I. OPENING

CALL TO ORDER: The General Business & Developer meeting of Lower Saucon Township Council was called to order on Wednesday, November 7, 2007 at 7:10 P.M., at 3700 Old Philadelphia Pike, Bethlehem, PA, with Mr. Glenn Kern, Council President, presiding.

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

PLEDGE OF ALLEGIANCE

ANNOUNCEMENT OF ANY EXECUTIVE SESSION (IF APPLICABLE)

Mr. Kern said Council met in Executive Session to discuss potential litigation and also planned acquisition. As a result of this, a motion was made, as stated below.

MOTION BY: Mr. Maxfield moved to authorize the President of Council sign the agreement of sale for the Dyer property.
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

Attorney Treadwell said for the record, the litigation we discussed was with Heritage Building Group.

II. PUBLIC COMMENT/CITIZEN AGENDA ITEMS

Mr. Kern said for citizen agenda items – Council operates under Robert's Rules. What that means is during agenda items, Council will talk amongst themselves and amongst staff and the interested parties. At the conclusion of that, we open it up to the public for public comment. There is an opportunity for non-agenda items at the end of the meeting to discuss whatever your business might be. We do have a microphone and there are microphones up at the table. There is a sign-in sheet in the back of the room. Please print your name and address and email address. It is very helpful in transcribing the minutes. For those who want to receive emailed agendas, please give your email address to Diane, Leslie, or Jack or call the Township office. Please state your name and address. If you can't hear, please let us know. Mr. Kern asked if anything was taken off the agenda this evening? Mr. Cahalan said no.

III. PRESENTATIONS/HEARINGS

A. RON SHEGDA – PRESENTATION REGARDING E-DEMOCRACY & SPEED LIMIT TRAILER

Mr. Kern said Ron Shegda has requested to discuss with Council two issues, one regarding the website and the other regarding speed limit trailer.

Mr. Shegda said he congratulated the newly elected Council members. Why he's here, although a citizen of Hellertown, LST adds a lot of leadership to the valley. As far as E-Democracy, the power of the internet, you need to be commended for the upgrade of your website. With this, you can allow more people to access local government, and that's with the internet. Maybe a student or class at the high school could do this and the Council meetings would be broadcast live on the internet on your website. He doesn't know the technology, but you'd need a web camera and link up with the internet, and people could be sitting in their home and be watching these meetings. Mr. Kern said they will bring this up at the COG meetings with Hellertown.

The next item is safety in our locality, which is speed limit trailers. Mr. Cahalan said Chief Lesser made the contact with these speed limit trailers. They showed a slide on the screen of how they looked. Now they are smaller and can be put right on the bottom of the speed limit signs. They had a demonstration from the company and everyone who seen it thought it would be good. They would like to bring it back to the COG. It gives a read out of the speed of people traveling down the road and gives a warning if they are over the speed limit. They'd like to discuss this further and this is something in the vicinity of St. Theresa's and the SV schools. There is a cost involved, but they'll get this information. Mrs. deLeon said the consultants won't be at the meeting next week. Mr. Cahalan said he will put it on next week's agenda. Mr. Shegda said the police can put it on stealth mode and can track the speed over a certain amount of time. The cost with 3M is a couple thousand dollars. They can be hung, and as long as the wiring is there, they can be dismounted and put in other locations. 3M has not installed any of these in PA. Our area can become a demonstration area with a good negotiation with 3M.

Mr. Cahalan said they also gave them information about funding with the Safe Roots program for the school and that's why they want to tie this in with the school district. Mr. Shegda said when they were doing a demonstration on Easton Road, every car hit their brakes even if they were doing the speed limit. They seem to be effective. Mrs. deLeon said the COG meeting will be November 14, 2007 at 7:00 PM.

B. <u>RESOLUTION 59-2007 – HONORING JOE DELFOE FOR HIS COMMUNITY SERVICE</u>

Mr. Kern said the SVCC is presenting an evening honoring Joe Delfoe on November 16, 2007 for his years of service and activism to the SV and the Township would like to recognize Joe for this community service. Mr. Delfoe was not present.

<u>LOWER SAUCON TOWNSHIP</u>
RESOLUTION #59-2007
A RESOLUTION RECOGNIZING
THE COMMUNITY SERVICE OF JOE DELFOE

WHEREAS, Joe Delfoe, a resident of Hellertown Borough since 1955, has unselfishly served the Saucon Valley Community in various capacities for the past twenty-five (25) years; and

WHEREAS, in the 1980s, Joe spearheaded a fundraising campaign that led to the construction of the 20-foot clock tower in Detweiler Plaza across from the Hellertown Borough Hall; and

WHEREAS, Joe continued his tireless work on the plaza by adding chimes to the clock in the 1990's and repairing and improving the water fountain in 2003; and

WHEREAS, Joe's leadership and fundraising abilities were instrumental in the 1990's in getting stadium lights erected at the Saucon Valley School District football stadium; and

WHEREAS, as a trained electrician, Joe has always been ready and willing to help out on various community projects ranging from the repair of traffic lights to the recent installation of a sound system in the Borough Hall; and

WHEREAS, Lower Saucon Township is proud that Joe Delfoe, a Saucon Valley resident, will be recognized for his devotion and service to our community at the Saucon Valley Community Center dinner on November 16, 2007.

NOW, **THEREFORE, BE IT RESOLVED,** that the Council of Lower Saucon Township, Glenn Kern, President; Thomas Maxfield, Vice President; Priscilla deLeon, Council Member; Sandra Yerger, Council Member; and Ronald Horiszny, Council Member; wishes to commend Joe Delfoe for his community service and dedication to the Saucon Valley.

ADOPTED and ENACTED this 7th day of November, 2007.

MOTION BY: Mrs. deLeon moved for approval of Resolution 59-2007.
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

C. PUBLIC HEARING – ORDINANCE 2007-13 – AMENDING AND REVISING CHAPTER 170 TO PROVIDE FOR A STOP SIGN ON SPRINGTOWN HILL ROAD

Mr. Kern said Ordinance 2007-13 has been advertised for a public hearing and consideration of adoption to provide for a "Stop Except Right Turn" sign on Springtown Hill Road at the entrance to the SV Compost Center.

MOTION BY: Mr. Horiszny opened the hearing.
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

Mr. Cahalan said this is a result of a traffic study. The traffic utilizing the compost center traveling northbound have a conflict with the southbound traffic. The study recommended that a stop sign be erected.

MOTION BY: Mr. Maxfield closed the hearing.
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

MOTION BY: Mrs. Yerger moved for approval of Ordinance 2007-13, amending and revising chapter 170 to provide for a stop sign on Springtown Hill Road.
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. PUBLIC HEARING – ORDINANCE 2007-14 – REQUEST OF VACATION OF A PORTION OF ROBERTS AVENUE IN STEEL CITY

Mr. Kern said Ordinance 2007-14 has been advertised for a public hearing for the consideration of adoption to vacate a portion of Roberts Avenue near Johnston Avenue at the request of Irwin Pearson.

MOTION BY: Mr. Horiszny opened the hearing.
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

Mr. Cahalan said it's a paper street and a resident requested vacation. Mrs. deLeon said when a resident wants to vacate the street, do they get the whole street? Attorney Treadwell said the only thing Council does by adopting the ordinance is to say we have no right to open it again unless we come back with another ordinance. By operation of law, technically, half goes to the property owner on one side and the other half goes to the other person on the other side. In order to effectuate that, someone has to file a deed with the courthouse.

Mr. Thomas Baab, resident, lives on the other side. He said he opposes this. Attorney Treadwell said right now it's not opened as a public street, it's grass. Mr. Baab said it's not opened to vehicles? Attorney Treadwell said it's a paper street which you still have right to that, but the question to Council tonight is do they want to vacate it as a public road, and at the moment, it's not a public street. Mr. Kern said what you want is happening. The action we are about to do is it's not going to be a public road. Mr. Baab said Mr. Pearson wants it to stay the way it is now. He's against this because he wants to leave it open. Why does he want to close it? Attorney Treadwell said do you want it paved? Mr. Baab said it's fine the way it is now. He'd like it to remain as a functioning thoroughfare for people to walk through it. Attorney Treadwell said they still have rights as residents of that development to open it. You can use that to access your property as it's recorded as a paper street on the deed. This subdivision was recorded in 1915, the township has no right to open that street now unless we would condemn it. The only thing this ordinance does is inform the Recorder of Deeds that the township is not planning to open it now. Every homeowner has a right to use it to access their property. Even if the adjacent property owner goes through the deed process, they'd still get half of the road. Mrs. Yerger said each and all abutting landowners would have to go through that process. Attorney Treadwell said correct.

Mr. Baab said they all drive through it if they have to get in their back yards. Why would he want to shut it down? Attorney Treadwell said it's not shut off to the public. It's shut off to the public as a whole, not to the people who own lots in that subdivision. He doesn't know why Mr. Pearson wants to do it. Mr. Baab said if someone wanted to build there, could that stop him from building? Attorney Treadwell said he doesn't know the size of the lot or any other circumstances. The person would have to come to the township to go through the process if they wanted to build.

Mrs. Kareen Bleam asked if they would be able to build on it and nobody said no. She thought we weren't allowed to build on paper streets. Attorney Treadwell said it's a paper street that exists in the Steel City Subdivision, but if Council approved this ordinance tonight, they are saying the township is relinquishing any rights they may have had to open it as a public street. Whether he can build on it, that has to go through the zoning. If council vacates this portion of Roberts Avenue, then it's no longer a paper street. Mrs. deLeon said part of this lot fronts a regular street. Mrs. Bleam said she thought according to the township, if it's a paper street, they can't build on it. Mr. Pearson went up front to Council and showed them on a map where the lot was located. Attorney Treadwell said if council votes to vacate this part of Roberts Avenue, all it says is the

township relinquishes any rights as of this date to open this street as a public street. Whatever your private rights are, they remain the same. Mr. Maxfield said whatever you do from here on in, we're not involved in. Mr. Baab was worried about Mr. Pearson building on it. Attorney Treadwell said that is not in front of us now. Council showed Mr. Baab the map. Mrs. deLeon said you can't go by a zoning map because things get changed, and if that map was dated in 1988, and there's an update, it might not match with the Northampton County Court House map.

MOTION BY: Mr. Horiszny closed the hearing.
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

MOTION BY: Mr. Maxfield moved for approval of Ordinance 2007-14 – request of vacation of a portion of Roberts Avenue in Steel City.
SECOND BY: Mr. Horiszny
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.
ROLL CALL: 5-0

IV. DEVELOPER ITEMS

A. ZONING HEARING BOARD VARIANCES

1. CALI & DAVE MOORE – 1842 VIOLA LANE – REQUEST VARIANCE OF IMPERVIOUS COVERAGE TO CONSTRUCT WALKWAY, PATIO & PERGOLA

Mr. Kern said the applicant is proposing to construct a new walkway, patio, and pergola and is requesting to exceed the allowable impervious coverage by 3.0% (25% is allowed).

No one was present representing the Moore's.

Mr. Kern said Council has the information in its packet. Mr. Maxfield said they only need a variance of 3%. If it's only 3%, can they possibly cut back on the plans 3%? Mrs. Yerger said her only concern is this area is already having water issues. Mr. Maxfield said this is the third variance request they've had already for impervious coverage. They were at 24.7%, so we're only .3% away from the maximum.

MOTION BY: Mr. Horiszny moved to oppose.
SECOND BY: Mr. Maxfield
Mr. Kern asked if anyone in the audience had any questions or comments? Mrs. deLeon said the pergola is technically open? You would think they could make that a little bit smaller then. Mr. Kern said it would be nice if they were here to discuss this. Attorney Treadwell said he will be at the Zoning Hearing Board on the 19th for Rogora. They could grant an extension and come back and show Council a revised plan. Mr. Garges will inform the Moore's about the opposition.
ROLL CALL: 5-0

2. PEDRO & REBECCA PEQUENO – 2098 FIELDSTONE DRIVE – REQUEST VARIANCE OF REAR SETBACK TO CONSTRUCT A PATIO

Mr. Kern said the applicant is proposing to construct a patio and is requesting 23.5 feet of relief from the rear yard setback requirement.

Pedro Pequeno was present. He said they are looking to put in a patio and they have about a 40 feet space in the back of their deck and the back of their property, so they'd like to build this patio to accommodate their guests. Mr. Horiszny asked what was behind their lot? Mr. Pequeno said another property and most of their landscape is only about five feet from the edge of the property. Mr. Maxfield said he didn't see a 40' reference line in the back. Mr. Pequeno said it's 45' from the edge of the deck.

Council agreed to take no action.

3. GRAHAM & AMANDA VAUGHAN – 1858 CLARENCE DRIVE –REQUEST VARIANCE OF REAR SETBACK FOR A PATIO AND SETBACK REQUIREMENT TO CONSTRUCT A FENCE WITHIN THE RIGHT OF WAY

Mr. Kern said the applicant is proposing to construct a new patio and eventually construct a fence in the easement approximately one foot from the side property line. They are requesting 10 feet of relief from the rear yard setback for the patio and two feet of relief from the side yard setback for the construction of the fence within the right of way.

Ms. Amanda Vaughan was present. She said she's from England and doesn't understand all of this. Mrs. Yerger said as long as they understand the fence construction in the right-of-way - if the township would need to work in that right of way, the landowner would have to take it down at their expense. Attorney Treadwell and Chris Garges will work out the right-of-way.

Council agreed to take no action.

B. IESI BETHLEHEM LANDFILL – APPLEBUTTER ROAD – DISCUSSION REGARDING BASIN 7 DISCHARGE PIPE

Mr. Kern said IESI Landfill representatives would like to discuss with Council a proposal to relocate the discharge pipe for Detention Basin 7 and would like to ask the for Township support for their proposal to run this pipe under the Phase IV expansion.

Present – Attorney David Broom, Sam Donato, Manager of IESI, and Rick Bodner, Landfill Engineer.

Attorney Broom said this is to just present it to Council. It's actually two requests. One is to move the discharge pipe to basin 7 and the other is to relocate the Citizens Recycling center.

Mr. Donato had a power point presentation. This slide represents the different modifications to their land development. He said in November 2004, they modified it to Phase IV expansion. January 2005 they relocated their maintenance facility and modified the plan. April 07, Bethlehem Renewable Energy, they modified it for that process, and now October 07, they submitted a plan for basin 7 discharge and recycling drop off center. The site plan represents the drop off center in the upper right hand corner. He showed a photograph looking towards the left. During the meetings they had with Staff, he did a little research to see how often the drop off center was used each month. It came between 50 and 70 each month of people who used the drop off center. The numbers are pretty consistent. The bulk of the use is from Lower Saucon Township. The next slide represents the site plan for basin 7.

Mr. Bodner said it really depicts basin 7 on the north side of the site capturing the runoff from about a 20 acre drainage shed. As approved, the discharge goes west towards manhole B and continues west. The currently approved pipe goes west and south along the Fox property and turns

and goes east and discharges at the approved NPDES discharge point at the lower left hand side. This proposal is to maintain basin 7 as is, maintain the riser as is, and replace or relocate the discharge pipe starting at basin B and putting in two parallel 15" pipes beneath the landfill picking up the currently approved system down near the approved NPDES discharge point and discharging the water at the currently approved locations. He showed a table with some of the specifics of basin 7 discharge. In every instance except two, everything is the same. The two items that are not the same are a 15" pipe versus a 36" pipe. They are proposing two 15" pipes, one is for a 100% backup. The slopes are adjusted 1% versus 4.3% and it shows the flow. Another slide shows how the basin is going to react to this. The berm elevation, the top of the embankment is the same, the spillway is the same, the peak storage, there is slightly more in the basin under the 100 years storm. How high is the water going to be? About a tenth of a foot, a little less than 2" deeper than it was previously approved to be. That's what they are asking - to move the pipe from the far west perimeter of the site to go beneath the landfill and discharging at the same point.

Mr. Kern said previous discussion, he remembers that DEP would not like going under the landfill. Mr. Donato said they are not 100% on board with it this time. Mr. Bodner said there are several sites in PA approved with this type of installation. There's no technical reason, just a policy decision. They will need our encouragement so they can see it's the appropriate thing to do here. Mr. Maxfield said he heard there are other landfills this has been done. Attorney Brooman said there is no policy about this and it has been approved elsewhere in the state. There's also plenty of examples of more challenging engineering designs, not only in landfills. They are looking for the Township's support. They need the discharge from the basin and they'd like it to be their primary.

Mrs. deLeon said Haz Hijazi sent Jack an email dated October 22, about this issue and he asks that the landfill committee request that if a submission is made to the township council, that sufficient copies be requested to allow distribution to the landfill committee and its consultants so they can review the proposal and provide Council with their review and recommendations before Council votes on this. Mr. Cahalan said that was done already and it was sent to the consultants for their review. Jim Birdsall has a copy of the plan since October 9.

Mrs. deLeon said back in 2004 when this concept was approved, there were issues about going underneath and DEP questioned about going underneath. She said they need to talk to DEP and see what their issues are.

Attorney Brooman said this has candidly perplexed them with DEP. These things are engineered all the time. In an effort to try to appease them, they would need some waivers because of clean outs. The pipe would be in bedrock and encased in concrete for protection. They are open to go to DEP. They would face this issue then with DEP.

Mr. Donato said when they spoke to DEP, they wanted the township's opinion of how they felt about going under the landfill. Mr. Donato said they would bring it up at the Township. DEP said work it out with the township and bring it back and see where they will take it after that. They need support and approval.

Mrs. deLeon said to do it as currently proposed on the existing plans, why can't you do it as approved? Attorney Brooman said it's not as cost effective. Secondly, they face the issue anyway of going in that direction of expanding. There's been conflicting meetings with DEP. In terms of an alternate design, they would prefer it to go to the backside into the Lehigh. We know the Township is opposed to that. DEP doesn't know why the Township is opposed to that. He said let's hear from DEP on this, he doesn't want to represent them. Mrs. deLeon said how far does the pipe go to the western edge of your property before it hits the Fox property? Mr. Brooman said about 40 feet. Mrs. deLeon said the Fox property has a protection in the host agreement for no land filling, so to expand into that property, it's not zoned for land filling. Attorney Brooman said you

are correct, they'd have to come back to you first. They aren't allowed to do anything on the Fox property.

Mrs. deLeon said wouldn't this be a substantial revision to your site plan? Attorney Brooman said that is discretionary. We are asking from a waiver from the normal process as it's a very focused engineering review with a policy, and that policy decision is going to rest here with the Township as they make the decisions. Attorney Treadwell said you are correct, it's definitely an amended land development plan. They can't do this without recording a new plan. The normal process would be if there was a change, depending on the change, it may go back to the PC or if it's up to Council, they say it's not a planning issue, and they could say they can deal with it at this level as opposed to a planning issue. Mr. Maxfield said he tends to agree with IESI as it's an engineering issue as he's on the Planning Commission. Mrs. deLeon said there could be a lot of environmental issues raised after our consultants look at it. Mr. Maxfield said it would be something for the EAC to look at, at that point instead of the PC.

Mr. Horiszny asked about the crosshatches on the direct line…cleanouts? Mr. Bodner said they are just elevations. We can't really put cleanouts along that blue line. Mr. Horiszny said the next slide shows the approved route is 4.3%, is that the slope? Mr. Bodner said the slope varies, but that was the average slope? Mr. Horiszny said how can the direct shot be so much less, 4% is steeper than 1%? Mr. Bodner said this is showing the slope in the pipe. It varies from 1% to 33% on the column on the right and the column on the right it's 4.3% to 20% as it drops along the Fox property and goes under the landfill. These are the critical numbers.

Mr. Kern said he'd like to hear from DEP the pros and cons about going underneath, and also like to hear from our own experts. Attorney Treadwell said the next step is for our consultants to look at it, then go to DEP. Mrs. deLeon said we do need a meeting with DEP. Attorney Treadwell said the applicant is just here to show us what they've submitted. Mr. Kocher said Jim Birdsall is hoping to have a preliminary review by November 12, then a finalized review for the next Council meeting.

Mr. Maxfield asked if DEP had any problems with the relocated recycling center? Mr. Donato said no, it's not an issue. They've looked at it, and it functions well, they are happy.

Allan Johnson, resident, said he's interested in talking about the recycling center. They say it was relocated. He was there 2 months ago as he didn't want to drive to Bethlehem. He went to the office and they told him to get in line. At the time, there were garbage trucks there, so he didn't want to wait. Now that they've relocated it, do you have to still get in line with the trucks? Mr. Donato said the system before was they want to monitor what you are bringing, to detect any radiation. and it is the same as it was then. Mr. Johnson said he turned around and went back to Bethlehem. Bethlehem has 50 people a day there. Maybe people aren't using it because they see what they have to go through, and they leave. Mr. Donato said there is curbside collection. Mr. Kern said he had the same comments as Allan had.

Mrs. deLeon said the benefit was a recycling center to the community, and if there was any way the passenger cars could bypass the big trucks, they might have more people using it. It is intimidating. Mr. Donato said he apologizes for that inconvenience.

Margie Segaline, resident, said it's admirable that you want to put two pipes in for a backup, but her concern is that your output is not significantly less. She said any time that you decrease your pipe diameter and don't decrease the output enough, you are going to have problems down the road with breakage of the pipes and that needs to be addressed. Mr. Bodner said the pipe is not what controls the flow. It's at the base which controls how much water leaves the basin. The 15" pipe is more than adequate to carry the flow. It's the riser in the basin that determines that. Ms. Segaline

said the amount wasn't what she was addressing, it was the diameter of the pipe. Mr. Maxfield said does the slope play into that diameter change? Mr. Bodner said no, you don't need a large pipe to carry the water that's leaving the basin. Margie Segaline said any time you don't decrease the discharge and decrease the diameter, there's an increased time of breakdown of the pipe over the course of the years. Mrs. deLeon said it will be buried under many feet of garbage, if there is a break, how do you fix it? Attorney Brooman said that's why they are putting in pipe no. 2 and if something happens to that, there are technical ways to go in and fix it. In terms of the adequacy of the pipe, that will be looked at by the engineers. Mrs. deLeon asked what is the life expectancy of the pipe? Mr. Bodner said the life expectancy is hundreds of years, it's the material that liners are made of. Attorney Brooman said after 10 years, it's not collecting silty water, it's collecting clean water.

Mr. Horiszny asked what was the pink line? Mr. Bodner said that's the edge of the Phase III landfill and the more recently approved Phase IV landfill, where the liners meet.

IESI thanked Council for addressing this.

C. <u>DRAVITZ SUBDIVISON – 2845 COUNTY LINE ROAD – DISCUSSION REGARDING OPEN SPACE TRACTS</u>

Mr. Kern said the developer would like some clarification regarding the Council motion for approval that was given at the June 6, 2007 Council meeting on the conservation easements.

Terrence and Dan Smith were present. Dan said they wanted to get some clarification as they were working with Heritage Conservancy to finalize the language in the easement contract. One of the issues they weren't clear on was whether the open space tract should be public or private access. They felt, given the configuration, and the terms of the easement, that it would be better as a private easement, so they wanted to confirm that as there were some discussions here that it would be open. A second item they are unclear about, the two parcels to the western portion, these would be deed restricted or easements, and Heritage felt those lots were so small and locked in, they weren't eager to take those in as formal easements, so they wanted to see if they could go forward with deed restrictions on them and take them off the table as a formal easement.

Terrence Smith said he signed an agreement and it read that way, that it was deeded restricted with conservation easement, so they need clarification. Prior to that, they were not talking about that. Attorney Treadwell said they are okay with deed restrictions on the two small parcels, and on the bigger piece, he doesn't think we wanted complete public access.

Attorney Treadwell said the two smaller parcels can be deed restricted and the larger parcel would be a conservation easement not open to the public with limited access

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

D. <u>TURNBRIDGE PARTNERSHIP – MCCLOSKEY AVENUE – DISCUSSION REGARDING SWALE CONSTRUCTION</u>

Mr. Kern said Andrew Schantz would like to discuss the conditions of approval that were granted at the September 5, 2007 Council meeting.

STAFF RECOMMENDAITON FOR
MCCLOSKEY AVENUE MINOR SUBDIVISON
3612 MCCLOSKEY AVENUE – TAX MAP PARCELS Q6SW7-5-3 AND Q6SW2-10-1
FINAL SUBDIVISION PLAN APPROVAL
FOR SEPTEMBER 5, 2007
LOWER SAUCON TOWNSHIP COUNCIL MEETING

The LST staff recommends that the Township Council approve the McCloskey Avenue Minor Final subdivision Plan as prepared by Keystone Consulting Engineers, Inc., consisting of Sheets 1 of 6 through 6 of 6, dated November 21, 2005, last revised August 20, 2007.

Subject, however, to the following conditions:

1. The applicant shall address the review comments contained in the letter dated August 30, 2007 from HEA to the satisfaction of the Township Council.
2. The applicant shall provide a recreation fee in the amount of $6,226.
3. The applicant shall obtain permission from the Owner of tax parcel SQW2-11-10 (Shimko) in a manner acceptable to the township solicitor for the swale stabilization work and any required landscaping relocation.
4. The plans shall note all waivers and deferments granted by the township council in a manner satisfactory to the township council.
5. The applicant shall provide two Mylars and six prints of the plans with original signatures and seals. Four complete sets of plans shall also be provided with original signatures and seals. The applicant shall also provide two CDs of all plans in an AudoCad format (jpeg-ROM).
6. The applicant shall pay any outstanding escrow balance due to the Township in the review of the Plans and the preparation of legal documents.
7. The applicant shall satisfy all these conditions within one year of the date of the conditional approval unless an extension is granted by township council.

It is also recommended that township council approve waivers from these requirements of the following subdivision and land development ordinance (SALDO) sections:

1. Sections 145-33.C(2) so as to not require the plan to show existing features within 250 feet of the site.
2. Section appendix A-2.A so as to allow the roadside swales to be constructed with 3:1 side slopes rather than the required 12:1 side slopes.

Attorney Andrew Schantz was present. He said the September 5 meeting, this two lot subdivision was approved with conditions. One approved was where the abutting property owners got involved and had concerns about the swale running along his client's easterly property line. Their original plans had that swale. At the last meeting, there was discussion with the property owner he wanted to review the plans and he would have to grant an easement for them to get in there and do construction. The only consideration for this property owner was removal of a tree. Since that time he's been corresponding with that property owner's lawyer, and he's looking for additional compensation, namely, when that property owner's house was constructed he had to extend his sewer and water lines and had to put in a swale on his property. This property owner is now looking for his client to reimburse him for his expenses that he incurred. He's looking for it in today's dollars, not what he spent ten years ago. When they got word of these negotiations, the engineer looked at the plans and he thinks they can put the swale in w/o an easement, and secondly, McCloskey Avenue was vacated by the township and his client has legal right to enter upon the vacated portion of McCloskey Avenue by theory of law and get on that property w/o an easement and do work on his property. They are looking that they do not need to receive an easement from

that property owner. That's what they are looking for. They'd like to leave you with documentation, they'd be happy to do that. They'd be happy to get out of having to pay the fees that were discussed last month. Mrs. deLeon said you will be putting a swale in a different place. Mr. Kocher said the swale is in there now, and they raised some issues about the stability of the flows that won't be going over McCloskey. It's just an eroded ditch. They agreed to stabilize that swale and put permanent matting in, so it's work that they are doing to improve a bad situation. If they show Linc that documentation that they met the condition, then Council doesn't even have to have any action. Mr. Maxfield said there was no talk of money or compensation and his understanding was he would just look at it. That wasn't the intent of this Council. The stability of this swale will benefit the property owner. Mr. Horiszny said what about the tree? Mr. Kocher said in the erosion process, it is exposing the roots of the tree, and they agreed to take it out. Attorney Schantz said Mr. Shimko said it was a 100 foot tree leaning towards his property. They wouldn't need permission, but it's something they might have to do anyway.

Mrs. deLeon said someone just said it doesn't hurt to keep that condition in there, if what you are saying is true, you don't have to fulfill that condition. Attorney Treadwell said he's okay if you leave the condition in there if Council is okay with Brien and him working it out with the applicant to a reasonable degree of engineering certainty to make sure the swale works w/o the neighbor's permission. Mr. Maxfield said that condition required the okay of the neighbor. Attorney Treadwell said it has language in there acceptable to the township solicitor. The intent of Council was not to have the neighbor come back and say I'm not going to approve it unless you give me a, b, c, d, or e. Mrs. deLeon said we shouldn't be involved with private negotiations. Attorney Treadwell said absolutely not. Mr. Maxfield said at the meeting it was just to look at the plan and keep the neighbor informed. The neighbor has decided to attach those things to the condition of approval. The Township should not be involved with that sort of deal, which is what it is. We're not dealing here, we're protecting. Mrs. deLeon said we're only hearing it from one side. Attorney Schantz said there is a letter from their attorney. Attorney Treadwell said the neighbor knew this was on the agenda tonight and nobody is here. Mr. Horiszny said if they can do a swale improvement w/o going on his property, just do it. Attorney Treadwell said him and Brien will work it out. Attorney Schantz said at the night of the meeting, they thought the compensation was to take down a tree. Attorney Treadwell said they are going to work with Attorney Schantz and figure out what you are doing with the swale and the tree. They don't need the neighbor's access for the swale. Attorney Treadwell said make sure your client's engineer confirms with Brien that you don't need that temporary access.

Attorney Treadwell said he's comfortable with it and knows where Council wants to go.

E. <u>GERI DESANTIS – 2130 JOHNSON AVENUE – REQUEST FOR ON LOT SEWAGE PERMIT ON SUBSTANDARD LOT WITHIN A CARBONATE GEOLOGY DISTRICT</u>

Mr. Kern said the applicant is requesting an onlot sewage disposal system on a lot that is less than 40,000 vs. and located within the carbonate geology district. If Council approves the design, the approval should be conditioned upon a deed covenant or agreement from the property owner that they accept the conditions set forth in Hanover Engineering Associate's letter of October 19, 2007.

STAFF RECOMMEN DATION FOR
APPROVAL OF THE
DESANTIS/STRAIN ONLOT SEWAGE PERMIT – APPLICATION Y018350
JOHNSTON AVENUE – TAX MAP PARCEL N7SE4-13-5
FOR NOVEMBER 7, 2007
LOWER SAUCON TOWNSHIP COUNCIL MEETING

The Lower Saucon Township Staff recommends that the Township Council approve the Onlot Sewage Permit as outlined on the "Lot Grading Plan of Tax Parcel No. N7SE4-13-5," prepared by Donald E. Lynch, PE, consisting of one (1) sheet dated July 15, 2007, last revised October 11, 2007.
Subject however to the following conditions:

1. The applicant shall submit four (45) copies of an executed Maintenance/Hold Harmless Deed Covenant or Agreement which addresses the requirements of Sewer Ordinance Section 130-15.D(8)(b)[3].
2. The applicant shall provide proof of ownership to the portion of the former Lewis Avenue shown as part of this tract.
3. The applicant shall pay any outstanding escrow balance due to the Township in the review of the Plans and the preparation of legal documents.
4. The applicant shall satisfy all these conditions within one (1) year of the date of the conditional approval unless an extension is granted by the Township Council.

Tom Guro was present. He said he plans to purchase the lot from Geri, and he's been working with her on this. The geology study has come out favorable, the grading plan has passed, the septic plan also passed. It's not official until they get a hold harmless agreement. He filed with the township for the escrow agreement, the fees, so that would be done. It perked for a standard septic system.

Mr. Kocher said this is not unlike other lots you've seen in Steel City. They should allow for the construction of a home on a lot of less than 40,000 s.f. That is the action you must take. As conditions to that, a maintenance hold harmless convent be provided, the applicant provide proof of ownership to the portion of the former Leis Avenue that they are showing as part of the tract, escrow balances and that they satisfy the conditions within one year. The septic permit has not been issued awaiting this action and the grading permit has not been issued awaiting proof of ownership of Lewis Avenue.

Attorney Treadwell he can't participate in this discussion as Geri DeSantis is his mother-in-law.

Mr. Maxfield said is it a standard system, is it in ground? Mr. Brien Kocher said the testing is done, and the design is fine.

Mr. Kocher said you have the draft motion which will take care of what we just talked about.

MOTION BY: Mr. Maxfield moved to approve the staff recommendation.
SECOND BY: Mr. Horiszny
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 said she has to abstain as her husband initially did work on the septic system)

F. <u>JILL MICKLEY – 2634 EASTON ROAD – REQUEST APPROVAL OF PLANNING MODULE – RESOLUTION 61-2007</u>

Mr. Kern said the applicant is requesting that Council approve their planning module to install a new on lot treatment system to repair a currently malfunctioning system. Council shall consider operational and maintenance agreements suggested by the Sewage Enforcement Officer.

No one was present.

Mr. Kocher said this is an existing home with a malfunctioning sewage system. The property is too wet and they could not find any acceptable area, so the only option open was to go with an individual treatment plant with stream discharge. You have allowed this before. The applicant filled out the planning module that DEP requires. They have contracted with All State Septic to do the maintenance on the treatment plant. The Township Sewage Ordinance doesn't allow for this type of system outright, but you have allowed for this for a malfunctioning sewage system. If you are okay, you would approve the planning module, approve signing the operation and maintenance agreement and approve the waiver to allow this system to happen.

Mrs. Yerger said this lot is under water a lot with storms. Her concern is that the discharge will actually happen. When that lot is under water and you are trying to discharge into that stream, is it going to back flow? Mr. Kocher said DEP will require a permit to build the treatment plant. As part of the permit process, they don't allow it in the floodplain. They must elevate it or move it back out of the floodplain. Mrs. Yerger said she thinks the whole property is in the flood plain. Mr. Kocher said DEP won't approve the permit if it's in the floodplain.

Council agreed since the applicant was not present, they would table this.

MOTION BY: Mr. Maxfield moved to table.
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. <u>ORCHARD VIEW – ROUTE 412 – APPROVAL OF DONATION IN LIEU OF STREET LIGHTS</u>

Mr. Kern said at the September 19, 2007 Council meeting, Council approved reducing the number of street lights in this subdivision from three to one. It was also suggested that staff contact the developer and request a donation in lieu of having to install the street lights. The developer has offered $2,000.00 in lieu of these two lights and staff is requesting Council's approval of this donation.

MOTION BY: Mr. Kern moved for approval of the donation in lieu of street lights for Orchard View, Route 412.
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. TOWNSHIP BUSINESS

A. <u>SAUCON VALLEY CONSERVANCY – REQUEST TO PROCEED WITH NATIONAL HISTORIC REGISTER NOMINATION OF THE HELLER HOMESTEAD – 1890-92 FRIEDENSVILLE ROAD</u>

Mr. Kern said the township authorized Wise Preservation Planning to complete and submit a resource survey form to the PA Historical and Museum Commission (PHMC) which has resulted in the PHMC notification that the Heller Homestead is eligible for listing in the National Register of Historic Places. The SV Conservancy would like to discuss the next step of completion of a National Register Nomination for the building.

Mr. Cahalan said Council had authorized Wise Preservation Services to do the first historic survey report and it was completed and approved by Council and submitted to the PHMC. They responded with the letter date October 22, 2007 from Carol Lee who is Chief of their national register. It had a cover letter with an attachment titled, "Eligibility Evaluation" and indicated that the homestead was eligible for listing and was checked off on C. Design/Construction which said area(s) of significance architecture. Comment: Locally significant as an example of an eighteenth century building updated in the Colonial Revival Steel. Appearance Period of Significance: c.1940 (date of Colonial Revival alterations). Other BHP Comments: Begin Section 8 with an introductory paragraph briefly summarizing the property's Criterion C significance. State that the period of significance is c.1940 and why that date was chosen date of Colonial Revival alterations). Follow the intro with the history of the building and its use up to present today.

The next portion of Section 8 should focus on the building's significance. To prove Criterion C significance for Architecture, a clear contact for the Colonial Revival style in the region must be established. Discuss the vernacular architecture of the area and place the original Heller houses within that context. Then, describe the Colonial Revival movements impact on the local architecture. Note the features that are essential in defining a hose as Colonial Revival, and what are considered necessary to rate a house as an important example of the style. Identify which of those features are found on the Heller farmhouse. Compare the Heller farmhouse to other houses in the region that have been "Colonial Revitalized". Discussion of architects or builders who were active in the area and known to complete Colonial Revival upgrades is expected. The changes are relatively recent; hopefully, it will be possible to find that information.

As the area of significance for the nomination is limited to the Colonial Revival architecture, the barn ruins and mill ruins should be treated as uncounted landscape features if they are within the proposed boundary. The landscape of the property must be addressed in the narrative. Does it complement the Colonial Revival alterations to the houses? Did the effort to update the property in the Colonial Revival style extend beyond the house to the outbuildings and grounds? If not, why not? Is the continuation of the Colonial Revival update to the landscape a significant feature that a property should retain if it is to be considered an important example of the style?

Regarding the naming of the property, it would be preferable to include Michael Heller's wife name, Margaret, therefore the suggested name for the nomination is "Michael and Margaret" Heller Homestead" . The property does not meet the standards for referring to it as a farm or farmstead. The Widow's House should be considered a contributing building. Also, the term "Widow's House" should be clarified, as it does not clear from the narrative provided if that building originated as a home for a widow, or a couple, or tenants, etc. Is this a name traditionally associated wit building, or recently assigned?

Mrs. deLeon said on behalf of the Conversancy, they were pleased to receive the letter. They can still call it the Heller Homestead even though they prefer the Michael Heller Homestead. The name they said "Margaret", that's not Michael Heller's wife, it was Magdalena, and they are aware of the mistake. She would like Wise Preservation to begin with Step 2. Ten years ago when they submitted their historic survey application, the colonial revival period wasn't really historic then, but now they are protecting those resources. They have a story to tell that it spans 250 years.

MOTION BY: Mrs. deLeon moved to have Wise Preservation begin with Step 2.
SECOND BY: Mr. Kern

Mr. Kern asked if anyone in the audience had any questions or comments? Mr. Horiszny said can they do it as they aren't the lowest bidder? Mrs. deLeon said when we went through that before, this is a continuity of an already filed application. Those other consultants submitted those prices probably assuming they were going to be doing step 1. By law, we don't have to give to the low bidder, if we have three others. Attorney Treadwell said he's fine with this.

Mrs. deLeon said we are very pleased and always said it had a story to tell. Now we know the state cares about it. Mr. Maxfield asked if we are going to follow all of PHMC's recommendations? Mrs. deLeon said the consultant will incorporate all those in the step 2 application except for the name. We can call our site whatever we want, but on the application, it is the Michael Heller House. They are saying it's not a farmstead as there is no farm with it. They didn't include the root cellar, which they must include. The state has their own guidelines. Mrs. Yerger said PHMC will disseminate it and make their own evaluation anyway. Mr. Maxfield said would we consider changing the name? Mrs. deLeon said they said we can call it what we want.

ROLL CALL: 5-0

B. PRELIMINARY ADOPTION OF 2008 BUDGET

Mr. Kern said the budget has been prepared and Council will review and discuss the preliminary adoption of the 2008 budget.

Ms. Gorman was present. Mr. Cahalan said following discussion at the preliminary budget meeting on October 16, 2007, with the Township Council, the Township administration is proposing a 1 mill increase for 2008. This will balance the 2008 Township Budget at $6,090,921 and provide for a contingency amount in the General Fund of $603,682

The first item was the pre-teen club with the SV Community Center. There was an email from Erin Siegfried. The starting time will now be 3:00 PM to 5:00 PM. The location will be Seidersville Hall. They feel a change in the time would solve the transportation issue. They would like to start it in the summer with limited hours and run it through the school year, Monday through Friday.

Mr. Cahalan said the second bit of information was about the Hellertown Library. He spoke to the Director there about usage by LST residents. He made recommendations of utilizing that facility and the best way to do that is to do a study about the future feasibility of going in that direction. He's not recommending any change in the current contract we have with Bethlehem Library. Council could consider this in the future. Margie Segaline said at another meeting, a gentlemen said about putting the teen center next to the old school. Mr. Cahalan said that was subject to the negotiations with Hellertown Borough. It's a future idea to consolidate a lot of programs at the Reinhard School, but that isn't contained in this recommendation. Mrs. deLeon said this is something we can bring up under the COG. If this proceeds when school is not in, they wouldn't have buses.

Mr. Cahalan said the next one was grants submitted. There were 11 grant applications submitted during 2007. The township received funding or notices of awards for 12 grants.

We corrected the information in the operating reserve fund narrative about the landfill fee being paid under the host community agreement.

There was a question about the Meadow's Road connection sewer fee being deposited into the landfill revenue fund. We gave you history on that. That was the choice of the township at the time to deposit those fees in the landfill revenue fund. There is still an outstanding balance that is owed that was on a loan made to the LSA for the Meadow's Road sewer connection.

We were asked to provide a copy of the legal opinion from Terry Clemons about the payment of open space expenses on the EIT that will be collected for open space purposes and we gave you a copy of his opinion. We additionally provided information from Cathy Gorman about the collection of open space tax. Our solicitor concurs with Terry Clemons opinion. Mrs. deLeon said you are saying when the voters voted for the open space money, a lot of voters voted for that

assuming all expenses would come out of the open space fund. Residents should know it's coming out of the General Fund account. When we look at a property, and there's legal, engineering expense, appraisals, it's associated with buying open space, it should come out of that money and not be coming out of the General Fund. We didn't tell the voters that when we asked them to support the referendum. Mr. Cahalan said we complied with the requirement for the referendum question. Attorney Treadwell said we did, and it did say acquisition, not associated costs. Mrs. deLeon said when you acquire something, you pay for the necessary cost. You're only allowed so many words when you do a referendum. That's not happening.

Mr. Cahalan said the Hellertown Community pool, revenue and expense, which we attached.

Mr. Cahalan said under potential revenue sources, we provided you information about the amusement tax and the ordinances that had been mentioned in the previous memo are attached FYI. Mrs. deLeon said are you proposing an amusement tax in this budget? Mr. Cahalan said we just put it out there as a potential revenue source. Mr. Horiszny said is there any way we can estimate what we'd get out of something like that? Mrs. Yerger said Upper Saucon has a lot more that would generate that kind of income. Ms. Gorman has no estimates, but any non profit entity that has an auxiliary fund, would be taxable such as any concerts at Lehigh University. Mrs. Yerger said she bets DeSales University with all their plays, that's how they probably get a lot of their money and are a big contributor. Mrs. deLeon said we have two non profits the Historical Society and the Conservancy and we try very hard to sell candles, gift shop things, so we'd have to pay a tax? Ms. Gorman said she thinks not, and there are certain entities that would be exempt from that.

Mr. Cahalan said on the Old Mill Bridge, they obtained some information on the estimated cost for the steps that were referred to in HEA's letter of 12/2005 as rehabilitation steps. He forwarded information to Lehigh University Atlas Center and to RJ Doer Company and asked for an estimate on the cost of those steps. That was provided to him the other day by Mr. Doer. His estimate for the general conditions, selected demolition, carpentry and supervision, sandblasting and painting, totaled $160,000 which did not include engineering costs and that estimate is in the range they obtained from Jim Birdsall and given to you at the previous hearing.

Moving on to the Heller Homestead windows, there is a copy of Christine Ussler report dealing with the windows and excerpts from last year's budget hearing and information on window replacement. Mrs. deLeon checked out last years budget and under maintenance and repair, it was $40,000: Replace water lines in kitchen and replace floor joists, $25,000, repair of front stairs and upgrade of electrical panels, $7,000 and window replacement/repairs $8,000. She knows $8,000 was not spent on windows as they are still rotting and that was not transferred into this years budget. She said whatever was not spent in the 2007 budget should be rolled over into the 2008 budget. The front stairs, with PHMC, have to be done according to them. That's not done. She doesn't know how much the electrical panel is going to be. We talked about an additional $5,000, so there should be $8,000 from last year and $5,000 for this year. Mr. Cahalan said the $25,000 for the kitchen and an additional $5,000 for the windows. Mrs. deLeon said the line item only said $25,000 and we had additional discussions and were able to increase that to $5,000. In all fairness, the $8,000 needs to be rolled in this fund. She asked for a phased repair schedule to do as many windows they can to get caught up. Mr. Cahalan said someone has to go out there and examine them and make a report. Mrs. deLeon said when we decide and hire to whomever to do the windows, then we will know how many windows get done. Mr. Kern said the $8,000 should be rolled over. Mr. Kern said does the information we received tonight regarding the time period help? Mrs. deLeon said the secretary of interior standards is not dated. When you have a historic property eligible for listing, the standards are the standards. It doesn't matter what is the time period. If you are placing a wooden part of a window, you must replace it with wood. So you'd replace it with like windows and it all has to be approved by PHMC and they need to know it is

covered by covenants. Mr. Maxfield asked how does this affect our really tight budget this year. Was it allocated for anything else out of the general pot? Mr. Kern said he didn't think so. Mrs. deLeon said she asked for a print out of the expenses paid to the Heller Homestead, which was $40,230 and $5,800 of that was through grants. Mrs. deLeon said we roughly have $34,000 that was spent on the park and the Heller Homestead building since 1998. The schoolhouse, expenses back to 2003, $18,000 was spent. The Old Mill Bridge, back to 2000, $122,747. That's not very fair.

Mrs. Yerger said since 2004, this body as it exists, a little over $19,000 was spent on the Heller Homestead and this body spent $18,000 on the schoolhouse and she thinks "this group" has been very fair. She can't account for what happened in previous council's, but "this group" of Council people have been very fair. We're talking what was spent on these buildings. You are accusing us of not being fair handed for these two buildings. It was pretty even for this group. This group of five did that. Mrs. deLeon said the windows have been a number one priority and they have been ignored. Mrs. Yerger said she's trying to understand this Heller Homestead. Mr. Horiszny said the account numbers on pages 105 and 106, don't agree. Mrs. deLeon said the windows have never been fixed. The lease said the township is supposed to fix the windows. Mr. Kern said last year we had that talk at budget and we delayed until we got the PHMC report which we just got back. That's not neglect, that's being understanding to the situation. Let's just approve it. Mrs. Yerger said she's upset that we are always being insinuated continuously that we don't take care of our historic buildings. She has no problem fixing the windows now that we know how to fix them. Mr. Maxfield said our budget is tight this year. $5,000 will do a lot for the windows right now and we don't need an additional $8,000. Mrs. Yerger said put it back in, it can go in for other maintenance. Mrs. deLeon said we are eligible for listing, so the covenant says that this is what you have to meet the secretary of interior standards. It's in the document. Mr. Horiszny said it doesn't matter for this motion, so let's vote.

MOTION BY: Mrs. deLeon moved to add the $8,000 (from last year to this year's budget for the Heller Homestead, line item 37.452.370 maintenance and repair) to the $30,000, plus the $5,000 that was added this year.

SECOND BY: Mr. Kern

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

ROLL CALL: 4-1 (Mr. Maxfield – No)

Mr. Cahalan said Polk Valley Park cost estimate, Council asked the consultants to put together an estimated cost of opinion of probable cost for completion of the final phase of PVP and for Kingston Park. You should have those sheets 1 to 5 for PVP. Mr. Tralies said we have a plan about finalized. We've got a total of $239,368 worth of landscaping. That number includes shade trees, flowering trees, evergreen trees, shrubs, ferns and seed mixes including installation of the plant material. That includes all of the seed application and all the work that has to be done prior to the seeding. The next section is fencing, gates and bollards. That total is $102,522. We have a lot of fencing going throughout the park. We didn't want to put chain link cages around all the fields. We placed strategically the split rail fences. We have over 4,000 linear feet of split rail fence. With the fence comes hardware for gates, mesh to go in the fencing and it also includes arch backstops and emergency access gate where the driveway goes to the Rosar property and one collapsible bollard where the public shouldn't be driving. The next section is site furniture which is regular benches, benches for the players at fields, foul poles, mutt mitt dispensers for the dog park and directional signage for the park. The total for this is $73,950. Mr. Tralies said the playground and pavilion area and this number can be very flexible. We haven't done any design for the playground. We make sure we put down safe surfaces, so there's a lot of additional design before we even get to the structures themselves. We put in a $200,000 line item for the pavilion and this is one that could go either way. If you want a bare bones with posts, you could spend $50,000. If

you want a more involved pavilion, water in the park, concession stand, top of the line you could spend $200,000 to $250,000. This will depend on the decisions of Council. The next item is paving. We are going to have about ¾ of a mile of asphalt pads, all pervious asphalt. We have to do some paving in the parking area, and that number is $257,495 for materials and installation. The next sub section is the Polk Valley Road bridge and sidewalk project which is $130,725 which includes a bridge, construction of abutments for the bridge, bridge installation, additional asphalt trail, additional planning services, additional engineering costs and the 8' wide from the park to the intersection to the school. This is all conceptual so both Brien's office and our office will have to do extra design to make a bridge work there. The next sub section is additional services, coordination and correspondence, construction observation for us and the engineers, meetings, our time to make sure everything gets into the ground correctly. There is 15% contingency bringing a grand total estimate to $1,253,029.14 for Polk Valley Park.

Mr. Maxfield said what would you estimate the build out time would be for all of this? Mr. Tralies said that's a good question as different parts of this could be done by different contractors. Public Works could do the paving and that's on Roger's schedule. Landscaping we wouldn't want to install much earlier than April. A large crew could do all of the landscaping excluding seeding in a few weeks, but the companies that are going to bid on this are probably going to be big outfits.

Mrs. deLeon said this is part of the loan we have? Mr. Cahalan said some of this is in the budget that came from the land acquisition and development fund and some was in the Polk Valley Park budget. One of the things to follow up, there's a lot of pieces to this. He asked Rick to look at the items that need to be in place for the park to open in 2008 which are the fences, gates, bollards, site furniture, paving, trails, bridge and sidewalk in place so the students could get from the school to the park, additional services, which is engineering and planning costs. There are some plantings that have to go in for the buffering and Rick is starting to look at that. That brings it down considerably. The pavilion and playground could be future items. The total could be brought down and we feel we can handle that with the amount that is budgeted in the PVP. There is a contingency we built into that of $300,000 in addition to the $450,000 and some other engineering costs. We are close to that, plus we are getting some money from Northampton County for a grant which would add to that total. We feel we are comfortable with the amount we've recommended. Rick Tralies will get back to us with a plan for phasing in some of the other features. Mrs. Yerger said does this include the school district's contribution for sidewalk? Mr. Cahalan said the agreement we had, was they would only pay for what's on their property. The bridge is on our property. Mrs. deLeon said we set aside money for that, will that deplete the money? Mr. Cahalan said yes, after we are done with Kingston and PVP, we will have depleted most of that. Mrs. deLeon said we have your bottom line, and you are going to pick out what has to be done and some will be pulled out. We don't have money for the whole list, is that what you are saying? Mr. Cahalan aid yes. Mrs. deLeon said we have to borrow more money? Mr. Cahalan said no, we can handle that on a phase basis and future budgets. Mrs. deLeon said you are anticipating that, you don't know that. How much money do we need? Mr. Cahalan said probably about $300,000 to $400,000. Mrs. deLeon said that will be in the 2009 budget then.

Mr. Kern said Tom Maxfield had seen some black mesh screening in the Upper Saucon park, has Tom talked to you about that? Mr. Tralies said they didn't include any large mesh structures. At the end of the soccer fields, they did a four foot split rail fence with wire mesh attached to it, some heavy shrubs behind it and taller trees behind. Some of the shrubs would grow through the fence and hide the fence a little bit, and the trees would grow up and knock some of the balls off before they get to another field. They went for a more natural approach than putting up large mesh everywhere. Mr. Maxfield said he'd like them to take a look at that and that keeps the balls from going to another field. It could be cost effective, so look at that idea. Mr. Tralies said it's certainly something they can discuss. His first thought was to keep a rural park and avoid those kinds of things, but if it's something cost effective, they will look into it.

Mrs. deLeon said you are going to be deleting the pavilion? Mr. Cahalan said that will be phased in. Mr. Tralies said this is the already new developed park and it's everything that is envisioned to be PVP as of right now.

Mr. Cahalan said for Kingston Park, Rick & Judy prepared the cost for this park. One sheet says it's HEA and there's one for Boucher & James with final costs. Mr. Tralies said the Kingston Park opinion of probable cost is a little less detailed as we're not as far along. We are far enough along to put an estimate. Landscaping is estimated $17,350. We don't imagine a ton of landscaping going in at this park as we know we need to keep this property as close as to it is now. The Kingston Park, we are envisioning shade trees along the path, some other plantings around the pavilion, and Ella's garden and some other landscaping throughout, Item B is seeding, as it is now, the Kingston Park is a wild meadow. That will be $1,042.50. We envision the inside of the loop path seeded with turf grass so the kids can run around. Section C, miscellaneous would be $6,600. Site work is tree removal and tree protection fences. We are not proposing large scale tree removal. We would like to weave the paths so we don't knock any large trees down. Section D is site furniture with pavilion, four foot high split rail fence, bollard, and some signage. The total is $157,900 with $150,000 of those dollars being estimated for the pavilion. The bollard is planned for an area close to the parking area. Where the parking areas connects to the path, it would be possible for someone to drive into the parking area and then drive directly onto the path and into the park, so we're proposing to put a collapsible bollard there. We would just propose the typical fire hydrant collapsible bollard so it would still provide emergency or public works access into the site. Item E is $15,000 for bonds and insurance to get the contractor out to the site and get ready to work. Section F is excavation - $31,973.68. That includes clearing and grubbing, stripping and stockpiling topsoil and bulk grading. This would be mostly required for the parking area. The next section is storm water management and paths. We are proposing pervious asphalt sites and parking and bus drop-offs and a recharge pit for the pavilion and the total is $55,060. For the driveway paving, Section H, a total of $5,023.20. Various erosion control measures, Section I, $15,000. Additional services would be $58,825.50. Then a 15% overall contingency bringing a total $410,751.11 for both HEA and Boucher and James. Mrs. deLeon said how much of the money did we set aside for Kingston? Mr. Cahalan said awe put in $170,000 last year and this year we made estimates and put in $148,000. Mrs. deLeon said where will we get the additional money? Mr. Cahalan said we have extra money in the land acquisition fund. Mrs. deLeon said we have to find out how much of the loan money we were spending for PVP. She wasn't anticipating on spending all this money in Kingston Park. It was supposed to be a parking area and a garden. She's not happy with the garden just spread into everything else. It's lost already. They are confident the $17,350 for landscaping should be adequate for Ella's garden and additional landscaping throughout the park. Mr. Kern said he wasn't envisioning a pavilion, he was anticipating a gazebo, not $150,000. Mr. Tralies said the $150,000 is the middle of the range. We're still talking about a pavilion. Mrs. Yerger said the pavilion came out when we were talking about bringing a bunch of kids in so they can sit under there, so it's a pavilion thing. Mr. Cahalan said it would also be used if we have recreation there. Mrs. deLeon asked about bathroom facilities. Mr. Cahalan said Rick came up with porta johns. Mr. Tralies said they have not come up with extensive bathrooms. Mr. Cahalan said these things can be phased in. Rick was just asked to come up with some figures and if there are items Council doesn't want, we can take them out. Without counting the pavilion and some of the other landscaping, we can get Kingston, the parking lots and paths up in operation in 2008 and we can do it with the funding we budgeted. If we eliminate the pavilion, you can probably eliminate some of the paths as well. You could eliminate any and all of the landscaping. The site is what it is now. The most important thing is the parking and the bus areas and the way to get the children safely to the school. The parking brings a lot with it like grading, EMS measures that have to be done and some additional design. If we cross out the landscaping and cross the seeding, we still need section C, the pavilion could come out, the fencing under Section D has been put around parking areas and around some of the bus areas to insure the children are not able to run

through bus areas, so the fencing is very important. The bollard is important if you don't want people joy riding through the field. Signage never has been discussed, but he put in $1,000 for the cost of two signs to have a sign at the parking area and at the trail. That's discretionary and not necessary. You can't take out mobilization if you want to work done. For Section F, excavation, that's tied into doing the parking area. The asphalt paths, we can cut them down quite a bit, possibly in half, which is $3,800. Mr. Maxfield said you are saying eliminate, he's thinking of phase, phase. He'd like to keep the entire plan, but phase it out. He'd like the park to proceed in a logical manner. He doesn't want to lose these features and they are placed nicely. We could wait a few years and he feels the same way about PVP. We've got to do what makes budgetary sense for the township. He would be in favor of phasing instead of elimination. Mr. Tralies said it absolutely can be done in phases. He said change "eliminate" to "Phase II or Phase III". Mrs. deLeon said we already voted about the parking lots and Ella's Gardens at the last meeting. Mr. Tralies said it was an error when he said eliminate the gardens. We can put that in the first phase. If Council likes the plans and wants to move forward, we can phase it. Mr. Maxfield said he'd like them to put together a four year plan for the parks, but would like to see it all happen. We can get some volunteer work and some donations.

Mr. Cahalan said Cathy will run down some items. Ms. Gorman said the changes that needed to be done are as follows: The beginning balance has been changed to reflect the canine unit and the general fund beginning fund, there was a decrease in the preliminary budget. Chief Lesser came in about the canine unit and video cameras in cruisers. Also, included are the revenues for a business registration fee which would offset the expense for an EMS notification system. If Council chooses not to go in that direction we won't do the notification system. Also included are fees for about $5,000 for the recreation services provided by the SVCC. Our hope is that we can budget a fixed amount for this and people participating in this programs can pay for those costs. Mrs. deLeon said what would that be? Mr. Cahalan said a nominal fee of about $20.00. We haven't brought that to Council. Mrs. deLeon said she doesn't agree with the $20.00. Mr. Cahalan said it's up for discussion. Ms. Gorman said $500 for the volunteer dinner and $30,000 for the laptops in the cruisers.

Mr. Cahalan said to revisit where we left off at the last discussion, we had a balanced budget with the revenues. We discussed we are projecting revenues to decrease which is up to about 30% and there are other budget losses we are going to have to deal with in 2008. The loss of a grant fund for the Police Investigator position. The additional pay day and the money we budgeted for the tax exempt parcel. We put that together and stressed that we held the line on expenses that we could control for 2008. At the same time, about 62% of expenses in this budget are fixed that are mandated to increase. Those are increasing every year. What we presented to you was a situation where we were able to balance the budget, but our contingency was about $300,000 and we felt that was not adequate going into the year in case an emergency came up or going into 2009, that amount would be depleted and we'd start with no budgetary fund balance. Next year is going to be a problem, and based on that, our recommendation is for a 1 mill tax increase. That would increase the contingency balance to over $600,000. The tax increase we have provided you information on that previously and showed the comparison of LST with other municipalities. There hasn't been a tax increase in thirteen years. We feel the tax increase is justified because of the slow down on the housing market. We'll be experiencing a loss in the EMS with a decrease of about $30,000 because of changes the legislation made, losses in investment earnings, and interest rate changes. Ms. Gorman said in reviewing the tax records, 70% of the properties billed, are less than $100,000 assessment, so 70% of the people it would cost about $100. Mr. Kern said this is a true test of form of government we set up. You are asking us, the advisors, who are the taxpayers, to increase our own taxes and he did that analysis for himself. For the county tax in 1994 was $325, in 2007 it was $850. The school district bill in 1994 was $1,333, and in 2007 was $4,000. The township tax was $203 in 1994 and now it was $250 and only because his house got re-appraised. He did the analysis if we raise it 1 mill, it will raise his tax to $70, which he'll pay $325 a year which doing

what we are doing in this township, and our services have increased, this is a bargain. In addition to the revenue decreases, in the past three years, we have had $750,000 in health care costs plus the pension related increases. This is something that is necessary for us to do.

Mrs. deLeon asked about the business registration fee. Mr. Cahalan said that was a proposal we gave you information on. What we done was suggested that the EMS notification system would be contingent upon you passing and adopting a business registration fee, $50 per year, which would go towards funding the notification system. That was a proposal. If you don't want to adopt that, it doesn't have to be done tonight. Mrs. deLeon said it's already included in the proposed budget. Mr. Cahalan said yes. Mrs. Yerger said added the fees for recreation, what was the number arrived at? Ms. Gorman said it came to $5,300 in revenue with $20 a head, and based on the amount of children in last years program. Mrs. deLeon said we are providing a service to the kids, and we're spending all this money on parks, and not all kids do soccer, etc. We have a nice program for kids, she can't support charging a fee. Mr. Cahalan said it is a good program and it's getting more popular. The demand is rising and the cost to the township is going to rise. We are asking you to just consider a fee. If you do not adopt that fee change, we can take out. The kids are therefore a two to three week session from 9 AM to noon. Mrs. Yerger said it would break down to about $7.00 a week, $1.25 a day. Mr. Cahalan said Hellertown Borough does charge for their program and it's a lot higher than $20.00. Ms. Gorman said she thinks they gave up the program a couple of years ago.

Mrs. deLeon said you took out the newsletter and will send it via email. Mr. Cahalan said the cost for printing and postage is a lot for that. The problem with that increasing, the costs are almost $20,000. We can take the newsletter and collect email addresses and email them to our residents. The ones that don't have email, they will get it mailed to them. That's another suggestion for reducing costs which are spiraling.

Mrs. deLeon said in special funds, $800 for announcement sign. Mr. Cahalan said he mentioned putting up bulletin boards to each of the park with a glass front to put up scheduling announcements, etc. This would be at each park.

Mrs. deLeon said on page 30, for the court stenographer, did you mean it was $0 instead of $1300? Ms. Gorman said yes. Major equipment was $0, now it's $30,000. Ms. Gorman said that's the police laptops. Mrs. deLeon said on page 67, you reversed the numbers in dental insurance. Ms. Gorman said our dental and vision are not changing. They gave us an estimate of a 10% increase, but came back and said the dental and vision will not change, so that amount is correct. It should say $19,000, it won't change. Mrs. deLeon said your projected landfill amount was $46,000 higher. Ms. Gorman said landfill revenue is going to be lower than what we received this year, but it's still the 4% increase based on what we would have got because of the error in 2006 that was caught.

Mr. Horiszny said on page 85, under Expenditures, it looks like the number didn't come out right. Ms. Gorman said you're right, it pulled a contingency number. Ms. Gorman said she's corrected page 95 the total for income should be $200,000; it had showed $20,000.

Mr. Kern asked if Mr. Cahalan was looking for direction for added business registration fee? Mr. Cahalan said no action is needed nor the recreation fees or amusement tax or anything tonight. That's something they can bring back for reconsideration. The recreation fee won't affect the seniors. We have until next summer to decide on that.

Mr. Cahalan said the cost that was brought in for the Old Mill Bridge, the funding that's in there is not sufficient to cover, so he wanted to know what Council wants to do. There is some additional money they can move into that account. Mrs. deLeon said she thought there was no fat in this

budget? Mr. Cahalan said there isn't, but there is some money in some accounts. If Council were to agree to increase the tax by 1 mill, instead of moving $700,000 from the landfill revenue fund to the general fund, we would move $600,000 so there's an additional amount that could be for the repair cost of the Old Mill Bridge. Mrs. deLeon said what are we spending in 2008 for the bridge? Mr. Cahalan said they got two estimates from HEA and Doer and they are both in the range of about $150,000 to do the sandblasting, painting, repair and replacing a new deck. We hope to get that lower, but you would need to put additional monies in there to cover. Mr. Maxfield said Roger said last time they might be able to do some things, so we can deduct that from the overall amount. Mrs. deLeon said this should be phased a little bit. Mr. Maxfield said once you sandblast, you can't wait, it has to be done, plus we have all the permits from DEP. You also have to add in the engineering costs. Mr. Maxfield said what additional engineering info do we need? Mr. Cahalan said the most important thing is to get the stream encroachment prepared and any drawings that goes with that, and the rest could be inspections and things like that. They'll try to get an estimate from the engineer and try to do as much in-house as they can. They have to get out the bid package and that takes some time also.

Mr. Horiszny said if he were to approve the budget, it would be business registration, one mill increase, amusement tax, recreation fee. Mr. Cahalan said the only thing in there would be the mill increase. The others have to be adopted. You can take the business registration tax out, but have to come up with the $12,000 for the cost for that system, out of the general fund. They looked at one recommendation and everyone felt that was a good system that would work excellently, but there is a cost to it, and it's much more than what Gar is paying over at the LSA. Mr. Kern asked what was the business registration tax? Mr. Cahalan said each business that operates in the township would have to register and pay a $50 fee. He recommends that they take $50,000 from one account and move it to another for the Old Mill Bridge.

MOTION BY: Mr. Horiszny moved for approval of the preliminary budget, as presented.
SECOND BY: Mr. Maxfield

Mr. Kern asked if anyone in the audience had any questions or comments? Margie Segaline got in touch with Hellertown and Bethlehem libraries. The Hellertown library currently serves 3,665 Hellertown residents and 2,136 LST residents, for a total of 5,801. 2,136 is a little less than ¼ of LST's population. The 2,136 residents in LST have to first register in Bethlehem to be able to go to Hellertown library. We're talking about a significant amount of people don't use the Hellertown Library, but the same number do use the Hellertown Library. Bethlehem offers a lot of services, we definitely do need to keep giving them what we have been giving them. She'd suggest we budget money for Hellertown as well, maybe not as much, but something…$10,000 or $15,000…considering the services they are providing for LST residents. Mr. Cahalan said they are being reimbursed by the State, not as much as if we were part of their system, but through the Access program they get reimbursed. It is an amount that does come in and the idea is to reimburse them for people who out of their service area. It's not as if they are providing the services and not getting any reimbursement. Margie Segaline said Hellertown does have computers available to us. They are planning on putting in an elevator there. Mr. Maxfield said we've got plenty of information and we'll look at it for next year. Mr. Kern said we put Bethlehem on notice that the costs are getting too high, and we may need an alternative. Mr. Cahalan said even if you were to say in 2009, and you'd want to join Hellertown, you can't get all the residents in that building, and there's not enough computers, space, parking, etc. You couldn't physically do it. It's a wonderful facility. Mrs. deLeon said can't we make a Council contribution to say thank you for the residents that do go there. Mrs. Yerger agreed, we should give them something. Margie said Hellertown provides them $58,000. Mr. Cahalan said he has to check this out to see if the Hellertown Library could receive this money from another government entity. Mr. Horiszny said he thinks we should wait and see how the pool first works out, then go from there. Mr. Cahalan said you can make a decision contingent upon his checking out about receiving money. Mr. Maxfield said we can

do it after the budget meeting in January and we can always do it in the future. Mr. Alan Johnson, resident, said he doesn't think we should give Hellertown anything. We pay the Bethlehem library and he thinks our citizens should use it. The fact they are using Hellertown is simply for their convenience. We shouldn't pay for them to go there. If someone doesn't want to use the Bethlehem library, they should give up their Bethlehem card and don't pay for them and go to the Hellertown library. Mr. Cahalan said we can't do that, it's a per capita, they do it strictly on population. He doesn't think we should give any donation to the Hellertown Public Library.

ROLL CALL: 4-1 (Mrs. deLeon – No)

Council recessed. The time was 11:30 PM.
Council reconvened. The time was 11:35 PM.

C. APPROVAL OF LETTER OF AGREEMENT & CONTRACT EXECUTION FOR "SMOOTH OPERATOR AGGRESSIVE DRIVING PROJECT"

Mr. Kern said the PA Dept. of Transportation has received special funding from the National Traffic Safety Administration to implement an Aggressive Driving institute. The goal of this project is to reduce the number of aggressive driving crashes, injuries and deaths through the Pennsylvania Smooth Operation aggressive driving program. The LSPD is requesting Council's approval for the Council President to execute this Grant Agreement.

Mr. Cahalan said this would cover the salaried cost for LST in joint enforcement efforts with other police. PennDOT would pick a week, and have the officers patrol a highway, and look for erratic or unsafe lane changes, driving too fast, following too closely, improperly signaling, and failure to obey traffic control devices.

MOTION BY: Mr. Horiszny moved for approval of the letter of agreement and contract execution for "smooth operator aggressive driving project".
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

D. AMEND EMERGENCY MUNICIPAL SERVICES TAX (EMST) ORDINANCE TO LOCAL SERVICES TAX (LST) ORDINANCE – AUTHORIZE ADVERTISEMENT

Mr. Kern said effective January 1, 2008, Pennsylvania will be changing the current Emergency Municipal services tax (EMST) to the Local Services Tax (LST). Municipalities that have an existing EMST need to reenact their EMST ordinance to reflect the new LST provisions by December 31, 2007. Council should authorize advertisement for a public hearing to enact the ordinance revision.

Mr. Cahalan said some of these changes will have negative effects on us. We are getting $30 and it could be spread over 26 pay periods to collect that $30. There's an exception and something we have to put forth when we advertise this ordinance.

MOTION BY: Mr. Kern moved for authorization of advertisement.
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

E. RESOLUTION 60-2007 – TRANSFER OF MONEY

Mr. Kern said resolution 60-2007 has been prepared to transfer funds from one township account to another.

RESOLUTION #60-2007

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

SECTION 1.

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

FROM			TO	
Amount	Account No.	Account Name	Account No.	Account Name
$ 300.00	01.401.420	Admin. Expenses	01.401.470	Hiring Fees
$ 300.00	01.402.451	Bank Fees	01.402.454	Payroll Fees
$ 10,000.00	01.408.314	SEO Fees	01.408.311	Eng./Zoning
$ 10,000.00	01.491.000	Contingencies	01.409.231	Gasoline
$ 8,000.00	01.491.000	Contingencies	01.409.370	Building Maint.
$ 1,000.00	01.491.000	Contingencies	01.406.200	Office Supplies
$ 3,000.00	01.491.000	Contingencies	01.407.750	Data Proc. Equip.
$ 7,000.00	01.491.000	Contingencies	01.410.373	Police Vehicle
$ 500.00	01.491.000	Contingencies	01.410.470	Investigation
$ 700.00	01.491.000	Contingencies	01.410.750	PD Minor Equip.

SECTION 2.
The Township Manager is hereby directed to make the necessary transfers to implement this Resolution.

RESOLVED AND ENACTED this 7th day of November, 2007.

Mrs. deLeon asked what the $8,000 was for? Mr. Cahalan said it was for repairs, Tru Comfort has to make to the HVAC system in town hall and it was also at Seidersville Hall for emergency repairs due to leaks in the ceiling.

MOTION BY: Mrs. Yerger moved for approval of Resolution 60-2007.
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. PARK & REC. RECOMMENDATION FOR THE DEPOSIT OF THE HULETT SUBDIVISON – 2583 MARTINS LANE – RECREATION FEE

Mr. Kern said the Park & Recreation Board has recommended that the Council deposit the $3,113.00 recreation fee received from the developer in the Southeastern Park Fund.

MOTION BY: Mr. Horiszny moved for approval of the deposit of the Hulett Subdivision – 2583 Martins Lane – recreation fee.
SECOND BY: Mr. Maxfield
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.
ROLL CALL: 5-0

VI. MISCELLANEOUS BUSINESS ITEMS

A. APPROVAL OF OCTOBER 16, 2007 BUDGET & OCTOBER 17, 2007 MINUTES

Mr. Kern said the minutes of the October 16, 2007 Budget and October 17, 2007 Council meetings have been prepared and are ready for Council's review and approval.

October 16, 2007 Budget Meeting:

Mr. Horiszny said the votes should be 4-0 and not 4-1 (two votes). Page 11, line 20, it looks like we are spending almost $194,000 for two beagles. It should be vehicles. Page 12. line 28, the distance from the polls, Linc said that's what the state indicated at least 10 feet away from the polls.

MOTION BY: Mrs. deLeon moved for approval of the October 16, 2007 minutes.
SECOND BY: Mr. Kern
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.
ROLL CALL: 4-0-1 (Mr. Horiszny – Abstained)

October 17, 2007:

Mr. Maxfield said 4 of 13, this is the discussion of Kingston Park and he made a request that any communication that pertain to Kingston Park or any communications that we got for our Historical Society's be in writing. It would solve a lot of problems. Mrs. deLeon said we have to fill in the last page of when Council reconvened and the time they adjourned.

MOTION BY: Mrs. Yerger moved to approve the October 17, 2007 minutes, with corrections.
SECOND BY: Mr. Kern
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)

VII. PUBLIC COMMENT / CITIZEN NON-AGENDA ITEMS

None

VIII. COUNCIL & STAFF REPORTS

A. TOWNSHIP MANAGER

- Mr. Cahalan put in your packet a draft of a revised stray animal policy. He'd like Council to look at it. He'd like to get it adopted and out to residents as it involves a change in procedure of the police picking up stray animals. In the past, they picked up dogs and cats. Now shelters are no longer accepting cats for adoption or euthanization. They have a program, trap, neuter, return. They will neuter or spay it and return it to the outdoors where it came from. He would like to have any comments. The township will no longer authorize the pickup of stray cats, only honor the trap, neuter and return. A resident called

and had 13 cats at their house and the most they can do is have the shelter do it. He can bring it back at another meeting.

- In your packet is a letter that Attorney Treadwell sent to Attorney Monahan at the SV School district. In response from Attorney Monahan, the school district was exempt from the uniform construction code requirements which involves inspections and permits for any projects at the school district. Linc responded and said that was not correct and they were covered under the UCC requirements. They checked with the PA Building Assoc. officials to see if any school district was exempted and they said there was no exemptions for schools. It was brought up at a board meeting and he wanted to clarify this since they have done already. They have done a couple of projects and they are going to have to comply with the UCC requirements which are to get engineered drawings, have an inspector go out and inspect the project. He understands they want to keep costs down, but why wouldn't they want the projects inspected by a third party inspector to make sure they conform to the construction code.
- County Executive John Stoffa said there are two openings on the LVPC to serve a one year term beginning 1/1/2008. Any interested official should submit their resume and name to him via email or fax.
- We were notified several weeks ago, the PD was award a $9,570 grant from the PA Gaming control board for funding for training and enforcement the slot machines. They'd like to hold a press photo opportunity here on Wednesday, November 14 at 10 AM and they are going to be presenting a big check to Chief Lesser. Council members are invited to attend.

B. TOWNSHIP COUNCIL/JR. COUNCIL MEMBER

Mrs. Yerger

- Nothing to report

Mr. Maxfield

- He'd like to set a policy to deal with issues we have, talking to committees, and we weren't sure who was representing who. It should be signed by the President of that organization. When we are dealing with our historic buildings, recommendation should be in writing and presented to Council. We've got to clean up the chain of communication. Jack will email the entities that this would fall under so they are aware of it.

MOTION BY: Mr. Maxfield moved for approval as stated above.
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. Kern

- Nothing to report

Mrs. deLeon

- Nothing to report

Mr. Horiszny

- His wife taught the first class in 55 years at the Lutz Franklin Schoolhouse.

C. SOLICITOR

- Nothing to report

D. ENGINEER

- Nothing to report

E. PLANNER

- Nothing to report

IX. ADJOURNMENT

MOTION BY: Mr. Horiszny moved to adjourn. The time was 11:55 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	Glenn Kern
Township Manager	President of Council