

I. OPENING

CALL TO ORDER: The General Business & Developer meeting of Lower Saucon Township Council was called to order on Wednesday, November 18, 2009 at 7:07 P.M., at 3700 Old Philadelphia Pike, Bethlehem, PA, with Mr. Glenn Kern, Council President, presiding.

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

PLEDGE OF ALLEGIANCE

ANNOUNCEMENT OF ANY EXECUTIVE SESSION (IF APPLICABLE)

Mr. Kern said Council met in Executive Session prior to the meeting this evening to discuss the Birk violation; the Kipp violation; the Vanscavish potential property acquisition; Society Hill potential property acquisition; and a personnel matter.

II. PUBLIC COMMENT/CITIZEN AGENDA ITEMS

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

III. PRESENTATIONS/HEARINGS

A. ANDREW WARNER – 2472 BLACK RIVER ROAD – CONDITIONAL USE HEARING

Mr. Kern said the applicant has filed a Conditional Use Application to install a driveway within a riparian buffer.

MOTION BY: Mr. Horiszny moved to open the hearing.

SECOND BY: Mr. Maxfield

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

ROLL CALL: 5-0

Gregg Feinberg Counsel for the applicant was present. He said they would like to call their witness, Arthur Swallow. The following is the testimony:

“Mr. Feinberg: By whom are you employed?

Mr. Swallow: Arthur Swallow Associates, I own and operate the company.

Mr. Feinberg: Are you a registered engineer?

Mr. Swallow: I’m a registered surveyor in PA and NJ. I’ve testified in hundreds of Planning Commission or zoning hearings, conditional uses.

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- Mr. Feinberg: Did you prepare the plan that is before the Council?
- Mr. Swallow: Yes, that was prepared by my office and shows the property at 2472 Black River Road and the driveway that Mr. Warner is proposing to construct.
- Mr. Feinberg: Based on the current location of the proposed driveway, are there any other access points to the site other than the proposed driveway where it's currently located?
- Mr. Swallow: No, that's the only place to obtain the access to the property.
- Mr. Feinberg: That's the only access to a public right-of-way, public roadway?
- Mr. Swallow: Yes
- Mr. Feinberg: In the design of that driveway, is there any means to design that driveway without crossing or impeding upon the riparian buffer?
- Mr. Swallow: No, the riparian buffer is approximately parallel to Black River Road, no matter where the driveway would be situated along the frontage, there would be a need to encroach on that buffer.
- Mr. Feinberg: Does the plan meet all of the requirements for the design of the driveway pursuant to Township ordinances and codes?
- Mr. Swallow: Yes, we have recommendation for approval of the site plan as presented by the Planning Commission. The zoning variances required for the driveway crossing the flood plain have been obtained as well as a permit from PA Dept. of Transportation.
- Mr. Feinberg: Have there been some comments from the Township Engineer on the plan?
- Mr. Swallow: We have obtained comments from Hanover Engineering, the Township Engineer and Boucher and James, the Township Planner. They were discussed at the Planning Commission meeting in October 2009 and we were agreeable to all of the comments and we are currently trying to work on trying to satisfy those comments for favorable resubmission.
- Mr. Feinberg: So, it's the intent to meet with all those comments and comply with the engineering requirements?
- Mr. Swallow: Yes.
- Mr. Swallow: I could briefly describe exactly what we're doing. There's a front yard grass area of this unimproved lot. All we're doing is constructing a 12 foot driveway, residential standard driveway. There's an existing drainage ditch along the road and we're installing a pipe in order to cross that ditch without impeding the storm water. The driveway is going to be built as soon as we get off the roadway to approximately the existing grade, so there's going to be no impedance of flood waters or detrimental damage to the riparian buffer.
- Mr. Feinberg: There's simply no other way to access the property other than going over that, correct?
- Mr. Swallow: Correct, and we're doing the minimum amount of disturbance in that area.
- Mr. Feinberg: There's nothing lesser that you could do to comply with the requirements which you need to do?
- Mr. Swallow: Less than one-tenth of an acre of disturbance involved in this driveway.
- Mr. Feinberg: I have no other questions unless Council has any other questions for Mr. Swallow.
- Mr. Kern: Does Council have any questions?
- Mr. Maxfield: I had one question and this refers to the letter we referred to Hanover Engineering about pipe sizes per PennDOT requirement.
- Mr. Kocher: Was the driveway pipe that you referred to part of what you submitted to PennDOT for approval?
- Mr. Swallow: Yes, actually, what we showed was approved by PennDOT but we have agreed to analyze that waterway, as per your suggestion and then offer a pipe of a larger size that would meet the Township regulations.
- Mr. Kern: Any other questions from Council?
- Mr. Horiszny: What is the size of the pipe finally? It started at twelve and

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- Mr. Swallow: We expect it to be about 18 inches in diameter. That's the minimum Township requirement, so that's not a problem.
- Mr. Kern: Anyone in the audience have any questions before we close the hearing?
- Mr. Hobbs: Black River Road. Is this property located on the south side of Black River Road and east of 378?
- Mr. Swallow: Yes, it is.
- Mr. Hobbs: What impact is this going to have on the riparian buffer? I wasn't clear on that from the testimony. Is that going to have a major impact on it or not, because the riparian buffer, I presume, is the one that goes into the Black River, am I correct?
- Mr. Maxfield: It's a buffer to the Black River, yes.
- Mr. Hobbs: What I'm concerned about is the more disturbances we have to riparian buffers that lead into the Black River, the more problems we are going to have with the Black River.
- Mr. Kern: That is a concern and we'd like to hear our Township Planner describe what the impacts might be.
- Mr. Kochanski: They have not provided any details as any mitigation. What they are showing on the plans is a driveway crossing as we heard earlier, the riparian buffer extends across the entire frontage of the lots, no matter where they would put this, there would be some sort of impact to the riparian buffer in order to gain access to the lot. They are crossing the riparian buffer, for the most part, at a 90 degree angle, so the amount of disturbance that they are doing has been minimized to the greatest extent. Will there be an impact? There will be a slight impact. The plans do not indicate or quantify what that will be, though it's less than a tenth of an acre of disturbance within the site, if I heard correctly.
- Mr. Swallow: Yes.
- Mr. Kochanski: There will be some impact but it will be minimal and it appears to be minimized to the greatest extent possible in order to provide access to the site.
- Mr. Maxfield: With that being said, Mr. Hobbs
- Mr. Hobbs: One minimal and two minimal and three minimal and four minimal can add up to large minimal, maximal's.
- Mr. Maxfield: I was going to say that being said, that it's important to note, there currently is no real existing functioning riparian corridor buffer there. There's a delineated riparian buffer area, but it's just grass right now, and it's on the southern side of the road, the Black River being on the north side of the road, so that's kind of where we're at with that one.
- Mr. Swallow: I would raise two points in consideration of the gentleman's concern. One is obviously we're piping underneath the driveway so that any flows that would be in the riparian zone of waters would obviously flow through that 18 inch pipe from one side to the other and it may redirect that flow slightly, but it's our hope and belief it would be a minimal impact to any flows that would be moving along there. The other is the applicant, by statute, has the right to access his property and with no other alternative, to get access to the lot, other than to cross the riparian buffer, our purpose was to minimize to the greatest extent possible, any impact by making it a direct 90 degree crossing and minimizing the road size and everything, while still being in compliance with Township code for the driveway. We've done everything possible to keep it to a minimum while still obtaining the applicants right to access his property.
- Mr. Hobbs: The reason I asked the question was because the Black River is one of the significant headwaters of the Atlantic Ocean, and we don't want that to be polluted. I say that with a bit of humor.
- Mr. Kern: As what was mentioned, we cannot deny it because it's the only access to the property, so they are minimizing it by going 90 degrees and it's a 12 foot wide

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driveway, so that's the best that can happen in this situation, I think, unless we hear otherwise tonight. Is there anyone else who has any comment in the audience?

Mr. Wirth: I live at 2438 Black River Road. My concern is down the road with any future development in that piece of parcel of property which consists of 2A, B and 2C on the tax maps. The rest of that, I'm just concerned down the road, is that going to be developed. From what he has heard in the future there could be a possibility into any kind of residential or commercial building and is there any possibility, I'd like to make sure that in the future, that swamp that is up in the far corner is not affected in any which way because Mr. Warner owning properties above that, is that there is no way that can be dried up or anything like that? That's my major concern with access through there and is there any way I can find out about that at this meeting tonight that that won't be disturbed in the near future. Is there any way to find that out? I'd like to know if that's protected. That swamp area which is created by the Army Corp of Engineers, twenty-eight years ago, approximately, when they put the I-78 corridor over a swamp where the highway is existing now from Black River Road up to approximately where Dr. Feelgoodes is now. That whole area was a swamp land and they re-created a swamp where it is now. That is my question tonight, if I can get an answer on any of that. It has nothing to do with the driveway, but in the future, with Mr. Warner owning all that property.

Mr. Kern: What I've heard is there are other parcels possibly involved with this parcel, is that what you are saying, and what would the access parcels be? I think that's a very good question.

Mr. Wirth: The only way to access it is from Black River, as far as I know now. I'm concerned that in the future there are some homes up there. I'm just concerned that the swamp never gets disturbed because on no map have I seen it even with the state. I've gone to the state with different things and nobody shows that as being a swamp on any geological map, but when it comes to size and dimensions, that is like one and a half times over the size of what is considered a swamp land that should be protected. That's just my concern. That's about all.

Mr. Swallow: With the greatest respect to the gentlemen's question, and I'll yield to the Township Solicitor, what's before the Council tonight is the driveway. If my client elects to do any site improvements or development on that parcel, I'm sure we'll be back here. We will have to be back here and get your approval for whatever site plans may develop. For the moment, I would object to the question as being irrelevant based on the conditional uses before the board right now.

Mrs. deLeon: I just have one question. If the wetland is not on any other map and it's a significant feature on your future plans, and I'm just asking a what if question here, our regs would say it would have to be identified, the swamp?

Mr. Swallow: Any site development that's done on that parcel, or any parcel, is going to have to identify wetlands. It's going to have to identify either remediation of those wetlands or replacement of those wetlands, relocation of those wetlands or avoidance of those wetlands. If Mr. Warner elects to do anything on this site at all, first of all, he's going to have to get approvals for it, and second of all, your Township Engineer is going to be certain to require, perhaps, depending on the circumstances, a wetland delineation for the site and then some means to address that wetlands if they are in any way impacted or the plan will have to avoid the wetlands as to not impact them.

Mrs. Yerger: Kevin can give you an indication of some of our regulations on dealing with wetlands.

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- Mr. Kochanski: Any development on any parcel, whether it's this parcel or any other parcel within the Township would be subject to the regulations of the ordinance and plans would need to be submitted to the Township. They would be reviewed to the standards that are currently in effect at the time those plans are submitted and held to those requirements.
- Mrs. Yerger: Can you give this gentlemen some of the our general regulations when dealing with wetlands, and setbacks.
- Mr. Kochanski: There are wetlands, setback buffering, there are riparian buffers that are also associated with wetlands with ponds, with rivers. There are a lot of different types of environmental protections.
- Mr. Wirth: I understand that. I have all the information I need on that. My question is are they ever going to identify that as a wetland on a geological map?
- Mr. Kern: You're saying right now it's not identified?
- Mr. Wirth: It should have been years ago.
- Mr. Kochanski: Right now without knowing the specific area that is in reference....
- Mr. Wirth: I've talked to the Director of Wildlife Conservancy up in Wilkes Barre and he asked me to send a topo map but it doesn't show on there. I haven't gotten any answers.
- Mrs. Yerger: Our definition for a wetland, identification, there's multiple.
- Mr. Kochanski: There would be triggers in the ordinance, but since it's been brought to our attention, any development on parcels around here would be a key for us to make sure that if there are any features out there, they are identified, to the extent.
- Mrs. Yerger: So we don't necessary rely on a map is what we're trying to get across to you. There are other ways to identify wetlands. It doesn't have to be on a topo.
- Mr. Kochanski: Not all wetlands that exist are currently mapped on public data.
- Mrs. Yerger: There are other ways to identify a wetland. True wetlands, it's by vegetation and that would still fall under our protection ordinances.
- Mr. Wirth: That swamp that is there attributes to a lot of aquatic life in that field and the lower part of the property that belongs to my brother. I am just concerned about that.
- Mrs. deLeon: But for tonight, that has nothing to do with the approval for the driveway, but in the future, whatever they decide to do is their right and they would have to come back.
- Mr. Wirth: I have no problem with what he wants to do now.
- Mrs. deLeon: We all know it too, so we will be looking.
- Mr. Wirth: Thank you for your time.
- Mr. Kern: There is some comfort Mark in knowing that it doesn't have to be on a map to qualify.
- Mrs. Yerger: That's what we were trying to explain to him.
- Mr. Maxfield: The Township's cutoff for wetlands is much smaller than other agencies, so we're on the lookout for wetlands.
- Mr. Kern: I just had a lingering question since the applicant wasn't too comfortable in answering the question, anyone is familiar with the property, how many other potential developable lots are there, and would the access to those lots be also over the Black River?
- Mr. Kochanski: I don't know what property the owner may control and what would or could not be consolidated or acquired in the future. Right now we're dealing with this one lot, so that's all the information I could provide you is a driveway crossing and what may or may not happen on this parcel or subsequent parcels adjacent to it. We do not have that information.
- Mr. Swallow: Just to clarify, we're not uncomfortable answering that question. We're dealing with this lot that is before us now and the outlines and boundaries of that lot are before you on the board and the singular access to this lot is the

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- driveway that is proposed, so regardless of what other properties the applicant may control in the area, the singular access and the singular connection to a public roadway is over the Black River to this little L parcel that's before you.
- Mr. Kern: I understand that. If there are other associated properties with this and there's access over the Black River that would be required, that would be information I would like to know.
- Mr. Maxfield: What we are trying to do here is address our uncomfortableness with a plan that is asking for additional use crossing that is a driveway that goes to nothing, at this point in time. That is going to raise questions in people's minds and so people are asking where it's going from here and you have not really provided us with any information on where it's going from here.
- Mr. Warner: First off, I didn't know I had to do that, but obviously, we want full disclosure as I always have with you. I always try to be a gentlemen and forthright, and that the bottom line is I'm planning on making a farm, how about that. I'm going to do a farm on my land. I just want access on it so I don't have to stop to cross through a very shallow culvert right now, so I don't get rear ended or my kids don't get rear ended when they are driving with my mother. I just want access to my property. That's all I'm looking for, but I'm going to have a farm, that's all I'm doing. I'm sorry that it sounded like it's some type of mysterious thing, but that's all I want to do.
- Mr. Kern: No one said it's mysterious, we're just asking questions because it's a forum to ask questions.
- Mr. Maxfield: You didn't have to say anything, we're just saying this is the uncomfortableness that exists. That's going to put some of the neighbors more relaxed.
- Mr. Horiszny: Is it going to be an organic farm?
- Mr. Warner: I hope so, I would like that.
- Mr. Maxfield: Thanks for revealing that. That's good.
- Mr. Kern: Any other questions?
- Ms. Chadwell: 1944 Saucon Lane. I was just wondering if you could clarify that this drive is going to be a 12 foot drive, is that what is before you?
- Mr. Kern: That's what is proposed, I believe.
- Ms. Chadwell: I don't know construction at all, but this driveway is going to be prepared for residential, like I would be driving on my driveway to my home that would expect maybe one or two cars going in and out a day. Is that correct?
- Mr. Maxfield: Actually, I think it's being prepared for less than that. It looks like a very small area going into the site that is prepared that way and then it just sort of stops.
- Mr. Swallow: If you want to think about it, you can think about it as the driveway that goes into your home - the driveway off the road that goes to your garage. It's not a roadway. It's not a two lane highway. It's a driveway.
- Ms. Chadwell: It goes into a field.
- Mr. Maxfield: It's not a commercial entrance?
- Mrs. Yerger: It is 12 feet.
- Mr. Swallow: 12 feet.
- Mrs. Yerger: It's not a road, it is 12 feet width total.
- Ms. Chadwell: Pardon my ignorance, but driveways are made in one regard as, depending on the amount of traffic that you expect on that particular piece of asphalt, is that correct?
- Attny. Treadwell: How thick is it?
- Mr. Swallow: It's a minimum use driveway as classified by PennDOT. It's permitted for only 25 cars or less per day. The construction is typical light weight residential standard, four inches of crushed stone and two inches of black top paving.

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Mrs. Yerger: So it's residential grade.
Mr. Swallow: Pretty much what would have been built for your home – a residential type driveway.
Ms. Chadwell: My question comes from being out at other meetings and Mr. Warner had brought up he wanted to do that farm and be able to access his property with your equipment to do that farm and I was just curious as to what kind of equipment he would need. That was my concern.
Attny. Treadwell: And I don't know as I wasn't present when Mr. Warner said that. I don't know if he said it, but I think the questions have been answered that the driveway is built to the standards of a residential driveway.
Mr. Kern: Okay, thank you, are there any other questions?
Mr. Kern: Is there a motion to close the hearing?"

MOTION BY: Mr. Horiszny moved to close the hearing.
SECOND BY: Mr. Maxfield
Mr. Kern asked if anyone had any questions or comments? No one raised their hand.
ROLL CALL: 5-0

Attorney Treadwell said the application before you is conditional use approval. What our usual procedure has been in the past is he would prepare a conditional use decision if Council is inclined to grant this request that's in front of you tonight along with the Engineer and the Planner containing any reasonable conditions that we think would be appropriate, and bring it back at your next meeting or the second meeting in December for a vote. Mrs. deLeon said based on what we heard tonight, any comments they would have, you would put that together? Attorney Treadwell said it would be standard conditions, one of which, would be that any future development of the parcel needs to meet all ordinance requirements and other regulations. Mrs. deLeon said isn't that understood anyway? Attorney Treadwell said it is, but it helps to see that in writing and he would include the recommendations from the Planning Commission, as per the Boucher & James letter. Mr. Maxfield said with the resolution on the pipe size. Mr. Swallow said yes. Mr. Kern said it's just a matter of directing you.

MOTION BY: Mrs. deLeon moved for direction for Attorney Treadwell as stated above.
SECOND BY: Mr. Maxfield
Mr. Kern asked if anyone had any questions or comments? No one raised their hand.
ROLL CALL: 5-0

IV. DEVELOPER ITEMS

A. ZONING HEARING BOARD VARIANCES

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

REMOVED FROM THE AGENDA.

V. TOWNSHIP BUSINESS ITEMS

B. HELLER HOMESTEAD NATIONAL REGISTER NOMINATION – APPROVE SUBMISSION OF REVISED NOMINATION FORM

Mr. Kern said Wise Preservation has completed the revisions to the nomination form for the Heller Homestead and is prepared to submit it to the Pennsylvania Historic Museum Commission (PHMC) for their review.

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Mr. Cahalan said you have a copy of the document that was prepared by Seth Hinshaw and Bob Wise from Wise Preservation. Mr. Wise indicated, in bold, the changes they made based on the comments they had received from the PHMC. It's ready to be submitted to the PHMC, and as we indicated, they are looking toward a hearing in the Spring of the board that would make the decision on the National Register nomination. He does not have a date, but it is some time in the Spring of 2010.

Mrs. deLeon said this is exciting. It's been a long time coming and this is the final hurdle. We don't know what's going to happen when it gets to the board, but she thinks they did a good job on their application. She does have four or five little comments. This is confusing as the property is really in Lower Saucon Township, but the property address is Bethlehem and the Conservancy has a post office box in Hellertown. They have Hellertown, and it should be Bethlehem, which is on the first page. She will send all the corrections to Mr. Cahalan tomorrow. About four or five pages in, the page starts off with No. 11 form prepared by, and again it repeats the city or vicinity is Hellertown, PA and that should be Bethlehem, PA. Mrs. Yerger said if you go back to location, the very first page, it says Hellertown, look at the zip code, isn't that wrong also? Mrs. deLeon said yes, it should be 18015. Under section 11, it says "name of property" and they are calling this the Margaret and Michael Homestead, and then it says city or vicinity and it should be Bethlehem. Since it's not in the City of Bethlehem, we should say Lower Saucon Township. Lee Weidner looked at this, and being the English teacher, Section No. 7, page 1, one paragraph up from the bottom, where it says "east of the drive is the concrete floor foundation wall of a circa 1950 block garage wall that was removed in 2009". Somewhere there should be inserted "underneath rests the early 20th century foundation of a saw mill". That should be noted that it's there. Mr. Maxfield said do we know that? Mrs. deLeon said she sees it, it's under the concrete, absolutely. Before the Township knocked down the garage, Bob Wise suggested to come out with a backhoe and dig along the foundation base to see how deep it was. That's still part of the saw mill. If you look at the Sanborn map, you'll see foundations by the port-a-pot, the garage was rebuilt over the existing saw mill ruins, so they are buried underneath and PHMC thinks before we can knock down the garage, we had to find out where the extent of the ruins were. Section 7, page 7, the bold is the additional information that they added. We have to keep in mind that there was a railroad going from the quarry to the Thomas Iron Works on the Heller Homestead side of the creek, the west side, and she wants to make sure we have our east's and west's right. It says "another minor landscape feature is located along the east border of the property. In the 19th century, the railroad ran along the west bank of the creek. It was located to a higher grade". That sentence is wrong because that railroad just became extinct because the Thomas Iron Works closed and the railroad across the creek, on the Hellertown side of the creek, was another railroad that they built, which is now the Rails to Trails. Mr. Cahalan said you are saying the one on the Heller Homestead did not evolve into the North Penn or SEPTA railroad. Mrs. deLeon said right, so that needs to be reworded. Maybe we can just scratch "it was relocated to a higher grade". What are they talking about is a rail bed which is on the east side of the Saucon Creek. Mrs. deLeon said the whole sentence could be taken out? Mr. Maxfield said they might be talking about the one that was on the western side. There are still portions of it where the tiering was made to hold the tracks is still there. Mrs. deLeon said in the creek. Mr. Maxfield said near the creek, right next to the creek. Mrs. deLeon said right. Mr. Horiszny said the part you are talking about is on the west side. Mr. Maxfield said right. It's on the Heller Homestead side. Mr. Horiszny said just add on the west bank of the creek. Mrs. deLeon said she doesn't think that was right. She thinks it existed. When did Thomas Iron Works close? When did they stop? Mr. Cahalan said before the end of the 19th century, early 1900's. Mr. Maxfield said the Iron Works went into the 20's. Mrs. deLeon said we might need additional help with that one sentence. It goes on to say "the saw mill was located on the west side of the railroad". They are talking about the Stever sawmill. The rest of that is pretty accurate except for that one sentence. Fran Robb said it's his understanding that the railroad you are talking about was between the sawmill and the bank of the Saucon Creek and that's not the same railroad, so it was not relocated. The one on the Hellertown side was a commercial railroad. The one that went through the Heller Homestead property was a private railroad that ran from the

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quarry where the Hellertown Sportsman Association is, over to the Iron Works. Mrs. deLeon said that paragraph needs help. Mr. Robb said it was not relocated. Mrs. deLeon said we'll work on that before it is submitted? Mr. Cahalan said yes. Mrs. deLeon said on Section 8, page 5, the first paragraph bold "the property is owned by Lower Saucon Township". She thinks the better word instead of maintained would be leased. It would say, and leased by the Saucon Valley Conservancy, not Lower Saucon Conservancy. On Section 9, page 2, under Lee Weidner's name, he was very helpful in putting all this together in addition to the other people listed. It says "Hellertown historian and member of the Lower Saucon Historical Society". He's a lifelong member of the SV Conservancy, Lower Saucon Township Historical Society, Hellertown Historical Society, and Coopersburg Historical Society. He asked that be included in there.

MOTION BY: Mr. Maxfield moved for approval to send this forward with the corrections that Mrs. deLeon is going to work on this with Mr. Cahalan.

SECOND BY: Mr. Horiszny
Mr. Kern asked if anyone had any questions or comments? Stephanie Brown, resident, said as a volunteer of the Conservancy, she's very disappointed for the lack of enthusiasm she sees, not only in this room, but from Council members and other people for this nomination going forward. We should be proud that we yet have another historic site in this Township that is going to have such great status. She hopes this goes well and just all the nitpicking about the historic sites and what's more important in this Township is very sad to see. She hopes she sees more enthusiasm for this whole process.

ROLL CALL: 5-0

Mrs. deLeon said she would like to thank Council for their support in this and she knows we wanted to see it happen. When we go out to Harrisburg, she'd like to invite Isabelle Bauder who is Mr. Yeager's daughter, as she was very helpful in putting this together. She'd like her to attend with us.

C. HELLER HOMESTEAD PARK – PARKING LOT IMPROVEMENTS AND RESTROOM FACILITIES RECOMMENDATIONS

Mr. Kern said Staff will be presenting Council with recommendations for proposed landscaping improvements to the parking area following the demolition of the maintenance garage, and also with recommendations about restroom facilities for the park.

Mr. Cahalan said after we took down the maintenance garage this summer, what's left there is the concrete pad, and as Mrs. deLeon pointed out, there are the ruins under that of the previous sawmill. We'll be dealing with the removal of the concrete pad and keeping in mind the preservation of the ruins. That opens up a whole area that previously was blocked from the main house down to the river. He asked Boucher & James to come up with some recommendations for some landscaping. There were two purposes for that. One is to connect people who are coming into the site on the parking lot with the paved trail that runs along the creek. The second one is we have a temporary restroom facility, a port-a-john which used to be covered up by the maintenance garage, now it's out there in the open. We were looking for some ways to buffer that so it wasn't so conspicuous when you pull into the site. Kevin and Valerie from Boucher & James prepared sketches just to give you a concept idea of some recommendations and there's a probable cost estimate attached, and the screening for the port-a-john. We wanted to give it to you for discussion and for comments.

Mr. Horiszny said have we had suggestions on how to remove the concrete that is there so we don't damage the framework underneath? Mr. Cahalan said no, he hasn't, but they had Bob Wise out there before the demolition and he made a suggestion about unearthing along the wall just to see how far down it went. Parts of the wall, he thought they were more recent concrete construction. He's assuming there is something there, but he doesn't have it fully identified and they don't have

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a method of excavating the concrete pad from those ruins at this point. They are going to have to work on that. Mrs. deLeon said if you go back to page 56 in our packet, and you look at the Sanborn map, in the middle of the page is Charles Stever sawmill, you see a box to the right of that wording and it says something engine. That was the sawmill engine. Mr. Cahalan said portable boiler engine. Mrs. deLeon said that was the existing building and then it says proposed extension. No one knows if that was ever added. Where the word "proposed" is, where the ruins are by that wall by the port-a-pot, then there's a space between where the garage started again. She's not real sure. If you look on the map, there was a springhouse and a pump house.

Mrs. Yerger said she likes Ironwood, a great riparian corridor of trees. Mr. Kochanski said as with all of our landscape plans, the use of natives is of the utmost importance, and as Jack mentioned, the ability and desire to connect to make that connection on the pathway onto the site as well as provide some screening for the port-a-john as well as in a location that was easily accessible. With the removal of the garage, that presented some issues and it really opened up the site. That's what they tried to convey, the ability to locate that in a reasonable location as well as soften it. Mrs. deLeon said the one thing that was noted in the register document was that the alignment of the widow's house, Heller House, the herb garden and the barn are all aligned in a straight line. Your plan has them all over the place. Mr. Kochanski said they took some of the locations of this from some of the earlier sketches which were from aerials. A survey wasn't done, so these are approximations of the features that are out there. Mr. Cahalan said if you look at the map and go down to "as existing wall remnants" and go to the end of that line, that's a direct straight line to the corner of where the barn ruin and where the arch is. That's how it is on the site, it's a straight line. On the site when we were looking at the wall, the end of the wall, with Bob Wise, it's a direct line right up to the northeast corner of the barn ruins where the arch is. Mr. Kochanski said the existing wall remnants right at the trail connection. Mrs. deLeon said does this mean your path walk is going to go through existing ruins that we may find underneath? Mr. Cahalan said the whole thing is contingent on dealing with the concrete pad, and preserving the existing wall remnants. Again, we don't know the extent of those. We haven't really done any investigation of that. Down in that area, where you see most of the pathways is where the pad exists. Mrs. deLeon said when we discussed this at budget time, she had asked to meet with Boucher & James prior to coming to a Council meeting, so she was surprised to see it on the agenda. She hadn't had that opportunity. Mr. Cahalan said this is just the concept. It's an idea of how you can address this area that has not been touched. Mrs. deLeon said the money has been spent to do the plan and she's liaison to the Heller Homestead.

Mr. Maxfield said going back to the Sanborn map, page 56, he's looking at the positioning of things and remembers being at the site. Straight in front of the Widow's House was where the garage was. It's torn down and where the existing remainder wall was, where nothing was built on top of it, it seems now to be where the actual site was. If this is accurate, the garage was probably on top of where the dashed boxes are. The garage is maybe constructed in that area. Mrs. deLeon said maybe the ruins of the foundation were not on the proposed extension but on the other one. Jack said when we were standing there, the corner of the wall was even with the arch. Mr. Cahalan said Mr. Maxfield is correct. Down to the south of the garage, the pad, there is a raised wall about two or three feet high that runs down on a southerly direction and there's grass on top of it. It's made out of the same concrete that looks like the foundation of the garage. When you walk to the very end of that, the southernmost end, and look in a westerly direction, it lines up exactly with the corner of the barn ruin. That was part of what was proposed, it was never done, or if it was, it was torn down. Mrs. Yerger said you will look into the removal of the concrete and let us know. Mr. Cahalan said yes.

Mrs. deLeon said we sent this around to the members of the SV Conservancy. Ms. Ray was present. She said she looked through the plans and a suggestion that she had right away was obviously, we like the native plants, but she thought there was not enough variety of species. The one that jumped out at her the most was the Black Eyed Susan's which she really likes, but there's

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like 300 of them and they multiply like crazy. She was thinking of having 100 of the Black Eyed Susan's and have 100 of two other different species. More species would be better. She wasn't sure who got the plan, but she forwarded it to one of their volunteers who is a master gardener and also teaches classes in native plants and gardening. Ms. Ray asked her if she had any input which she did. She said some of the native plants that were suggested weren't really particularly well suited for the site. She had some other varieties that were suggested as well. She'd like to pass that on to the Planner so they can look at it. Mrs. deLeon said the letter said "taking a look at the list of plants, there are a few plants which should be eliminated altogether", which about four were mentioned. Ms. Ray said she had the reasoning for removal of some of them. The one she said is a slow grower and one likes dry soil, prefers dry conditions, cool season plant, total dieback will occur with heat, just overused in the general landscape. She goes on to give some new suggested additions. Cora bells which attracts butterflies and hummingbirds; Coraopolis has long bloom time, Thumb Flower can be interplanted and blooms early and is fragrant; Moss Pink evergreen to semi evergreen cover and blooms early and retains blooms for weeks and may re-bloom in fall, and comes in pink or purple; Witch Hazel is fragrant and blooms in the fall; Carolina Allspice is fragrant, flowers worthwhile for their form and fragrance and this plant has been used in the past planted around the privies. Mr. Kochanski said he couldn't disagree with any of her substitutions; they would all be appropriate plantings in the locations. Some of the issues with the species they chose with their locations, given the shaded areas, offset some of the concerns she raised with heat tolerance. There is the woodland edge along the stream. Ms. Ray said she drew up a sketch also. Mr. Kochanski said he sees nothing wrong with any of the suggestions she has. She raises valid concerns. Ms. Ray said she also suggested the whole bed in front of the road is pretty sad, it's poison ivy. Mrs. deLeon said it would be a shame to have a beautiful corner and then where the sign is, it doesn't look too good.

Mr. Cahalan said going back to sheet 1 of 2, the parking lot itself, as this indicates they would also recommend they do some improvements to the parking area so you have a little bit more of an area and the other issue is the entrance off of Friedensville Road, they are putting out the idea of enlarging that a little bit. It's only one car length and it's pretty rough going in there. There's a suggestion of enlarging that. Mr. Kochanski said with the configuration of the stone, it's a little difficult to figure out where he was going, so the idea is we're going through some of these improvements to provide a little bit more order to it so there wasn't as much confusion. Mrs. deLeon said we're not losing any parking spaces. Mr. Kochanski said they are showing 13 parking spaces, whether or not you can get that much out there because of the configuration that it's really more of a free for all at this time, but trying to accommodate the restrooms facilities with maintenance and access, providing a slightly different configuration. He doesn't know that with the configuration now if you can get that amount. His visit to the site is really people just pulling up to the grass, it's not really defined. It's to create a little bit more order.

Mr. Cahalan said the second issue with Heller Homestead was brought up about the restroom facilities and there was a discussion whether a composting toilet would be a possibility out there. He provided you with a report prepared by the Township Engineer back in 2005 and it had to do with the floodplain and the topo map. The floodplain in that area takes up about 3/4th of the parking lot and it takes most of the flat land there which would make it very difficult to locate any permanent structure in there and would not be approved. A letter from Ron Madison from HEA, was talking about the future citing of restrooms and he said they would recommend that the restroom facilities be done and be planned within the existing house structure or a separate building located to the south or the west of the house structure and that it should be planned to be outside the 100 year floodplain and ideally would be able to be served by a gravity sewer lateral which we have serving the house at this time. It could be hooked up, a permanent restroom to the gravity sewer. That is the situation out there. That is why we have the portable restroom right now and if we are going to be looking for something more permanent, we're talking about following these recommendations as to the location. Mrs. deLeon said if you look at the map attached to that letter, you can see the alignments better.

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Mr. Kern said any further questions? Does anyone in the audience have any questions or comments?

Stephanie Brown, Meadows Road, said her question is for Mr. Kochanski. When it came to picking native plants, she found out that when she put native plants in her yard, that native doesn't necessarily mean natives of PA. They can be native to the north, east and west, native to the U.S. When it came to picking species, do you stick to the PA DCNR list? Mr. Kochanski said there are lists of native plants in certain conditions and they look at those ideally situated for that particular environment, whether it's moist or dry, sunny or shady, and the type of exposure. They take a look at that and it depends on the situation and what is available. Their first priority would be a PA native and if the situation calls for something that isn't necessarily suited in that location, and then they would go beyond that. Ideally, they would stick with those that are native to the region and start to go out from there so they are still dealing with native plants although it may not be native to this specific area, it's still native to the region, the east coast or the United States. Ms. Brown said she would like to see any Township place like the Homestead, having native plants and that being an inspiration for Township residents to look at that and say they should put that in their yard. What about maybe some plants that aren't necessarily native but are for the time period of the Homestead, was that looked into? Mrs. deLeon said specific plants to the colonial revival period. Ms. Brown said are there such plants and can we throw a couple in? She'd like to stay with the natives and be a showcase for what Township residents should be doing. Mr. Kochanski said he doesn't know if they looked at the specific plants for the time period, but more plants that were suited for the conditions around the site. If that is the direction of using time period plantings, that research could be done. Mr. Maxfield said a lot of period plantings later turned into invasives like colonial period planting would be garlic mustard, which was brought over and planted for herbs and now it is one of our most invasive plants. Mr. Kochanski said he would caution on getting outside of the native realm especially in a floodplain situation where flood waters can then carry seeds and create a much bigger issue than you would really want to for the sake of having a non-native period plant. Mrs. Yerger said if Stephanie comes across one, bring it in and mention it at the SV Conservancy meeting and we can certainly look into it. Mr. Kochanski said the plant pallet is so vast that you have something we feel is appropriate, but someone may say this is more appropriate. They are always open to suggestions and can check it out. Mr. Horiszny said keep in mind if the plant was there at that time but is now an invasive, you can always identify it with signage saying "at this period, it would have been garlic mustard, but we are not going to plant that now". Mrs. Yerger said we have to stay native and non-invasive. If you find in documentation that there was a plant found at the Heller Homestead, she doesn't have a problem with that. Mr. Kochanski said in what Mr. Horiszny was saying, it's not uncommon to have a photo library of that type of situation. These are common things you might find in that period. Some of the events he's been to at the Homestead kind of go through that with the displays that are put on, these are the tools that were used. That could be brought out as part of the educational component without adversely impacting the environment. Ms. Brown said are there any plans to remove plants or species or trees? There's one tree that is in the park close to the parking lot that definitely looks like it is dying and decaying. Do you have any plans to remove anything? Mrs. deLeon said she asked that question because the bark was peeling off, but that's the kind of tree it is. Mr. Maxfield said it's a Black Walnut. Ms. Brown said she's not sure they are talking about the same tree. Mrs. Yerger said this was a bad year for trees as a lot of trees got stressed. Mrs. deLeon said the U shaped tree, they were trying to save that tree. Mr. Kochanski said they weren't contemplating any vegetation removal. It was more supplemental to address the concerns of connectivity and screening of the portable toilets.

D. CABLE TV FRANCHISE AGREEMENTS

Mr. Kern said the Township receives franchise fees from the cable companies that provide services to the residents. Currently, the Township has an ordinance that requires the cable companies to pay

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the franchise fees. Council should discuss if they wish to negotiate and enter into formal agreements with the cable companies in addition to the ordinance requirements.

Attorney Treadwell said this was discussed before and in your packet you have a January 15, 2009 memo from him regarding cable franchise. They discussed it in the beginning of 2009, but they never came to a final resolution as to whether they wanted to proceed to contact Service Electric or RCN to negotiate agreements or whether we were satisfied with the status quo, so that's why it is back on the agenda.

Mrs. deLeon said she's not satisfied with the status quo. This is something she's been trying to do for years. She goes to PSATs conferences and brings back information about this Cohen Law group who specializes in cable franchises and it just seems like we don't go anywhere. She was at the January 15, 2009 meeting and it was discussed and she went back and looked at the minutes and we really didn't come to a conclusion. We never come to a conclusion. Attorney Treadwell said that's why it's back on so we can get to the point where we're either going to call them and open negotiations or we're not. Mrs. deLeon said she brought this up at one of the budget meetings also. This is renewed again, she brings it up twice a year. In the interim at the SVP meeting last week, Mr. Harp from Northampton County had information that the PA COG held an annual meeting on September 12, 2009, and it was here in the LV and Dan Cohen attended. He was one of the speakers and he came out with a three page handout. He gave the background of his law group. He introduced municipal and cable franchise rights, and the rights of PA. He went over the increased franchise fee revenue. He defined gross revenues, accountability, and the benefits of joint negotiations. Maybe this is something that the COG could look at and see if we want to do something joint. In her conversations after the meeting with Tom Harp, he'd like to invite Dan Cohen to come to the quarterly COG meetings that the COG is holding and see what information he has in trying to get better service to our residents that have RCN or Service Electric. She'd like to see this looked into with Mr. Cohen.

Mrs. Yerger said at the bottom of Linc's memo, it says "municipalities in Bucks County have had some success forming consortiums to negotiate with the cable companies. If Council has any interest in this, we may want to talk to Hellertown, Upper Saucon, etc., etc." What's the depth you talked about this at the SVP. She'd like to see it start there. Mr. Cahalan said they haven't talked about it. Mrs. Yerger said it would be a very good place to start and see if you can get Hellertown on board and expand it. Mrs. deLeon said if the County did something more county wide, the more people we get to go in on his fees, the cheaper the fees are. Mr. Cohen has been at every PSATs conference since she's attended and she's gone to many. Mrs. Yerger said her only question is, there's always we get more fees, but do they pass it on to the customers? Mrs. deLeon said we don't have to raise our rates. The maximum is 5%. Right now our residents pay 3%, but there are other benefits like if you get complaints from our residents that they are not responsive, like you have to wait five days for service. That is totally unacceptable. If you went to the meetings and heard the presentations, you'd know what she was talking about. We're missing the boat here. Mr. Kern said he doesn't understand what we're missing as he hasn't heard anything yet and all the times we brought this up, what we have now that we are not getting or vice versa. What is it that is going to happen as a result of this? What's going to benefit us and how is that going to happen? Mrs. deLeon said she's not Mr. Cohen so she can't answer all those questions. Mr. Kern said he used to have Service Electric and that's all he had. They were at the end of the line and the picture was terrible and he lived with it until RCN came around, then he was able to switch and they had a better picture. How do we legislate for Service Electric to do a better picture? How is that even possible? Mr. Maxfield said like No. 6 where it says penalties for non-compliance terms of agreement. How do we enforce that? Do we levy a fine? Mrs. Yerger said maybe she'll back up and say at the minimum, ask at the SVP if there is a problem. See if there are issues in Hellertown. Take it to the very basic and see if there is a regional problem with this. Mr. Kern said he agrees with Mrs. deLeon if there's something we're not getting that we're entitled to, let's get it, but no one has told him what it is. Attorney Treadwell said the previous conversations that

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we've had regarding this issue all revolved around if we are going to negotiate with the cable company, what are we asking for? If we're not asking to go from the 3% fee that we are getting now to the maximum of 5%, then what else are we asking for? At one point, most of you will recall we had conversations about did we want the cable companies to put TV cameras in here to broadcast the meetings or did we want a dedicated meeting channel on the cable system so that you could run public service announcement, that type of thing, all of which at some point, previous Council's have said no, we really don't want that. There's a question of whether we can get cable services to the fire companies, then at some point, we determined they already have cable services. There is that question if we are going to open the negotiations, what are we asking for. It's very difficult to legislate the quality of service because yes, you could put financial penalty provisions in the agreement, and going back to the enforcement issue, if the cable company provides you, Glenn, with a bad picture, what are we, as the Township, going to do about it, and do we want to do anything about it or is that something between the individual customer and the cable company, which is the same thing for any other service related problems that residents may have. Do you, as Township, want to be the entity that the resident goes to, to complain if they think their cable bill is too high or they don't like the picture or don't get the channels. Those are some of the questions. Mrs. deLeon said we have no information to base a decision on. We're supposed to be making informed decisions. Here's a list of western PA COGS, eastern PA COGS that are doing something different than we are doing. Mrs. Yerger said what are they doing? Mrs. deLeon said she doesn't know that. Mr. Kern said what are they getting that we're not getting. That's the question. Mrs. deLeon said the laws have changed, but this document we're going by is 1984. We're not making informed decisions here. If we bring it up to the COG and they want to look into it, what's the date on Hellertown's ordinance? Then we'll know one way or the other. Mr. Kern said he doesn't mind listening to the guy. Tom Harp wanted to have him on December 8 at the County quarterly meeting. She can't make that meeting. Maybe he'll come to our COG meeting or we'll have a joint meeting, but we've got to start talking about it. Mr. Kern said we've always assumed if we increased the 3% to 5%, it's going to be passed along to our residents. We don't know that. Maybe it's already built into their pricing structure. Attorney Treadwell said the cable companies are allowed to pass it on. He supposes they could choose not to. He can't imagine that happening, but it's a possibility. Mr. Maxfield said we are generalizing a little bit here. If you think across the state or across the region, how many different cable companies do municipalities have to deal with? There could be some horrible cable companies that aren't supplying the kind of service we're getting. You'd almost have to have our particular situation examined to see where we stand. Mrs. Yerger said bring it up at a SVP meeting and see if Hellertown has any issues, then maybe as a partnership, you could do something. Mrs. deLeon said it's unfortunate you compare the service in Hellertown to the Township like in areas of Wassergass who don't have high speed internet yet. They are providing cable services to areas they want to, to maximize their profits and not providing services to the entire township. There are areas in the Township where you have no choice. Mr. Kern said this may be the first time a Republican-Democrat issue has come up at a Council meeting. Mrs. deLeon said how does it make it Republican-Democrat? Mr. Kern said if the business doesn't provide the service, they should be going out of business. Mrs. deLeon said you don't understand. Mr. Kern said it's a completely different issue than what you are talking about. It's about government interfering with private enterprise. Mrs. deLeon said yes, but in the cable industry it's different. There's regs. You don't know the regs. Mr. Kern said he knows free enterprise. Mr. Maxfield said he doesn't know how you could make them run the lines. That's a business decision. Mrs. Yerger said the SVP is the place to start and generate it from there.

E. ORDINANCE NO. 2009-12 – AMENDING CHAPTER 130, ARTICLE VI REGARDING INDUSTRIAL WASTE REGULATIONS – AUTHORIZE ADVERTISEMENT

Mr. Kern said Ordinance No. 2009-12 has been prepared to amend the Township's Code to address changes by the EPA, as requested by the City of Bethlehem regarding wastewater regulations. Council will need to authorize the advertisement of the ordinance and to hold a public hearing for consideration and adoption.

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Mr. Cahalan said the City of Bethlehem wastewater treatment plant is proposing changes that have been incorporated in their Act 537, changes they'd like to do, but they need a sign on by all of the participating municipalities, and to do that, we'd have to change our ordinance amending Chapter 130, Article VI. That's what has been prepared for you this evening. It incorporates those changes that are being made by the City of Bethlehem.

MOTION BY: Mr. Horiszny moved for authorization of the advertisement of Ordinance No. 2009-12.
SECOND BY: Mr. Maxfield
Mr. Kern asked if anyone had any questions or comments? No one raised their hand.
ROLL CALL: 5-0

F. RESOLUTION #75-2009 – AUTHORIZING SAUCON VALLEY PARTNERSHIP SUBMISSION OF LUPTAP GRANT APPLICATION

Mr. Kern said Resolution #75-2009 has been prepared authorizing the submission of a Land Use Planning & Technical Assistance Program (LUPTAP) grant application by the Saucon Valley Partnership to the DCED requesting \$12,000.00 in funding to pay for planning consultants to work with the Township and Hellertown Borough on audits of our Zoning Ordinances.

RESOLUTION AUTHORIZING SUBMISSION OF DCED LUPTAP GRANT

WHEREAS, the Saucon Valley Partnership, a Council of Governments (COG) organization formed in 2005, will be operating an intermunicipal, cooperative project to perform an audit of the zoning ordinances of Hellertown Borough and Lower Saucon Township, and

WHEREAS, the Pennsylvania Department of Community and Economic Development makes available grants-in-aid to such projects through the Land Use Planning and Technical Assistance Program (LUPTAP).

NOW THEREFORE, BE IT RESOLVED that the Council of Lower Saucon Township authorizes the Saucon Valley Partnership to make application for such a grant on our behalf.

AND BE IT FURTHER RESOLVED that the Council of Lower Saucon Township authorizes the Saucon Valley Partnership to utilize Partnership funds in the amount of \$3,500.00 and further authorizes that additional funding in the amount of \$750.00 from the Township General Fund Account 01.489.541 Matching Grant Allocations will be used to supplement the local share contribution toward this project cost.

Mr. Cahalan said the SV Multi-Municipal Plan was adopted by Hellertown Borough and Lower Saucon Township, and also Saucon Valley School District in August 2009 after a two-year planning process we went through with the consultants. That plan contains a lot of recommended actions, immediate and short term, and long term actions. They took the implementation actions and prioritized those with the SVP, who is still acting as the Steering Committee for the implementation of the Multi-Municipal Plan. The PC's from Hellertown Borough and Lower Saucon Township have been meeting jointly, at least two or three times and will continue that process and act as a formal joint PC committee. That committee will also review the Multi-Municipal plan on a regular basis to make sure if there are any changes, that they will be addressed in the plan. The implementation steps are critical to getting the Multi-Municipal Plan in operation. The first step they identified was to conduct an audit of the zoning ordinances in Lower Saucon Township and the Hellertown Borough. That's the short term process and takes about four months and we can use the consultants who worked on the Multi-Municipal Plan. They don't have to go out and do an RFP, and the cost is in the range of \$10,000.00 to \$12,000.00. They have prepared a grant application to submit to DCED for funding. It requires a 50% match of the funding. We do have some funding in the SVP treasury that is getting depleted. We need to augment that with

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some funding from the Township General Fund and from the Hellertown Borough General Fund. They'd like to submit this grant as quickly as possible. The State budget was adopted and it severely cut budgets for state agencies. DCED was hit very hard. The amount of money that is left over is cut from \$4.1 million to about \$775,000.00. There's very little money left, but we are one of the priority organizations because we have a multi-municipal adopted plan and we are implementing that plan. We are at the head of the line, but we do want to get the application in so we can get whatever money is available. The resolution has been prepared, and if approved, would be submitted with the application and there are some other documents in here, the budget and a support letter from the LVPC for our implementation steps on the plan.

Mrs. deLeon said on page 92, it says "SVP logo", will the SVP logo be inserted in there? Mr. Cahalan said yes. That would be signed off by Hellertown Borough, Saucon Valley School District and Lower Saucon Township presiding officers. Mrs. deLeon said you made a comment and she knows it was talked about at the SVP meeting that the school district should only pay their third during certain projects. Mr. Cahalan said that's correct. The Saucon Valley School District is not contributing to this because it's dealing strictly with our zoning ordinances which they don't have. This is just a joint project between Hellertown Borough and Lower Saucon Township. We are using funding in the SVP that came from previous grant funds and fundraising we did for the Multi-Municipal Plan. We have a separate budget with the SVP that the SVSD contributes to, and that will not be tapped for this project. Mrs. deLeon said she doesn't recall at the last SVP meeting, do we have separate line items that's just for Lower Saucon Township and Hellertown Borough? Mr. Cahalan said it goes into a general fund, where we each pay \$1,000 and it goes into the treasury. That is a separate account that is separate from the account that funds the Multi-Municipal Plan. Their \$1,000 isn't part of that plan.

MOTION BY: Mr. Horiszny moved for approval of Resolution #75-2009.

SECOND BY: Mrs. Yerger

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

ROLL CALL: 5-0

G. APPROVE SUBMISSION OF LETTER TO PA PUC RE: NORFOLK SOUTHERN PROPOSED ABOLISHMENT OF HIGH STREET BRIDGE CROSSING

Mr. Kern said Norfolk Southern has applied to the Pennsylvania Public Utility Commission to abolish the bridge above its tracks along High Street in the City of Bethlehem and the Borough of Hellertown. A hearing on this matter is scheduled before an Administrative Law Judge on December 2, 2009 in Harrisburg. The newly formed Joint Rail Trail Advisory Committee has drafted a letter which it is recommending be sent to the attention of the Administrative Law Judge requesting that Norfolk Southern not be permitted to fill in the railroad cut at this crossing as it would prevent a future connection between the Saucon Rail Trail and the Bethlehem Greenway.

Mr. Cahalan said we are close to finalizing the lease agreement with SEPTA on the rail line that runs through Hellertown, LST, Upper Saucon and Coopersburg. That track bed that SEPTA owns ends at Bachman Street in Hellertown. Above Bachman Street going north, the section that runs between Bachman Street and Saucon Park owned by the City of Bethlehem is owned by Norfolk Southern. It's leased to the concrete plant up near Wendy's and the Park and Ride. We and the City of Bethlehem hope to have a future linkage between our trail and the City of Bethlehem's Greenway which will open up the possibility of linking with the trail with points west and south. We want to keep that open in the event that we can reach some agreement with Norfolk Southern to open up that missing link section and hook up the two trails. Norfolk Southern owns the bridge. It's a wooden bridge that crosses the tracks at High Street. They are petitioning the PUC to take that bridge down and their plan would be to fill up the cut with fill up to the top of the grade and then put a paved berm over that to allow the traffic to get to both sides. That action would block us from further linkage of the trail. The Rail Trail Advisory Committee has talked about bringing to

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the attention of the PUC the importance of keeping that cut open. The City of Bethlehem shares that position with us. The City also asked that DCNR be a part of the hearing so that it could be maintained as a recreational asset. We have started forming the Rail Trail Advisory Committee, at least in LST and Hellertown, and we've appointed representatives and have been meeting with reps from Upper Saucon and Coopersburg. Our representatives have been discussing this and put together a draft letter which points out the importance of keeping that open from a recreation, geological, historical and critical importance. We are bringing this to you for approval for the letter to be sent out to the PUC. It can be done with a cover letter from the Manager, the Township; however you want to do it. Mr. Kern said he thinks there will be more impact with Council letterhead. Mrs. Yerger said is anyone, to your knowledge, going out to the hearing? Mr. Cahalan said we have a meeting coming up tomorrow night, so we can talk about that. Mrs. Yerger said it would have more impact if someone was there physically. She asked if someone contacted the Rails-to-Trails Conservancy? They are a strong advocate of Rails-to-Trails and might be there to support it. She was told they often have a lot of good ideas on how to overcome these kinds of situations. You may want to look into that and contact them. The hearing is December 2.

MOTION BY: Mrs. Yerger moved to have Mr. Cahalan write a cover letter and send this letter on to the PUC on behalf of the Rail Trail Advisory Committee.

SECOND BY: Mr. Maxfield

Mr. Kern asked if anyone had any questions or comments? Joan Madzarac, Easton Road, said she didn't know this was on the agenda, but this is her street that she likes to use all the time. This is the only way she travels. If they want to do this and make the berm, are they going to make it wider? Mr. Cahalan said it would be a one lane berm. Ms. Madzarac said if the PUC tells them you don't want them to do that, who is maintaining this bridge as the boards do get lose every once in a while? Mr. Cahalan said it's Norfolk Southern's property. They want to take it down because of the maintenance problems. Ms. Madzarac said she hopes they don't as that's the way she travels all the time. Now that 412 is so congested, you can't use Cherry Lane anymore as it backs all the way up to Easton Road. The fishermen go there and fish there, it's quiet. Mr. Cahalan said you will still have access if you are talking about driving your car. You're going to go across a paved berm and not have a problem if you are driving a car. Ms. Madzarac said we go down there and walk our dogs underneath the bridge, that's our access. We do everything down there. The ball fields are down there. Mr. Cahalan said you're not talking about the iron truss bridge across the Saucon Creek? Ms. Madzarac said no, the wooden bridge. Mr. Cahalan said okay. Hellertown supported the letter on Monday night at their meeting to oppose the plan to demolish the bridge.

ROLL CALL: 5-0

H. RESOLUTION #76-2009 APPROVAL OF AMENDMENT TO SAUCON VALLEY PARTNERSHIP AGREEMENT TO INCLUDE NEW MEMBERSHIP CATEGORY

Mr. Kern said the Saucon Valley Partnership Agreement has been amended to include a new category of membership for associate, non-voting members. Resolution #76-2009 will approve the amendment and also approve Northampton County as an associate, non-voting member of the Partnership.

A RESOLUTION OF LOWER SAUCON TOWNSHIP APPROVING AN AMENDMENT TO THE SAUCON VALLEY PARTNERSHIP AGREEMENT

WHEREAS, as specified in the Pennsylvania Intergovernmental Cooperation Law (Act 180 of 1972, as amended in 1986) municipalities in Pennsylvania may cooperate in the exercise or performance of their respective governmental functions, powers or responsibilities; and

WHEREAS, pursuant to this authority, the governing bodies of the Borough of Hellertown, Lower Saucon Township and the Saucon Valley School District were desirous of forming a Council of

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Governments (COG) organization to provide a means of frequent communication, education, and a vehicle for action in solving regional problems; and

WHEREAS, to formalize this organization, the Saucon Valley Partnership Agreement (“the Agreement”) was drawn up and approved by each of the three charter governing bodies in 2005; and

WHEREAS, it is now deemed desirable and in the best interests of the Saucon Valley Partnership that the following amendments to the Agreement be undertaken pursuant to this resolution.

NOW, THEREFORE, BE IT RESOLVED by the Council of Lower Saucon Township that the following amendments to the Agreement be approved and adopted:

1. Article IV: Membership

Add in Section A., the word “voting” twice in the first sentence; Add in Section C, the word “voting” once in the first sentence; Add in Section D, the word “voting” once in the first sentence. The additions distinguish voting members from non-voting members of the Saucon Valley Partnership.

Add a new Section F., “Any public agency or community non-profit organization in Northampton or Lehigh Counties, may become, after approval by all voting member municipalities/school district by resolution of their respective governing bodies, an Associate/Non-Voting member of the Saucon Valley Partnership by paying an annual membership fee.” The addition allows for a non-voting membership class to exist within the Saucon Valley Partnership.

2. Article V: Officers

Add in Section A., Officers, the words “from the voting membership” in the first sentence. The addition denotes that Officers of the Saucon Valley Partnership shall be selected from the voting member representatives.

Add in Section B., Duties of Officers, point 3, the word “her” in the first sentence. The addition clarifies the gender reference.

3. Article VI: Funds

Add in Section A., the word “voting” twice in the first sentence. The additions distinguish voting members from non-voting members of the Saucon Valley Partnership.

Add a new Section B., “Each non-voting member shall pay the sum of Two Hundred and Fifty (\$250) Dollars per year as a membership fee, which funds can be expended pursuant to the provisions of Section A of this article”. The addition provides for a membership fee for the non-voting members of the Saucon Valley Partnership.

Re-label old Section B. as Section C.

Re-label old Section C. as Section D. Add the word “voting” in the first sentence to distinguish the recipients of any assets resulting from dissolution of the Saucon Valley Partnership.

4. **Article VII: Unanimous Approval and Ratification**

Add the word “voting” to the first and second sentences. The additions denote the exclusive authority of voting members to approve and/or ratify actions of the Saucon Valley Partnership.

5. **Article VIII: Amendments**

Add in Section B., the words “voting” twice in the first sentence. The additions denote the exclusive authority of voting members to approve and/or ratify amendments to the Saucon Valley Partnership Agreement.

6. **Article IX: Acquisition and Disposal of Property**

Add in Section B. subsection B. Sale or Disposal, point 1.b., the words “voting member” in the first sentence. The addition distinguishes the recipients of proceeds from the sale of real property.

AND BE IT FURTHER RESOLVED that the Council of Lower Saucon Township hereby approves the County of Northampton’s application as an Associate/Non-Voting member of the Saucon Valley Partnership.

Mr. Cahalan said when the SVP was formed in 2004 from the previous Ad Hoc committee; the founding charter members were Lower Saucon Township, Hellertown Borough and the Saucon Valley School District. They had language in the SVP agreement they adopted that other entities from Lehigh or Northampton County, any municipality or school district could join and it had to be approved by the members. Tom Harp is the Deputy Director of Administration at Northampton County and he has been attending our meetings on a regular basis and he set up the County COG meetings and is trying to pull together all of the COG organizations in Northampton County. The County is a member of all of the other COGs. There are three other COGs in Northampton County. They pay \$250 a year in dues. They want to be a member of our COG also, not to influence any decisions locally on votes; they just want to attend and participate as a partner in the discussions. They approached us and asked if they would be allowed to become a member of SVP and we realized that if that was going to be done, we had to amend the SVP agreement to put in a new category of membership which we’re calling associate non-voting member. That language has been added to the agreement. Under the dues, we’ve added that those associate non-voting members, if approved, would pay an annual membership due of \$250. The amendments have been made and it has to be approved by each of the three charter members and it’s before you tonight to do that.

MOTION BY: Mrs. Yerger moved for approval of Resolution #76-2009.

SECOND BY: Mr. Maxfield

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

ROLL CALL: 5-0

VI. MISCELLANEOUS BUSINESS ITEMS

A. APPROVAL OF OCTOBER 28 & NOVEMBER 4, 2009 MINUTES

Mr. Kern said the minutes of the October 28, 2009 and November 4, 2009 Council meeting have been prepared and are ready for Council’s review and approval.

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October 28, 2009 Minutes:

Mrs. deLeon said at the end of those minutes, October 28, page 18, it says a speaker asked that the Township contribute. That is Melody Wiseman. She was a previous appointee to the Library Committee and she does spell her name a little bit different for her correct spelling of her name.

MOTION BY: Mrs. Yerger moved for approval of the October 28, 2009 minutes, with corrections.
SECOND BY: Mrs. deLeon
Mr. Kern asked if anyone had any questions or comments? No one raised their hand.
ROLL CALL: 4-1 (Mr. Horiszny – No)

Mr. Hobbs said for the spelling, it is Melody Weisman

November 4, 2009 Minutes:

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

VII. PUBLIC COMMENT/NON-AGENDA ITEMS

- Mr. Alan Gross, Black River Road asked for an update on the Kipp and Williamson violations on Black River Road? Attorney Treadwell said on Williamson, the Zoning Officer was in contact with the District Justice office today. Mr. Williamson has not responded to the non traffic citation that was issued by that office and they were intending to issue a bench warrant by the end of the week if he hasn't responded. That's in the hands of the Magistrate's office. Mr. Kipp has done some restoration to the property. He has removed the stone material he had put down there. He has put topsoil down along with grass seed and straw and we will continue to work with Mr. Kipp to insure that the area within the riparian buffer remains in its natural state, not mowed, and also work with him to see if we can get some additional plantings within that riparian buffer area. There was a question he got today regarding something he said at a previous meeting about a plan being submitted and to the extent that he created the impression like the one you saw before you today for the Warner Conditional Use was required to be submitted for any property owner who is restoring an area that is being determined was an area in violation of the riparian buffer. That was wrong on his part. He did not mean to create that impression. He probably should have said communicate to the Township the owner's plan for restoring that area. He did not mean, and the ordinance does not require, that a physical engineering plan be submitted for review and approval. What Mr. Kipp did was he had some discussions with the Township regarding how he proposed to restore it and to the extent that the restoration included the topsoil, grass seed, straw, the Township at a staff level, approved that as a proper restoration. We will continue to work with Mr. Kipp regarding leaving that area in a natural state; and hopefully, adding some additional plantings within the buffer. Mr. Gross presented some photos for Council to look at that will support what he has to say. Council looked over the photos. Mr. Gross said the page that has the four photos, the top shows the property as it was before Mr. Kipp purchased it. The second photo was taken in 2008 which was what we would consider the initial clearing of that area showing the backhoe and the dump truck. At that point, it's half the size of what it is now. The third photo was taken March 13, 2009. It shows Mr. Kipp standing there. It shows what is probably a 30 foot extension ladder, up against five large trees there that he proceeded to cut down. The ladder was there because he cut them from the top down so they wouldn't fall on the power lines. That's a pretty good indication of the size of those trees. The last photos show that exact area without the trees. That is an indication of the type of trees that were removed throughout the whole lot. The other individual photos were taken most recently showing the stabilization he did and also the construction materials that are still stored on the property. If you look at that photo, there's some cement blocks

piled up. Right on top of that one block, you see the top of a plastic jug that contains some sort of liquid. He could only guess it was a petroleum product to be used on his equipment, along with the gates and wood and so forth. He thinks there are a couple of issues we have to talk about. What Mr. Kipp does can be classified as stabilization and we really don't have a problem with the way he graded or the grass seed he planted. By no means is that restoration. He is going to read part of the zoning ordinance 180-95 paragraph 12 "any person will be required to restore and stabilize any unauthorized activity in the riparian buffer to the satisfaction of the Township". Dictionary definition of restore is "to bring back to a former or original condition". The ordinance does not say restore or stabilize. It says restore and stabilize. It's interesting as he just printed off your website the LST Environmental Council which says "80% of water on there that falls on grass ends up as runoff". It says "storm water runoff causes more pollution than industrial sources". Another interesting comment that Mr. Maxfield made early on when the Andrew Warner case was being talked about was about a non-functioning riparian buffer area because it was grass. Clearly, Mr. Kipp is only half way there. He's got to restore that, put some trees in there and some planting material. We understand he can't replace the size of trees he cut down. It's going to take a long time for a tree to grow to that size, but it's got to start somewhere. Regarding the storage of that construction material he has at the back of his lot, he was cited on one violation 180-91, paragraph d, which states "all yards shall remain unoccupied and unobstructed by any structure or use". That was one of the violations that were in the letters that were sent to him. Another zoning ordinance, 180-105, paragraph a says "no part of any street right-of-way, sidewalk or other areas intended or designed for pedestrian use required parking areas and required yards and buffer yards shall be occupied by outside storage or display." No part. It also says in that same ordinance "no hazardous or toxic materials or organic materials shall be stored outside and no storage shall be allowed in drainage ways". Ordinance 180-95, paragraph 11 "the following uses are specifically prohibited within a buffer associated with a wetland, riparian area, lake or pond. D. motor or vehicle traffic not designed to accommodate adequately the type and volume, and E. the storage of any hazardous or noxious materials". That's also the zoning ordinance that prevents a parking area to be constructed in the riparian buffer. What restoration are you going to require according to the ordinance and when will the construction materials be removed according to the ordinance? Mr. Kern said the restoration will be whatever our ordinances will permit us to do because we want to have the maximum amount of restoration to occur. He thinks that may be where the issue is. Attorney Treadwell said he thinks the difficulty the Township staff had in determining what would be required to be restored in that area was as Mr. Gross presented, trying to find a before and after snapshot (for lack of a better word) of what was there, when it was there, what's there now, and when it may or may not have been removed. There were members of the staff that looked at various different aerial photographs to try and determine what was there and what was removed, whether it was by Mr. Kipp or someone else, in that riparian buffer area. He still has a hard time, and maybe it's his lack of understanding, identifying in this picture where the actual riparian buffer area starts and ends and what was removed or wasn't removed in that area. That's the difficulty that the staff was having when you discuss what's going to be restored. The normal definition as it's used in everyday language of "restore" would be put it back the way you found it. That's a difficult thing. Obviously, Mr. Gross has his ideas of what he believes was there before versus what's there now. It's been looked at numerous times by the Township staff and we will continue to look at it and we will look at these photographs. As he stated previously, it's difficult for him just by looking at the photographs tonight to determine where the riparian buffer starts and where it doesn't. We'll continue to look at it and continue to talk to Mr. Kipp about leaving the buffer area in a natural state and possibly planting some more vegetation in that area. Mr. Gross said he thinks to one of your concerns was where it actually begins and ends. The Zoning Officer pretty much established that. Where it begins is fairly easy to establish because there's a pipe that runs under Black River Road for the water course. That would technically be the beginning of a measurement and extend 50 feet on either side of that. If you measure 50 feet to the west, it encompasses that whole parking area. The whole area he created is essentially within that 50 foot measurement because the riparian buffer is essentially 100 feet, so it would be 50 feet on either side of that water course that runs under Black River Road. Mr. Maxfield said it is 100 feet on either side. Attorney

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Treadwell said he has no doubt that the Zoning Officer knows exactly where it starts and where it ends in the field. What he said was it's very difficult for him (Mr. Treadwell) in looking at these pictures where the riparian buffer starts and stops in these photographs. Mr. Gross said there are other photos that they've presented over the months. In those photos, there's a county marker, a cement monument. If you use that marker as a gauge on all the photos they presented, you can get a pretty good reference there as to what area you are exactly looking at, either left or right of that particular monument. Mr. Maxfield said they do have a map prepared by our Zoning Officer. He has shown the relative area of the parking lot and how the riparian corridor affects it. Mr. Gross said he would like someone to do a measurement. Mr. Maxfield said measurement is from the bank top. Mr. Kochanski said he'll read it right from the ordinance, so there's some clarity. "Riparian buffer shall include all areas included 100 feet of any waters of the United States, waters of the Commonwealth, perennial or intermittent. These areas shall be utilized and protect the quality of bodies of waters". It does not necessarily state the top. In most cases the top of bank would be where you would measure it. Mr. Kern asked Attorney Treadwell if it was possible for a member of Council to go on the property with the Zoning Officer to take a measurement? Attorney Treadwell said it's possible to measure it from the road and if a member of Council wants to do that, he doesn't see any reason why they can't do that. This aerial that was prepared shows where the intermittent perennial water crosses Black River Road, and where the area of violation disturbance was. Mr. Kern said if we could verify that measurement, just a field verification, then that would go forward to the next steps. Mr. Gross said he would agree. Mr. Kern said he'd be glad to go out with them to do it. Mr. Gross would be glad to accompany them. They don't have to go on Mr. Kipp's property and walk up Black River Road to get that measurement. Mrs. Yerger said on to the second one, if this is hazardous material, can we check into that? Mr. Maxfield said Chris said it isn't hazardous material. Mrs. Yerger said the container? It may be gone by the time Chris got there. Mr. Gross said those pictures were just taken yesterday and it was there yesterday. Mr. Kern said he's on your side, we're all on your side, but we are bound by what the ordinances say we can do. Mr. Gross said in most of these cases the ordinances are clear. Mr. Kern said they mostly are, except for one thing he wanted to mention, our ordinances do permit people to clear brush and small trees in the riparian buffer zone. Clearing that done in that nature is not illegal. Mr. Maxfield said hopefully that will be changed soon. Attorney Treadwell said he thinks that progress has been made regarding the removal of the violation and there is something now that will become natural in the future in place of the area that was previously a violation. Now we're moving on to the question of what does restore mean. To him, it means put it back the way it was. Obviously if there was a 300 year old tree in the riparian buffer that was removed by a property owner, you can't put a 300 year old tree back so we're at the point now of what does restore mean and trying to determine what was there before versus what is there now and whether anything that was there before that was removed was within the riparian buffer area. We're still working towards figuring that out. Mr. Kern said it would have to be something that was not able to be removed from the riparian buffer, which includes what? Mrs. Yerger said major trees. Attorney Treadwell said even leaving alone the riparian buffer, there's a limit as to the number of major trees any property owner can remove. Mr. Gross said he would have been permitted to get a permit regardless of the size of the trees. The grading ordinance says before you remove any vegetation or grade the soil, you need to get that grading permit whether it's in a riparian buffer or not. Mrs. deLeon said it depends on the size. Mr. Gross said you're right and he's well over the size. He's around 3,000 square feet. He's well over the size thresholds of the ordinance. Attorney Treadwell said we are getting into areas where facts are being presented that he's well over the 3,000 square foot area and that wasn't a determination that was made by the Township staff when they went out and looked at the size of the area, so maybe the best thing is for a member of Council to go out and look at the area. Either that or we can have it surveyed from the road. Mr. Kochanski said he has not seen the photos that were presented. Six inches is the threshold. If you are to remove a tree greater than six inches, you need to obtain a permit. Anything other than six inches, you do not. Mrs. deLeon said wasn't there some kind of law that says you can cut three trees down in a year. Attorney Treadwell said he thought it was three major trees, but that may have been amended the last time you changed your ordinance. Mr. Kochanski said the way the zoning ordinance reads

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now is “any tree greater than six inches, a permit must be obtained for the specific number of trees”. Mr. Maxfield said that doesn’t mean they can’t remove, it means they can remove up to a certain percentage, within certain areas, within certain limits. Mr. Kochanski said correct, depending what the permit would be issued for. Mrs. deLeon said if its diseased or would harm the property, that would not count. Mr. Gross said to give him a call to go out to measure and that will resolve a lot of the issues. Mr. Kern said we’ll do it this week. Mr. Gross said there’s one other item and this is another item where the zoning should be enforced. If you look at some of the photos taken yesterday that Mr. Kipp has seeded, you’ll see no trespassing signs there. One is attached to a construction barrel and the other is attached to a piece of wood with a stake in the ground. Mr. Kipp put up all those signs about the same time the Township started to send him violation letters. He’d assume that was for the benefit of the Township, but also for the benefit of the neighbors as well just to aggravate them. He has about ten of those signs spaced about ten feet apart. Most of them are free standing signs. Sign ordinance 180-9, paragraph 1, “Zoning permits are required for all permanent signs except official governmental, name and address, and trespass signs”. It tells you that you don’t need a permit for a trespass sign. The same paragraph “all signs shall comply with the standards of this chapter whether or not a permit is required”. That means your trespassing signs have to comply with the standards of this ordinance. There are a couple of standards which are Section B, paragraph 14, “no sign shall be erected closer to the right-of-way line than ½ the required distance of the building setback”. The building setback is 40 feet, so he’s got to be 20 feet beyond the right-of-way line. Those signs, without going on his property, he’ll guarantee are right at the 16-1/2 foot right-of-way. Technically, according, it has to be 20 feet back which would put it right in the middle of his property. Paragraph c, Section 7, “no sign structure erected directly upon the ground shall be within 500 feet of any other such sign structure”. That means he’s able to put one free standing sign up. They are erected directly upon the ground, they are free standing. He needs a 500 feet space between those signs. He doesn’t even have 500 feet on his entire property. He has about ten signs ten feet apart. That’s just his reaction that he got caught in all these violations. It’s there to aggravate the neighbors. They’d like to have that enforced. He thanks Council for getting us to this point, we’ve come a long way, but have some ways to go yet.

- Mr. Hobbs said he goes by the property every day, walking, running or jogging and has done so for 30 years. He won’t speak factually because nobody would believe him, but that was never a turn around and what he’d recommend Council entertain is having Mr. Kipp and his wife at least plant some plantings, hedge work or trees along the property just beyond the right-of-way so that blocks off what is now could be a turn around. It never was a turn around, and he would recommend that Council encourage, if not request or enforce, Mr. Kipp to put some plantings and some blockage of a natural environmental condition along the front of that property so it can’t be used as a turn around anymore and that would go a long way toward putting the property back to where it was. You can’t put leaves on the trees after the leaves fall off and the leaves aren’t there anymore, but that property was full of shrubbery, full of saplings, full of brush. He doesn’t know what the size was in diameter or caliber. Mrs. Yerger said diameter. Mr. Hobbs said he can’t say the trees on there were that big but some might have been. It would be very advisable to have the Council look into this. Rootings on plantings, not seeds, grass, but on trees and brush and hedges, that rootage gives a lot better solid and water retention that grass just doesn’t do. Part of your ordinance is around the fact that the riparian buffer be a permeable base so it doesn’t erode. He thinks that would go a long way to put some brush in there and some trees. Mr. Kipp has done a wonderful job of cleaning out a lot of stuff in there, but at the same time, he’s gone overboard and cleaned out stuff that can be used as rootage to keep the soil and the water retention from going into the Black River from that riparian stream that goes right along the side of his property. It goes between Williamson’s and Kipp’s property. He’s very sensitive to the riparian as the Black River is a great waterway.
- Patty Gross, 2050 Black River Road said she wanted clarity, with the construction equipment in the back, is that understood to be allowed or not be allowed in the riparian buffer? Attorney Treadwell said we still haven’t established that the equipment is in the riparian buffer. Ms. Gross said the picture with the cinder block that was the question. Let’s say you come out there and you find it is

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in the riparian buffer, is that allowed or not allowed? Attorney Treadwell asked Mr. Kochanski what was not permitted and what was permitted in the riparian corridor. Mr. Kochanski said (a) removal or disturbance of vegetation in a manner that is inconsistent with erosion control and corridor procedures; (b) storage of any hazardous or noxious materials; (c) use of fertilizers, pesticides, herbicides, and/r other chemicals in excess of prescribed industry standards or the recommendation of the Northampton County Conservation District; (d) motor vehicle or wheeled traffic in any area not designed to accommodate adequately the type and volume; (e) parking lots; (f) on-lot sewage disposal, absorption or spray field areas; and (g) sod farming. Ms. Gross said let's just say that is the riparian buffer, would that be allowed what's there in that picture? Attorney Treadwell said it depends on what it's determined to be. Ms. Gross said cinder block, piping and a metal fence, would that be allowed in a riparian buffer? Attorney Treadwell said it's not listed in that section as a specific restriction. He can't speak for what the rest of the entire zoning ordinance says. Ms. Gross said when someone is looking at this, if you can make a note that Section 180-105 is referenced where "no part of any street, sidewalk or right-of-way is intended or designed for pedestrian use, required parking areas and required yard buffer areas shall be occupied by storage or display." The question is it needs to be looked at what is there being considered outside storage or display. Her other question is she heard the grass was planted and that area is not allowed to be mowed? Mr. Maxfield said at this point in time we have to ask him to voluntarily not mow that part of the grass. Ms. Gross said why is that? It definitely wasn't mowed grass before. Attorney Treadwell said one of the difficulties of having these discussion at a public meeting without the benefit of everyone having the zoning ordinance in front of them and without the benefit of having the ability to go back and forth between the definition section, and the sections that are being read to you, it's impossible to get the entire picture which makes it very difficult for Council when you hear someone from the audience saying please look at section 102, and they read you section 102. You need to be able to read section 102 and go back and look at the definitions and they are not the Zoning Officer. This is the Zoning Officer's job and this needs to be presented to the Zoning Officer for him to make those determinations, and just as a simple point, to emphasize that when we talk about no part of any street, sidewalk or any other areas intended...shall be occupied by outside storage and display. It says buffer yards. Buffer yards has a specific definition in the definition section of the zoning ordinance and he does not believe looking at it tonight that it's intended to include riparian buffer yards which has a different definition, so it's impossible for anyone on Council to sit up here and adequately address the questions that are being proposed to you by members of the audience without having this whole thing in front of you. Mrs. deLeon said it puts them in an awkward situation, when you refer back to the minutes, "you said this", when it's not our job and we're just listening. Ms. Gross said she just wanted to make note of things, that's good. Mrs. deLeon said you have to understand our position too. That's why we hire the staff to do their jobs. Ms. Gross said why we're sensitive to just going by what Staff does is because of the experience we had there. They are really wondering if the sign ordinance is going to be enforced. It's so blatant, there's a sign every ten feet. If she was the Zoning Officer, she would have asked herself if ten signs is really meeting the sign ordinance. Attorney Treadwell said he doesn't think it's fair to make those allegations against the Zoning Officer. He remembered the Zoning Officer discussing the fact that there were no trespassing signs out there. He had looked at that issue. He doesn't know what the final determination was but he was aware they were out there.

- Mr. Amos Kunkle, Evergreen Drive said it all started when Attorney Treadwell said we don't need a plan. This is definitely where we need a plan so that Mr. Kipp knows what is expected of him and he can respond with a plan and say this is what I'm going to do besides planting and taking out the stone and putting in grass, so that we can actually feel he's making some accomplishments. Maybe Kipp, to his defense, is going to put trees in. We don't know. This is where we need a dialogue. We don't have Mr. Kipp here like we had Mr. Warner here. He had some dialogue and said here's what he's going to do. That's what he's looking for with Mr. Kipp. Mr. Kern said the entire ordinance is written for knuckleheads and people who don't do it, we would expect them to do under normal situations, that's why the ordinances are there. He agrees the ordinances are constantly being honed and that's not in the ordinance right now that a physical plan should be

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- presented. That should be in there. The ordinances are constantly evolving and situations like this creates evolvement of the ordinances.
- Mr. Joseph Gabric, 1943 Black River Road said he can probably help you out what it looked like in his 48 years of living as a neighbor. He's one door away from Mr. Kipp. There's a log cabin between the Kipp and Gabric house. He walked the mountain years and saw a lot happening in this township. That particular area we're talking about today was never occupied or used by anyone and he can recall four or five different landlords on that particular property simply because it was swamp. One issue that was addressed today in replacing it the way it was, there was no mention of the boulders that Mr. Kipp had taken from that area and used them in other parts of his property to mark off his particular property. Boulders were moved next to the garage, alongside of the road, and other boulders were moved to the rear of the property. The property also has a stone wall around the perimeter and at one time he cut the grass for his neighbor across the street who borders Mr. Kipp's property. In doing so, he found out that it was a refuge for the wild geese and the ducks. They migrate there simply because there are two large ponds bordering the two areas, one on Mr. Hoffman and one on Mr. Stevenson's property, which was also in the bog. One time it was a Boy Scout camp and they built the pond there. In the last year or so, the wildlife is no longer there simply because the property has been changed and that's where they laid their eggs. When the young were old enough, they crossed the road and went on the Gross property and that's what they used as their pasture. If you go there during the springtime, you can see the droppings right across the road. He's addressing the boulders and they should be put back and could be put back as they are still on the property.
 - Steve Aspach from Black River Road said he just wants to thank the Council for working on this for the sake of the Township. If this was let go, many others would get the idea they could do the same thing as someone very close by did.
 - Joan Madzarac, Easton Road said she wanted to give an update on the problem she has with the City of Bethlehem and Bethlehem Fields lighting. Their city electrician, Gregg Kreider, finally came over at night. She sent you a memo where Boyd Wilson said it's zero to one tenth of a foot candle is all that lighting up their property. Gregg said it's more than that. He saw that it's lighting up all of our houses and now the people from the back by the woods have come down to her house and asked her why we are not fighting this because it's bothering them also as the lights go up in the sky. Gregg called her yesterday as she went to Bethlehem City Council and he told her the manufacturer is now involved and thanks to Mr. Maxfield and Mrs. Yerger, they told her Lower Saucon has lighting ordinances which she told Gregg, and now he has the manufacturer involved. They want to save these lights as they are very expensive and they picked them for their aesthetics. She said they are very pretty during the day, but at night, forget it. They are acorn lights. They are going to put baffles on the lights. They have to give the manufacturer an opportunity to correct the situation. If they do not work, they are going to pull those lights out. She thanked Council because that is what she meant by supporting them, telling them what your rules and ordinances are.
 - Stephanie Brown, Meadows Road, said she wants to cut a tree down on her property, does she need to get a permit? It's taller than her house and she doesn't know what the diameter is. It's 30 to 40 years old. It's dying. Mr. Kern said if it's dying, you don't need a permit. Mr. Maxfield said if it's dying the Zoning Officer should look at it to assure that it is dying. Ms. Brown said you have to get permission to cut down a tree that is dying, but we don't have any regulations that prevent her neighbor from planting his trees on the property line. Mr. Kern said we have rules for everything. She was told before there were no regulations. Mr. Kern said there are. Mr. Maxfield said you can put a fence on the property line. Ms. Brown said she's not very happy about that, and if she has to get a permit, it doesn't make a lot of sense. Mr. Kochanski said there are regulations for trees that are creating an unsafe situation where you can remove the tree, but then you need to follow up with the Township afterwards for confirmation, and it's spelled out in the zoning ordinance. Ms. Brown said confirmation for what? Mr. Kochanski said that the trees were removed and the number of trees. There are steps in there if there is an emergency needs to be removed, you don't have to wait until Monday morning to get a permit, the tree can be removed, but then there are protocols for follow ups with the Township so that everybody is aware of what as removed and why it was removed. Ms. Brown said they are not at an emergency situation yet.

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- Ms. Brown said she's not too happy what is going with the website. She took the time to go on Upper Saucon Township's home page and she'd like to have the Township take a look at someone else's website. Upper Saucon's website is user friendly. It has a lot of information on it. She's not happy about how her township taxes are being used with our website and not knowing about things. Mr. Cahalan said he's very upset that she wrote a letter to the Express Times and the headline of her letter was "Lower Saucon keeps the public in the dark". You said in your letter that there's misconduct with Lower Saucon Township officials in the letter. Ms. Brown said that's her opinion. Mr. Cahalan said you made certain statements in the letter, and he wants to get some facts out on the record tonight in response to her letter. It had to do with the website. You spoke first about putting the budget information on the website. There's a Second Class Township Code requirement that we advertise that the Council adopted the preliminary budget on November 2. We are required to advertise that this is available at the Township for the public to inspect. There is no requirement that it be posted on the website. We recommended that it be put on the website just this year and that has been done. It is on the website right now after the Township Council adopted it on November 2, 2009. You mentioned about the dog park dedication not being on the calendar. We had indicated at the previous meeting that that was an oversight and was not done. You mentioned in the letter that a Council member was not notified about the dedication. Emails were sent to Council members on two occasions regarding the dog park ceremony, so he's not sure what she's referring to. The announcement of the Redington Chapel dedication was on the calendar. Ms. Brown said only after she contacted the Township. Mr. Cahalan said it was put on October 15. The ceremony was on Saturday, October 24. You had said it was put on the Friday afternoon before the Saturday morning ceremony. Now you're saying something different. Ms. Brown said she never saw it. Mr. Cahalan said it was on the calendar. Also, dealing with the newsletter, you indicated the Township only posts the newsletter on the website. That's incorrect; we have been mailing out two editions as Council directed that be done last year. There are two that are mailed out to residents and one is put on the website. That's the one that just went out. He wanted to clear up the incorrect facts you had in your letter to the editor. Ms. Brown said none of her facts were incorrect. Mr. Cahalan said you said there was misconduct by LST officials, which is not the case. Ms. Brown said she looks on the Township website every day. One of the things she has to question is, right now if she goes home, and pulls up the website and sees all the new stuff that was added, if she decides to go to her father's business, she can't get anything including the historic pages. It has to be something with Adobe Reader, and her not being able to download the latest edition, and she doesn't understand why that is because there's been lots of things she had not been able to access on the Township website because she doesn't have the latest edition of Adobe. She went through a month or two where she couldn't get any pdf's as she downloaded Adobe and something got messed up and she took it off and couldn't re-download and install it. Mr. Cahalan said when you are using Adobe reader, it should prompt you that you need to do an update and it gives you the connection to do that. What you are saying is that you are having difficulty reading the website because of technical difficulties on your end. Ms. Brown said she doesn't know as it happened on two different computers. Mr. Cahalan said he hasn't heard that before from anyone else who goes on the website. Ms. Brown said she has had nothing but problems with the website and she will maintain that until she contacted the Township about the Redington Chapel, she didn't know about it and the only reason she knew about it was she got an email from someone else. Whether or not that has something to do with the whole Adobe thing, she doesn't know. There is no excuse that Township residents weren't informed of the dog park opening. That's inexcusable. Mr. Cahalan said that was an oversight. Ms. Brown said she doesn't think it's appropriate for Mr. Cahalan to be coming after her at a Township meeting about an editorial she wrote. Mr. Cahalan said he's correcting some incorrect facts she included in her letter. Ms. Brown said anymore than its okay for these people to come in and go after their neighbor. It's getting to the point where things are getting disgusting in this township and she can't wait to move out of it.
- Ms. Brown said you may send out the LST newsletter, but she doesn't get it. The last thing she knew you were trying to save money and be environmentally conscious and you were only putting it on the website. She wasn't aware anything changed, and when you don't get a newsletter, you assume the policy hasn't changed. Mrs. deLeon asked to make sure Stephanie Brown is on the

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newsletter mailing list. Ms. Brown said it could be a post office thing. Mr. Kern said if it's an consolation, he hasn't been getting it either. Mrs. Yerger said bulk mail can be really intriguing. If there's any glitch or question about the address, it gets filed.

- Ms. Brown said writing an editorial, in this world, the limit for the Express Times is 250 words and it is not very easy to get all the facts. She could write a very long editorial explaining all the facts. For better readership, they are going to take things out and make it the way they want it to be. They have that right. That letter is not 100% what she wrote.
- Ms. Brown said she is going to read to you Upper Saucon Township's ordinance regulating construction work hours in the Township. It says "Ordinance 81-A prohibits commercial construction activities in or near residential districts before 7 AM or after 7 PM prevailing time on Monday through Friday. Before 8 AM or after 7 PM on Saturday's, and anytime on Sunday's. Exception is work performed by homeowners themselves is exempted from the ordinance. She thinks it's time to revisit our ordinance about this as she's tired of listening to the construction noise. She's tired of all the construction vehicles that come on to the Toll Bros. property prior to 7 AM and calling the police and the police are doing nothing about it or they are saying it's after 7 AM, what do you want them to do. It's not fair to Township residents to have to listen to fifteen hours of construction noise plus there are no enforceable light or noise ordinances when it comes to some of that stuff. Once it gets dark, they have all kinds of lights out. Why should she have to put up with it. It'll be going on five years in February. She wishes someone would rethink that because if it's good enough for a neighboring Township, it's something we should think about and cut our hours back. Upper Saucon and Lower Saucon are very similar communities, but now separated by a county.
- Ms. Brown said what is the timeframe for the light at Polk Valley Road? Mr. Cahalan said when PennDOT approves the permit, it will be put up as soon as possible. It's already been about two years that we've had the permit application submitted. There have been some revisions and their rules have changed and we had to update some of the specs in the application. The Council President brought up at a previous meeting, an incident about the two youths hit by an automobile crossing Route 412. He's still waiting for the police report, but they are going to send something to PennDOT asking them to expedite the approval of the traffic light. Christopher Gryns, Black River Road, said isn't that the same light the Council not that long ago, authorized putting the conduits in for it? Mr. Cahalan said correct. We wanted to install it before the 412 paving. Mr. Kern said the holdup is PennDOT. Ms. Brown said her concern is once that light goes in, that's a bad intersection now, the extra use of that intersection, the effect it's going to have on Springtown Hill Road and Meadows Road and 412. That is already a bad intersection that no one wants to do anything about. Just the things she sees at that intersection every day when she walks is scary. She almost got hit the other day by some idiot who was trying to avoid someone who was trying to make the left on Springtown Hill Road and came over to Meadows Road where she was walking. It's technically illegal, but it's just a constant problem where with cars lined up trying to make those left turns and there's no indication where people should be lining up to turn. It really needs to be addressed. There are people turning left coming out of the Meadows, and that hasn't changed at all. It even makes the intersection worse. That is an intersection on a state highway. Someone has to get done. Mr. Cahalan said that turning lane will be delineated once the light is up. Ms. Brown said because you are putting a light in to ease the traffic, people will avoid Walnut Street intersection so they'll be using Polk Valley and be making that left coming on to 412 to access Meadows, Springtown Hill Road. Her point is that the intersection is a nightmare to begin with. What happens when that light goes in? Mr. Kern said it will improve. She doesn't agree. Mr. Kern said you'll have some gaps in the traffic. Ms. Brown said the people don't know where they should be when they turn and that's what almost causes accidents. It's not a regular intersection. It's because of the way Springtown Hill Road and Meadows Road line up. She's asking that the Township do something to alleviate the problems there. Mr. Kern said they've explored that intersection in the past and have come up with alternatives and none of them were very feasible because it involved things they didn't want to do. Ms. Brown said it's dangerous down there.
- Ms. Brown said Giant shopping center, when she's down there, there are plenty of vehicles in the fire lane. There's an increase in delivery trucks parking in the fire lanes. One thing that is

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interesting is she'll see a Lower Saucon Township police car sitting there between the two buildings where he can't be seen. If he was sitting somewhere where he could be seen, people wouldn't be doing it and he could be citing people for parking in that fire lane. She doesn't understand why they hide in that little roadway when they could be sitting in the parking lot and doing a better job in keeping people out of the fire lane.

- Ms. Brown said she brought this up at the SVP meeting when they were talking about Skibo Road and not being something that needs to be studied. She's sorry, but it has to be studied. Skibo Road has become extremely dangerous especially with the amount of vehicles that travel it, but it's not just the speed; it's a lot of kids coming from the school campus. She believes a bunch of residents of Victor Road came to you with their complaints about what was going on and you put those stop signs up for them and it really hasn't slowed anything down and what it has done is make people who are coming out of Victor Road and turning onto Skibo Road go faster. It's really a nightmare everyday and she's afraid to walk there. It's dangerous and she would hope the Township would look at that entire section again. Another issue in that area, because the intersection was never realigned, there's a section from the stop sign on Meadows down 25 to 50 feet where the right-of-way is inaccessible and she can't walk there and it's very dangerous. There are probably weeds that are three or four feet high. The homeowner whose property abuts that right-of-way has put grass clippings there and huge rocks. She has to walk in the road, and not only there. If you go out Meadows along the Heritage property down towards Friedensville, it needs to be trimmed and cut. There are weeds. The last time she had an issue with walking on Meadows Road, she called the Township and Carol told her she had to call the Police. She talked to Sgt. Barndt and he ended up telling her that it was the Township's responsibility to mow the area she was complaining about. So the fact that she had all that run around to get something cut is a little upsetting to her. We are going to be having more and more people using Meadows Road to access the Rails-to-Trails. Making sure the right-of-way is clear so people can walk is important. Another issue on Skibo is the sidewalks are degrading. There are also no handicapped accessible ramps there. They just kind of end. That's on both sides of Skibo. Mrs. deLeon said we approved that subdivision and because of the density involved with the number of homes being there and the possibility of children, we thought it would encourage people to walk around and have a safe way to do it was to put sidewalks there. We don't require sidewalks in every subdivision. It was hard getting those sidewalks in. They did the best they could at that time. Maybe it wasn't the right decision or the right decision, but that's what we had. We didn't approve sidewalks in the whole development. Ms. Brown said she's talking about Skibo. They just dead end in front of the Filler property. Mrs. deLeon said Four Seasons and the Meadows subdivision was around the same time period. Because of the density with Society Hill and Four Seasons, the sidewalks were encouraged. Four Seasons was supposed to be Society Hill, part II. They only developed half of it and sold it to Four Seasons. The sidewalks were to encourage people to walk to Hellertown to the stores and post office. They needed sidewalks to walk in that section. We can't put sidewalks on the whole length of the road. Ms. Brown said she's not asking for sidewalks, she's asking what happens now is there are three developments there, you put those sidewalks in and they are not being maintained. Why do the sidewalks just end there? Mrs. deLeon said the reason they were there was because of the development and the development can only put sidewalks for their length of the development to their property. Ms. Brown said why does it just end and drop off and why isn't there a handicap accessible ramp there? Mrs. deLeon said when that was approved, they did it according to what the rules were at that time. Ms. Brown said doesn't this have to be brought up to ADA compliance? Mrs. deLeon said she doesn't know. Mr. Kocher said whenever you make road improvements to a road, you have to bring the curb returns up to ADA standards. If you are going to make road improvements there, it will have to be addressed. Skibo is a Township road. Mrs. deLeon said if the Township makes improvements to that road, they are not our sidewalks. Mr. Kocher said it doesn't matter, it's the cut of the curb. Your regulations govern the sidewalks whether you own them or not. Ms. Brown said will the Township be taking action on clearing up that right-of-way on Meadows Road where she can't walk or what does she need to do to get someone to take care of that? Mrs. deLeon said she'd like to jump back to the Skibo Road discussion, after the SVP meeting, she went back to the minutes and January 21, 2009, this was an agenda item and there was

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the three roads, Apple Street, Skibo and Friedensville Road. For Skibo Road, there was a lot of discussion and she made the comment she'd like to see Skibo Road put on the back burner and have our people look at it if it was an issue. Did the police give us any recommendation when it was talked about the issue with the speed limit? Mr. Cahalan said HEA did the report for the three roads. After Council discussed it, they said leave Skibo alone. The recommendation was to discuss it further at the SVP meeting. Ms. Brown said what she took away from the SVP meeting was that it wasn't important and she's here as a resident to tell you it has to be looked at. Mr. Cahalan said he doesn't think the SVP said it wasn't important, what he reported on was that the Council had reviewed the engineer's recommendations and they said we don't want to take any action to reduce the speed limit for a variety of reasons which we went over at the SVP meeting. Skibo was a very wide street, has good sight lines from Society Hill and Four Seasons and all the way down to the intersection and you can see the traffic light on 412. There are very few access roads and driveways entering on to it. Also, there are sidewalks on both sides, so there were several reasons Council cited back in January for not going with the recommendation to reduce the speed limit and that's why no action was taken on that. The Council asked that it be discussed further at future SVP meetings, so you discussed it at a SVP meeting last week, and Glenn and Priscilla were the reps there and they can speak what their positions were. That was Council's position based on some good data. Mrs. deLeon said after the meeting, she was wondering if in addition to the engineer's report we didn't really get a police report, what do they think. She was curious about that. Mr. Cahalan said they got a copy of the study. Mrs. deLeon said please ask them if there were any issues on Skibo Road we should be aware of. Mr. Cahalan said sure. Mr. Maxfield said didn't it start from a recommendation from Hellertown? Mr. Cahalan said yes, there was a problem with the transitional speed limit going into the 25 MPH. Mr. Maxfield said we discussed the sighting was so good there and the road was so wide it really didn't need to be reduced. Mrs. deLeon said we really should get a police recommendation. Ms. Brown said that's the problem with Skibo, right where the new house is, that has a historic barn, there's always cars parked on that side on the road and Skibo was not designed to have parking on that side of the road. It was on the side of Cobble Creek but not where the housing development was. From what she read, PA state laws says you can have parking on a street as long as the lane of travel is unobstructed. When there are vehicles parked in front of that home, which is a lot, that lane of travel is being obstructed. She would say most cars come flying up from Hellertown at 40 or 50 MPH and it's only 35 MPH. There are people flying through Victor to get to Skibo and those stop signs haven't slowed anybody down. She's out at 11 AM, 1 PM and it's bad then. Something needs to be done. Will someone be coming out to look at the problem were she can't walk? Mr. Maxfield said they are out of the cutting season. Mr. Cahalan said the sidewalk or the mowing? Ms. Brown said she's talking about the drop-off. Mr. Cahalan said he'll have someone look at it.

Kimberly Kelly, Jr. Council person left at 10:00 PM.

- Allan Johnson, resident of Martins Lane said about two months ago he when on the website to look at information about cutting trees down in the township. He found where it said you could cut down three trees without getting a permit. If that law has been changed, it should be changed on the website. Mr. Cahalan said did you get it from the code? Mr. Johnson said the code is on the website and he even made a print out of it and brought it to the EAC meeting two months ago. If it needs to be changed, it should be changed. Mr. Cahalan said they will check into that.
- Allan Johnson said if they look up the Township website on one computer, and then on another computer, they can't find something on the one computer that they couldn't find on the other computer. One time he had an experience where he printed something out from the website and took it to somebody for evidence and it was wrong. The reason it was wrong is that there's something in your internet browser called a cache. Sometimes when you call up a website, you get the cache in your internet browser instead of what's actually on the website on that day and it's not appearing. He forgets what he had to do to make sure when he looks up a website to make sure it's really actually on the website. Mr. Cahalan said that's a computer problem, not the Township

website problem. You have to clear your computer cache to correct it. Mr. Johnson said that's something that might be causing people to have the problem that was brought up.

VIII. COUNCIL AND STAFF REPORTS

A. TOWNSHIP MANAGER – No report.

B. COUNCIL/JR. COUNCIL PERSON

Kimberly Kelly – Left the meeting at 10 PM.

Mr. Maxfield

➤ He said he was reading through the description we went over earlier this evening about the SVP LUPTAP grant and the things that will be covered by it. He is going to ask Council to support this idea. Because our ordinances are so specific and so different, compared to other municipalities, especially to Hellertown who we will be doing the zoning audit with, what we'll be looking for is conflicts, all those sort of things. Eventually going to plan new zoning districts and district overlays. Ours is so specific in our resource protections and the way we do things and we've made so much progress over the last several years, he is appreciative of Boucher & James contribution to this whole process. He doesn't think we'd be anywhere near where we are now without their guidance with this whole thing. He would like to propose starting with the zoning audit, that we have Boucher & James right in there contributing as a representative for the Township to make sure that we're not losing any of the good solid protections and good solid work we've put into it over these last few years. He would like your support in recommending that they attend and become an active part of this whole process. They've become integral to what happens in the Township now as far as our ordinances and laws and he doesn't want to see that watered down.

MOTION BY: Mr. Maxfield moved that he'd like to have Boucher & James attend the Saucon Valley Partnership meetings and specifically work on implementing the recommendations from the Multi-Municipal Comprehensive Plan.

Mr. Cahalan said probably a lot of the zoning audit work is not going to be done at the Partnership meetings. There is a whole process that the consultants would go through to do the audit, and one of it involves connecting with the key stakeholders that were involved, which would be Council members, and we can hook up Boucher & James with the consultants to work with them as far as coming up with the recommendations and information. These are only recommendations from them that Council would have to act on to change the zoning ordinances. Mrs. deLeon said the Partnership has its own little entity and makes recommendations to this group and the process is the process. Mr. Maxfield said the Partnership is a representative to the Township. We send our representatives to the Partnership and the Partnership doesn't make a move from the Township's perspective. Mrs. deLeon said she's very much aware of the rules. Mr. Maxfield said he would like the Township be represented in the proper way and to the fullest extent. We've done a lot of work and put a lot of time into this, he doesn't want to lose any of it. He's reading through the description of things that are to occur. What we're talking about is a spirit of compromise between the two ordinances and there are some things that Boucher & James is aware of that we don't want to compromise on. We need that kind of representation there. He doesn't want to insult anyone, but our Council representatives to the SVP don't have the knowledge base to judge every little recommendation in the zoning ordinance that comes down and Boucher & James does, and he wants to see them in partners in this whole thing. He doesn't want to see it as an "after the fact" kind of thing. He wants to see them in there representing us in the beginning.

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Mr. Cahalan said if it gave the impression on the information he gave you that what they are going to find was conflicts between us and Hellertown Borough, that's not the impression we wanted to make. What we're trying to do is identify any inconsistencies because we're working together and we want to strengthen the zoning ordinances working together with them. That doesn't mean we would have to give up anything. That's looking at it on a regional basis to see what's best for the area. He doesn't believe it would present any conflicts between our ordinance and Hellertown's ordinance. We're just trying to work side by side. Mr. Maxfield said he wants to read a couple of things. "Prepare the joint zoning ordinance components conclusive of articles for definitions, district descriptions, permitted usages, landscape standards, conditional use special exceptions and administration, formulate standards for zoning overlays, as applicable, define a pallet of new zoning districts and zoning overlays, create a joint zoning map, which is GIS based compatible with the comprehensive plan, map exhibits." Mr. Cahalan said that all came through the Steering Committee putting together the Multi-Municipal Comprehensive Plan. That wasn't just from EPD, that came from the stakeholders at the various meetings and those were recommendations that were put into the Multi-Municipal Plan for future work. These are just recommendations for action. Mr. Maxfield said he thinks everybody realizes that is where we want to go. He just wants to make sure we get there without losing anything. Mr. Cahalan said he agrees. Mr. Kern said he totally agrees with it also, but he isn't sure that having EPD and Boucher & James at the Partnership meeting is the way to go. Mr. Maxfield said if you're telling me that's not where the action is, if the action is behind the scenes talking, that's fine. Mr. Kern said is EPD locked into being the representative? Mrs. deLeon said we didn't even choose a consultant yet. Mr. Kern said then we could have Boucher & James. Mrs. deLeon said if HB and the SVSD agrees. It would go through the process. Mr. Cahalan said we don't have to do an RFP again. You can stick with your previous consultant. If you want to go out and get someone else, it's up to the Steering Committee. Mrs. deLeon said it's up to the SVP to discuss that at an open meeting. Mr. Cahalan said this is just to get the seed money to move ahead. Mrs. deLeon said it's so premature.

SECOND BY: Mr. Horiszny
ROLL CALL:

MOTION BY: Mr. Maxfield said he'd like to modify his motion that he would like Boucher & James to be involved from the initial stages of this whole zoning audit and ongoing through the process talking to whomever the awardee is from the LUPTAP money or however it is going to be organized.

Mrs. deLeon said wouldn't they be anyway? Why do we have to have a motion to involve our Planners in a plan that has to come back to Council and we would look to our consultants for advice. Mr. Maxfield asked Mr. Kochanski how much was he involved in the compilation of the Municipal Comprehensive Plan? Mr. Kochanski said he was not personally involved in that and he's not sure the level Judy was involved in that. He can say that from Lower Saucon standards, you have certain concerns that are unique to the Township that are probably not necessarily concerns, or as primary of the concern as the other municipalities would be. Mr. Kern said he would agree if EPD is going to get it. If EPD gets it, that Boucher & James monitor the information that is generated by EPD to make sure it is consistent with what we're after. He would agree with that. Boucher & James may end up being the consultant. Your motion may be a little premature now. You may want to bring it up later or if you just want to continue with the idea you had of Boucher & James being involved. Mr. Maxfield said he would be more comfortable with a second.

SECOND BY: Mr. Horiszny will amend his second.
ROLL CALL: 4-1 (Mrs. deLeon – No)

Mrs. Yerger

- She said Tom Dittmar, who is the Regional Recycling person for the County asked that she give him a call and talk to him, in general, about coordinating the outreach and events we do with the EAC and coordinate them and make sure we're on the same page and not doing them at the same time and overlapping so it can be made more effective county-wide. She will report back to Council.

Mr. Horiszny

- He said regarding the SVP, the report on leaf waste by Gannett Fleming that Jack just supplied to us recently, he wonders if we shouldn't have that brought up with the SVP because we're tied in with Hellertown on the yard waste recycling site anyway and it indicates in there that a regional plan could be better. His thought would be that we ought to get a report from them or someone about that subject and maybe present what we've seen written at an SVP meeting, which we could all attend including the recycling people. He would strongly suggest it. The next thing would consider sometime in the future that we'd need a deer management ordinance. That's another thing that just came up in the PSATs township magazine. Mr. Maxfield said what would an ordinance like that contain? Mr. Horiszny said eliminate some of them. The leaf waste one would be probably more important than the deer management at this time. Mr. Cahalan said the gentlemen from Gannett Fleming who did the report would be available to present that formally to the Council. If you want him to come to the SVP, he can see if that can be arranged. Mrs. deLeon said it would have to be two times. One at the SVP and one back here. Mr. Cahalan said whatever you would like to do. Mr. Horiszny said if it was a regional issue, we should present it to the SVP. Mrs. deLeon said we can only listen at the SVP, then we would have to come back to here. Mr. Horiszny said we can all listen together, if the SVP wants to hear it. Mr. Cahalan said it is a regional issue, but there are implications for the Township that you would need to consider. Mrs. deLeon said we do report on the compost center every month. Mr. Cahalan said you have a report that was sent back by Gannett Fleming that was approved by PADEP. Mrs. Yerger said she'd like to hold off on this a little bit. Mr. Kern said he has questions he'd like to discuss with staff prior to making it public. Mr. Horiszny said that's okay, but it's an important subject we need to discuss.

Mr. Kern

- He said he's pleased to announce to the President of the Saucon Valley Conservancy that he and Ron Horiszny went to the Heller Homestead and prepped the two window sills. Today he went over after the prepping and did some magnificent work. It worked well. The window sill is better than it was ever. They molded it all the way down and it's a thing of beauty. There's a primer coat on and waiting for a finish.

Mrs. deLeon

- She said Friday, November 27, the Hellertown-Lower Saucon Chamber will sponsor light up night at Hellertown Borough. Santa Claus will be there.
- On December 7, 2009, the Saucon Valley Conservancy will hold their annual holiday gathering and artist reception for the Bethlehem Palette Club Plein Air Group from 6 PM to 9 PM. It's public and you are welcome to attend.
- As part of the Hellertown-Lower Saucon Chamber community holiday event, there's a shopping spree and gift certificates are available at participating businesses in the Hellertown-Lower Saucon area.
- On Saturday, December 12, 2009 at noon, Mountain View Moravian Church, 331 Constitution Avenue in Hellertown, they will have a mixer and get together and the shopping spree drawing will take place at that time. There will be a Christmas Putz display at the church also.

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- When she was reading the January minutes, she did notice that when we talked about this at the SVP meeting, the motion was to submit a report to PennDOT regarding Friedensville Road. Did that happen? Mr. Cahalan said he reported that at the SVP meeting that we were waiting for Hellertown and we were going to join together and send in a joint letter. Mrs. deLeon said that was a direction and that just happened at the meeting last week. This was January of 09 where we directed that and we lost all these months on contacting PennDOT. The motion was: “Mr. Maxfield moved to proceed with Apple Street with the speed reduction and not on Skibo Road, based on the reasons discussed above by Mr. Maxfield and submit a report to PennDOT regarding Friedensville Road.” That was reduction of the speed limit and that didn’t happen. The time she’s spent at the Homestead, cars fly on that road.

E. **ENGINEER** – No report

F. **SOLICITOR** – No report

G. **PLANNER** – No report

IX. ADJOURNMENT

MOTION BY: Mrs. Yerger moved for adjournment. The time was 10:55 PM.

SECOND BY: Mr. Horiszny

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

ROLL CALL: 5-0

Submitted by:

Jack Cahalan
Township Manager

Glenn Kern
President of Council