jim Milot and Jim Birdsall from Hanover as they have been handling that signal application. Mr. Maxfield said what is the reason they are giving us for taking so long? Mr. Cahalan said it's gone through several different requests for information. One of the things that happened is some of the regulations changed after the signal application was put in, so they had to come back and update some of the information about the handicapped ramps and some other things like that. There were also discussion with the property owners on the four corners that had to be resolved, the shopping center, the property owner on the other side of Polk Valley Road and the two property owners on the other side of 412. Everything has been completed and sent in. Hellertown also has a package in for Walnut Street for changes and that's gone through the same requests, updates and revisions that they had to go through. Mr. Kocher said it's a very good summary. It doesn't help that there's two municipalities involved, so there's approval for both. There's almost weekly action on this from somebody. It has been moving along that bureaucratic path as fast as it can. He will try to get some more information and give it to Mr. Cahalan.

- He said when he was reviewing the zoning variances this evening, he noted for the first time he saw that on the zoning form, item 15c. it has the wording "unnecessary hardship" which Ron will agree is not good English. There is not anything like an unnecessary hardship. It's a hardship.

Mrs. deLeon

- She said the report with Bob Wise and the Heller Homestead and redoing the application, she knows Council sent a letter of support in July, but would the Township contact Boscola, Byers, Freeman's, Dent, Specter, Casey's office and see if they would be willing to write a letter of support and tell them we are in this process.
- She said she was looking through the packet and there's a letter from HDR regarding the Township receiving a remedial final investigation report for site wide ground water of the DEP for the Bethlehem Commerce Center, the former Bethlehem Steel site, does this mean we received it or did we get a copy here or did we just get the letter? Mr. Cahalan said we just got the letter. Mrs. deLeon said if this is the final report, she'd be curious to know if there was any site wide ground water contamination out there as there are still people drinking well water on Ringhoffer and Easton Road. Mr. Cahalan said he will investigate this and see if there is any further information they can provide us.
- She said on October 23, 2009, she attended the Northampton County Association of Township Officials conference, which was very nice.
- She said on October 24, 2009, the three historical organizations held their second annual Saucon Valley History Day, and they all tried to stay dry. They had the Redington Chapel dedication at 9:00 AM.
- She said on October 26, 2009, she attended the Northampton County Gaming Revenue and Economic Development Authority meeting. That was their second meeting. They set up committees and they are going to be officially meeting on November 23, November 30 and December 14, 2009. They are public meetings being held at Northampton County Courthouse and they are at 5:00 P.M. They are setting up by-laws and reviewing other development authority's regulations on how they operate.
- She said this weekend will start an art exhibit at the Heller Homestead. The Bethlehem Palette Club Plein Air Group will start their exhibit from November 7, 2009 through January 31, 2010. They are just beautiful. They have a lot of historic sites. They have the schoolhouse paintings and also the Homestead. There are a lot of the bridges in the area if you like art.
- On Saturday, if you like Bingo, at Dewey Fire Company, there's a fundraiser for the SV Conservancy starting at 5:00 PM.
- She'd like to talk a little bit about the Township website. She forgot to ask this question during the budget review. How much money do we pay the provider of our website? Mr.

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Cahalan said we have an annual maintenance fee. Mrs. deLeon said it seems it should be easier to be able to access that website. It shouldn't cost us every time we change something. She received several complaints from residents regarding the lack of notification about the Redington Chapel dedication. It should have been on the website. Mr. Cahalan said the conversation had to do when should it be on the website. Should it be on there before the event, which is debatable or should there be information on there about the event after it has occurred, which we have been good with putting out press releases and photographs. The question was do we post all of these events on the calendar before they occur and it is limited to just meetings that are held here in the Township complex. We haven't been putting all the other events on because we just send out email notifications. The issue was should it be before or after the event. Mrs. deLeon said she'd like to change the policy or suggest a policy that whenever the Township has an event such as the dedication ceremony, the press release should go out prior to the event to all the newspapers. You want people to know about it in ahead of time so you might get press coverage ahead and get more residents to come. Afterwards, another press release would be fine also. We ask people to sign the "sign-in" sheet at our Council meetings so they can get email notifications, that's a way the community can see that we're doing something. It's a neat thing that we're putting up these historic markers and she'd like to tell more people about it. She thinks we missed an opportunity here. She'd like to ask we do a better job. All our boards do things and the community needs to see what we do. Mr. Kern said we don't put those events on the calendar like the Redington Chapel or the Dog Park event? It would be easy enough to do. Mrs. deLeon said a lot of the people wanted to go to the dog park and we missed an opportunity here. Mr. Cahalan said the dog park was opened for several months. We did a soft opening and put a sign up at Polk Valley Park and put the information on the website. The ribbon cutting was just purely ceremonial. Mrs. deLeon said it's an opportunity to celebrate something. She's been doing press releases many years and the newspapers like to do these things. We need to do that. We missed an opportunity with these two events, so let's try to do better and post more of our things on there. She can understand the calendar is for Township things, but then it should be on the announcement page. It should be more user friendly. Mrs. deLeon said she can send you things about the Heller Homestead. Mr. Cahalan said for Township events? Mrs. deLeon said the Heller Homestead and the schoolhouse are both Township events. Mr. Cahalan said the calendar has limited space for events. Mrs. deLeon said she's talking about the announcement page. There should be a blurb. Mr. Cahalan said they have been just limiting that to Township items. Mrs. deLeon said the historical organizations are the Township. Mr. Cahalan said each of those organizations have a website that they can put that information out on. Mr. Maxfield said we went through this before. They are private organizations on Township sites. There are Township sites. Events are private events and should be paid for privately. We went over this whole thing last year. Mrs. deLeon said she's just trying to make a point that these organizations are taking care of Township owned properties and are doing the best we can do to raise awareness and do things to promote these organizations as this is our history. This is the Township. If these two groups wouldn't be here, the Township would have to do more work. Mr. Maxfield said those two groups are on Township properties and should have to go through what any other private groups go through in the Saucon Valley and advertise along the normal routes of advertising. They are not Township groups and we shouldn't be providing service to them. We can't pick and choose and provide free advertising for them. Mrs. Yerger said there is a link from the two sites, so if they want to find out information about the two historic societies they can get there with a direct link from the Township website. Mrs. deLeon said she disagrees, but apparently she's outnumbered, but she will continue to disagree with this as she thinks this is showing the cooperation between the two groups and it doesn't hurt to put it on the announcement page. Mr. Maxfield said where would we stop because then we'd have to be providing announcement for lots of private groups. Mrs. deLeon said that is Township property. She doesn't know of any other properties. Mr.

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Cahalan said you could get into your athletic associations and the youth groups and the other organizations who are utilizing Township space. Mr. Maxfield said the Watershed Association, the Community Center and so on. Mrs. deLeon said she still disagrees. The two historic groups are part of the Township because we are taking care of Township owned property.

E. ENGINEER – No report

F. SOLICITOR – No report

G. PLANNER – No report

VII. ADJOURNMENT

MOTION BY: Mr. Horiszny moved for adjournment. The time was 8:16 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