

I. OPENING

CALL TO ORDER: The General Business & Developer meeting of Lower Saucon Township Council was called to order on Wednesday, November 19, 2008 at 7:00 P.M., at 3700 Old Philadelphia Pike, Bethlehem, PA, with Mr. Maxfield, Council Vice President, presiding.

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

PLEDGE OF ALLEGIANCE

ANNOUNCEMENT OF ANY EXECUTIVE SESSION (IF APPLICABLE)

<p>Mr. Maxfield said Council will meet in Executive Session after tonight's meeting to discuss the potential purchase of real estate and litigation concerning Martha Chase, Heritage Building Group and the Stover Road Gate.</p>

II. PUBLIC COMMENT/CITIZEN AGENDA ITEMS

Mr. Maxfield 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 lowersaucontownship.org. Mr. Maxfield asked if anything was taken off the agenda this evening? Mr. Cahalan said yes, two items. The first one is Stover Road Emergency Access Gate and Springfield Township – Request for Placement in AG Security Area (Mease Farm).

III. PRESENTATIONS/HEARINGS

A. STOVER ROAD EMERGENCY ACCESS GATE

Removed.

IV. DEVELOPER ITEMS

A. DRU & LEANN GERMANOSKI – 4206 COUNTRYSIDE LN. – REQUEST WAIVER FROM ISOLATION DISTANCE FOR SEPTIC SYSTEM REPAIR

Mr. Maxfield said the applicant is requesting a waiver of well isolation distance to repair a failing septic system.

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Dru Germanoski was present. He is requesting a waiver on the well isolation distance to install a new sand mound septic system, on lot sewage disposal. The rationale is basically the small footprint of the property. There's very little to work with. The Sewage Enforcement Officer (SEO) supports the request.

Mr. Kocher said they found a good site and they'll be within 100 feet of their well and nobody else's. He recommends that Council grant the waiver condition on the hold harmless agreement. Mr. Maxfield asked if anyone in the audience had any comments? No one raised their hand.

MOTION BY: Mrs. deLeon moved to approve and grant the waiver condition of the well isolation distance to repair the failing septic system.

SECOND BY: Mrs. Yerger
Mr. Maxfield asked if anyone had any questions? Mr. Horiszny said shouldn't the indemnification clause be included in the motion? Attorney Treadwell said yes.

ROLL CALL:

MOTION BY: Mrs. deLeon amended her motion and moved to approve and grant the waiver condition of the well isolation distance to repair the failing septic system and include the indemnification clause.

SECOND BY: Mrs. Yerger amended her second.
Mr. Maxfield asked if anyone had any questions? No one raised their hand.

ROLL CALL: 4-0 (Mr. Kern – Absent)

B. HIDDEN MEADOW ESTATES – 3588 LOWER SAUCON ROAD – REQUEST FOR SECURITY REDUCTION

Mr. Maxfield said the developer has requested a reduction of security being held for improvements completed to date. Hanover Engineering has conducted an inspection and is recommending a release in the amount of \$117,503.84.

Mr. Cahalan said their escrow is up to date. Mr. Kocher said there are no other outstanding issues.

MOTION BY: Mr. Horiszny moved to approve HEA recommendation – Hidden Meadow Estates – 3588 Lower Saucon Road – Request for Security Reduction.

SECOND BY: Mr. Maxfield
Mr. Maxfield asked if anyone had any questions? No one raised their hand.

ROLL CALL: 4-0 (Mr. Kern – Absent)

V. TOWNSHIP BUSINESS ITEMS

A. SPRINGFIELD TOWNSHIP – REQUEST FOR PLACEMENT IN AG SECURITY AREA (MEASE FARM)

Removed from agenda.

B. REQUEST FROM THE SAUCON VALLEY CONSERVANCY FOR IMPROVEMENTS AT THE HELLER HOMESTEAD & WIDOW'S HOUSE

Mr. Cahalan said the Saucon Valley Conservancy has requested (a.) that the Township authorize the installation of two (2) electrical sockets in the sunroom to be used (in lieu of extension cords) to plug in coffee pots, crock pots, electric candles used during events, and (b.) the installation of weather stripping around the doors in both houses to prevent the loss of heat during the winter. He

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is unsure whether these requests are covered under the Township's repair and maintenance obligations under the lease with the Conservancy for these buildings.

Mrs. deLeon said since we are the tenant, and according to the lease, there are certain things that we have to do and the Township as the landlord has to do. We have a lot of receptions and events that we use the sun room for and she wanted to ask if the township would consider installing the two electrical sockets.

Mrs. Yerger said the only thing is she knows that the Lower Saucon Township Historical Society is putting sockets in and they are going for a grant for it. They are doing electrical sockets for some of their events and she believes they made an application for grant to pay for it. Mr. Horiszny said he thinks that is true, but he's not positive. Mrs. deLeon said have they installed these electrical sockets yet? Mrs. Yerger said no. She has no idea where they applied for it, but it's something you may want to look into. Mr. Maxfield said did they talk to the township at all about that? Mr. Cahalan said he remembers a conversation he had with Fran and Rob sometime back about that and he talked about what the process would be and Mr. Cahalan explained the process to him that he'd have to come to Council and get approval. Mrs. deLeon said she always reads the lease when something like this comes up and basically the tenant pays for all charges for water, sewer, oil, electricity, and gas consumed, and the landlord shall pay for the cost and responsibility of the connection to the utilities and the restoration costs for the building. It spells out what the landlord is supposed to do. She always puts herself in the position if she rents it from a landlord, what she would do or what she wouldn't do. To her, the first thing is to ask the landlord if he would do this, and that's why it's on the agenda. Then she would proceed to step 2 or Plan B. This is why it was on the agenda, to ask.

Mrs. Yerger said do we have any idea what it's going to cost? Mrs. deLeon said she didn't know, there is electric in the sunroom already. It would be just a matter of running wires, then there are inspections. Mr. Cahalan said he doesn't have an estimate on the cost, but they'd have to get an electrician to do the work. We can't do that in-house.

Mrs. deLeon said at the Historical Society, are they going to be doing it themselves or will they have to hire an electrician? Mr. Maxfield said they have to hire an electrician. Mrs. Yerger said it's just code, you can't do that anymore. Mr. Maxfield said he knows we didn't talk about the weather stripping yet, and he can understand that stretching the maintenance issue to weather stripping. Mrs. deLeon said that's not stretching it, that is maintenance. Mr. Maxfield said maintenance has the word maintain in it which basically means you are maintaining what is there. If there's a leak that is there and it comes down through the ceiling, then you want to restore it to the kind of condition it was in before the leaks happened. This is something that just isn't there. When we look at our heading here on Item V.B., it says improvements at the Heller Homestead. Improvements are different than maintenance. The sockets don't fall within the maintenance. Both of these things are going to be inexpensive and relatively easy to do. He feels, from a Council position, watching how we spend people's money, we really shouldn't be spending public money on these two items. Mrs. deLeon said when the Township accepted the Heller Homestead, they accepted it as public property and there are maintenance issues involved with this, and the Township owned this building in 1988, and they let Hovnanian occupy the site for a construction office for five years. They went over the building, Hanover did an inspection report and they fixed everything and the Conservancy was given a lease for this site. She's read the lease, it's public record and there's two things that the Conservancy has to pay for and that typically is \$10 a year and utilities and raise money for restoration issues. Everything else is the township whether or not it's spelled out in this lease or it's the owner of public property. We're not a slum lord. The Township needs to take care of its public property. As a taxpayer, she's offended that the Township wouldn't take care of its public property. To her, they are supposed to conserve energy and as a public entity, we should be setting an example. She should have realized we didn't have

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weather stripping on the door, she didn't, until the Township authorized it. Mrs. Yerger said we're not talking weather stripping. Mrs. deLeon said she had to say that. Mrs. Yerger said she didn't have a problem with the weather stripping. Let's deal with the sockets. Her only feeling is she doesn't know the cost and she's a little concerned that one of the other historic structures, for whatever reason, interpreted that they need to cover the cost of outlets, and they have the same type of lease as you do, to her knowledge, it was based on your lease. Mrs. deLeon said that's fine, she'll take this back to the public and back to the Homestead. At least she has it on record, what the Council wants to do. Prior to her coming here representing the Conservancy, they didn't have that. Mrs. Yerger said she'd feel much better if we had a cost estimate. She'd like to know what the cost is. Mrs. deLeon said does the Township get the cost estimate? She knows there's an electrician coming out to the site to put the underground in. In the past, the Township Manager has authorized expenditures under \$800 because that's what our administrative code says. She doesn't know where the word improvement came from. Mr. Cahalan said he used that word. Mrs. deLeon said she wears many hats here, and she is trying to be fair and the bottom line is she's a taxpayer. Mrs. Yerger said she isn't saying she wouldn't be in favor of it, she just kind of wants to know what it's going to cost. Mrs. deLeon said that's fine. It's not an emergency. If we can come back and put it on the agenda, that'll be fine. Mrs. Yerger said she'd feel better doing that. Mr. Horiszny said then the sockets are on the inside walls. Mrs. deLeon said yes, over by the windows. The only outlet that is in there right now is when you go through the kitchen and then you'll see the wall where the bathroom is, on the floor there's a socket. In order to plug something into that, you don't want to have people going over the cord, so we plugged the cord behind the refrigerator and then it just kind of follows the wall and no one is stepping on it. It would be better to have a socket there, and that's why she thought, as a tenant, she would ask the landlord and proceed that way. Mr. Maxfield said he doesn't think anyone has a problem with putting in a socket, we have a problem with who pays for it. As far as trying to illustrate this as the Township not taking care of their property, he thinks we're talking about something totally different here. We're talking about exactly what is written on the item list. It's an improvement; it's an expansion of existing facilities. If there were sockets there that didn't work anymore, or that stopped working, then the Township should replace them. This is expanding the facilities there. That's not maintenance. We should probably look up the definition of maintenance. Mrs. Yerger said she'd like Jack to give us some idea of what this is going to cost. She'd like to see what an electrician would say. Mr. Maxfield said are they going to be in the exterior part of the wall or are they going to be in the stone, we have no details at all. If they are in the stone of the wall, this could get very expensive. This is not a maintenance issue. Mrs. deLeon said she's a lay person and she knows there's a switch on the wall to turn on the outside lights. She knows she's had work done in her house and they run little conduits. They won't propose to put it on the stone wall, they were proposing to put it under the two sets of windows, so that would be on the wall. Mrs. Yerger said let's get a little more information and the cost of it; we'll put it back on the next agenda.

Mrs. deLeon said as you all know, the Township authorized a painter to come and paint the windows and the back door did not get painted even though the window needed paint and the Township did a nice job on fixing the exposed glass and painting. The door was a jarred and it did not close anymore. We could see light coming in. It's definitely a loss of heat and the Conservancy does pay their own heat and that's over \$1,500 a year that we pay just in propane. She just felt that while we were making the request for the weather stripping for the back door, she thinks the three doors, should be looked at for weather stripping. Mrs. Yerger said do we have to bring someone in? Mr. Cahalan said he hasn't discussed this with Roger Rasich yet, and he doesn't know to what extent they are talking about weather stripping. He just has the email that was sent to him. He'd have to look into it further. Mrs. Yerger said can we authorize you to look into the weather stripping? Mr. Horiszny said he thinks that's a good idea. Mrs. Yerger said look and see what the extent of what the weather stripping would cost for multiple structures. Mrs. deLeon said it would be the Widow's House door and the front and back door to the Heller House. Mrs. Yerger said then we can move from there. If the staff can do it, then let them do it and if we have to bring

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other people in, we have to bring other people in. Mr. Maxfield said weather stripping is such a simple thing. Isn't there someone at the Homestead that could just put weather stripping on? Mrs. deLeon said according to the lease, we're not supposed to make any improvements without Township approval. Mr. Maxfield said we'll give you the approval to do it, it's just that it seems silly to take Public Works guys and put weather stripping on. It's a fifteen minute job. Mrs. Yerger said look at it this way, it's preventing global warming. Mrs. deLeon said she would think Council would support that. Mrs. Yerger said she would direct Mr. Cahalan to look into see how this would get fixed.

Mrs. deLeon said she's not calling these improvements, but we do have other repairs that she did email Mr. Cahalan about. The first floor bathroom, the ceiling is falling down. The second floor hallway in front of the cedar closet, the ceiling is falling down. Terminex was there for the mice yesterday and in the Widow's House we definitely have a maintenance issues, on the second floor, there's paint chips coming down and that's lead based paint. She's not sure how the Township wants to handle that issue. Mr. Maxfield said are we sure it's lead based paint? Mrs. deLeon said no, she doesn't know that. She's assuming because it's so old. She thinks they might have squirrels in there too. She's just making a public statement. Mrs. Yerger said the whole ceiling is coming down? Mrs. deLeon said big chunks of paint are coming down. Mr. Maxfield said from Jack's letter, the real cause of the water leakage is being corrected. He saw a letter from Roger about a leak in the bathroom. Mr. Cahalan said yes, there was a leak in the upstairs bathroom and then they put a new set of faucets on it and fixed that. He's not sure, but the other leaks are in the ceiling, and he's not sure the cause of that so he has to call in a contractor to give us an estimate on that. He'll have to look into the paint chips. He doesn't think Public Works had a chance to get back to him on that. The mice droppings, we had Terminex came and checked it out. Mrs. Yerger said Mr. Cahalan can look into these other things and come back to Council. Mr. Cahalan said since the lease was mentioned, he wanted to put on the record what it says as far as the landlord's responsibilities for the property. It says the landlord shall pay for the taxes, the maintenance upkeep, repair or replacement of all mechanical, heating, air conditioning, electrical and plumbing systems to the extent that they are not damaged, misused, abused or neglected by the acts of the Tenant and/or its invitees. Landlord shall contain these systems in substantially the same condition as they existed as of June 1994.

**Mr. Kern arrived. The time was 7:29 P.M.
Mr. Brien Kocher left the meeting. The time was 7:29 P.M.**

Mr. Maxfield told Mr. Kern they were talking about the improvements to the Heller Homestead, the sockets. Mrs. Yerger said Mr. Cahalan is going to get back to us with the cost of the sockets and the weather stripping he is going to look into who can do it. She doesn't know if the road crew can do it.

Mr. Maxfield asked if anyone in the audience had any comments? Mr. Weidner said as far as that back door on the sun porch goes, he volunteers there often on weekends and when he arrived, the back door was unlocked. It was not closed – twice. He maneuvered it around and slammed it a couple of times. He doesn't know who left it open. It could have been the painters. They didn't know it was unlocked. Anyone could have walked in the sun porch area and snatched those windows that were lying there. That basically is a safety issue as far as saving money that someone could come in and take that stuff out. That door needs fixing, not just weather stripping. Mrs. deLeon said it might even need a new lock. Mr. Weidner said it doesn't fit, the last time he was in there, he had to slam the door to get it to lock. Mr. Maxfield said he remembers it doesn't work right for quite some time. Mr. Cahalan said is this after the repairs we did for the painting? Has this been recently? Mr. Weidner said within the last month. Mrs. deLeon said it was November 8

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because she had to call Roger because they could not lock the door. It was a Saturday. We were there getting things together for the Basket Bingo. Mr. Cahalan said he thinks they looked into that when they were doing other repairs to the door. Mrs. deLeon said those other repairs were done first and then the door didn't close and she doesn't know if they shaved the door or what, but November 8, the door would not lock. Roger sent somebody out to secure the door. Mr. Weidner said it was a quick fix. Mr. Maxfield said could the alignment be affecting the lock? Mr. Weidner said he didn't know. He's not a mechanic. As far as the outlets goes, he doesn't like to see extension cords running twelve to fifteen feet from one room to another. It would be a lot better if we had those electrical outlets installed. That could be considered a safety issue from a non professional. If you have an outlet there, you don't have to plug in fifteen feet of cord. It seems to be that the landlord would take care of that. His landlord put in two ceiling fans with no cost to him and he replaced the refrigerator. That's his opinion.

Mrs. Yerger said Mr. Cahalan said he is going to get an estimate on replacing the sockets. Mr. Maxfield said it was handled with direction, and not by a vote. Mrs. deLeon said what does it matter if it was handled by direction. There's still a direction. It still has to be done. Mr. Cahalan said if we're talking about direction, going back to the electrical outlets, the direction was for him to come back with a cost estimate. Mrs. Yerger said yes, correct. Mr. Maxfield said and to see what is involved as we don't know what's involved. Mr. Kern said is it one outlet or two. Mr. Maxfield said it is two. Mrs. deLeon said to update Mr. Kern, there's only one electrical outlet in the sunroom and that's up against the bathroom wall, so to put stuff in the sunroom we have to run an extension cord from the back wall behind the refrigerator.

Mr. Maxfield said to Mr. Cahalan when he looks into this, could he get an opinion whether he considers it to be a safety issue or not. Mr. Cahalan said sure.

C. REVIEW OF GAZEBO DESIGN AT HELLER HOMESTEAD PARK

Mr. Kern said the Planner has provided a sketch plan design for locating a gazebo structure at the Heller Homestead Park which would be utilized by visitors and as a shelter during inclement weather.

Ms. Stern Goldstein said there is a reduced copy of the sketch. The first sheet is a plan. The gazebo, as you come into the parking area, you continue on, the barn like garage structure will be on your left and you go a little further and a gazebo would be proposed. The sketch plan anticipates hexangular or octagonal. We've included some product information. The cost of the structure itself includes the construction and all the components. It's \$18,000 and some change, depending which one you select. This one is a much more cost effective one. We've used other gazebo's in other areas and the kits they come in range from \$25,000 to \$50,000 before you even get on the site. Her office did research and the details are in the packet. The company offers to bring pieces of their work so you can see. They are not cheap, but it's a good functional gazebo. The gazebo could add a lot to that park and it is an expense you should consider. Mrs. deLeon said isn't there a proposed pavilion at the Kingston Park? Mr. Cahalan said at Kingston and Polk Valley Park. Mrs. deLeon said she wasn't aware it was going to be that expensive. Ms. Stern Goldstein said a lot of times, the large open pavilions you see, they are \$50,000 and up, and ones that have the restrooms and snack bars are well over \$100,000. For a gazebo by itself to function by itself, it's reasonable. Mr. Maxfield said did you compare the cost of the gazebo to a regular pavilion; does the radial nature make them more expensive? Ms. Stern Goldstein said it's the craftsmanship and the detailing. She does have the price list. The simplest one they have is the Summer Haven Gazebo and it has steel columns, you are still \$19,000 without adding the benches and rails. Mr. Kern said who would we get to construct it? Mr. Cahalan said because of the cost, we may have to put out a bid. Mrs. deLeon said each park has it in their budget? Mr. Cahalan said no, we didn't put in the special allocation for this. This is just something that is still in the concept.

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There is funding in there for park improvements. The idea here was to talk about some sort of structure like a gazebo. The topography of the park is not amenable to putting a flat type of thing in there with a concrete base. We were thinking of a smaller size shelter for park goers. We want something that is of low maintenance and not subject to vandalism. We can come back with some other recommendations. We have to think about the concept and the location. Mrs. deLeon said how this all got started, it was the first summer the SVCC had a planned recreation for the kids. Years ago when she asked for the Homestead to be included, we didn't have the Art Gallery, the Conservancy had offered the use of the Homestead and she thought what happens when it rains. Then the kids went across the street to Water Street Park. Maybe if they had a gazebo, it would work in better. She said something to Jack and the Parks and Rec Board thought it was a good idea. The problem she has is on the map, why did they choose that location? Mr. Cahalan said they wanted it to be not too far back and they also had to keep it out of the flood plain area, so it had to stay further up the hill. The other thing is its close by the paved walking trails. We could make this ADA accessible. Mrs. deLeon said there's a 15 year covenant on the site and she doesn't think the PHMC would let you put on a modern structure on the property. She was out looking at the site today and when you come off the path, there's two paths and a clump of trees and two areas where there's a clearing and the first one is where you drew your circle, but a little bit away from that is another bit of an area before you get to the grass between the two paths. Ms. Stern Goldstein said one of the constraints they had on the site, if you look at the property line, the area they thought the gazebo would go the best happens to be land that according to the information they have, isn't owned by the Township. That's the area that makes the most sense for it. Mrs. deLeon said could we do a lot line change with Society Hill? Attorney Treadwell said you could if they agreed to it. Mrs. Yerger said there's always people walking around that site. Mr. Kern said why would they object? Let's find out. Mrs. deLeon said it's beautiful out there to go for a picnic and sit under something with protection. If you continue straight, and where the two picnic tables are chained to the trees, would that be too far away? Ms. Stern Goldstein said we need to have it fairly close to the path. If we don't, we're getting more difficult with ADA access. We'd have to create a path to it anyway, but the grade is changing there. The area that does make the most sense, isn't owned by the Township. Mrs. Yerger said the area you were talking about, there's no problem with ADA? Mr. Cahalan said no. It's east of the detention basin. Mrs. deLeon said the only down part would be the ratio when the plan was approved, they were real tight there. Would there be a way to take away and redraw the lines. Mr. Cahalan said we could talk to them about changing to lot line. We are doing the lawn there already. Mr. Maxfield said at one time, the area with the elevation mark, Society Hill thought they owned at one time. We talked about trading that section for a section down where the limestone cliffs are. Right now we have floodplain land that we can't even get through. We were looking at that, but at the same time that area might be another area to put consider to put a gazebo in as its already wide open and it is probably accessible for machinery and we could put some plantings around if we had to. If we were going to talk to them at all about shifting lot lines, he'd like to try to acquire that area you are talking about next to the path and trim down that open area and still try to acquire some of the limestone cliffs in there. He doesn't know why Society Hills wants those as it's an 80' drop off the cliffs. Mrs. deLeon said in August 1988, that was Society Hill's carbonate geology maps, and they are very interesting and she doesn't think the Township didn't want that area because of safety areas. Mr. Maxfield said let's try to straighten out that line to give everybody a little bit. He thinks Society Hill would love to have a little bit of that area that has the elevations on it and we would love to have the part right above it and we could do some nice connecting of the trails from Cobble Creek into this area from existing areas if we had some limestone cliff area. Mrs. deLeon said back when they were looking at Society Hill and she was new, she was calculating the acreage they were giving us for their open space rec requirement, she couldn't understand why it included flood plain and they were including that in the total. It says it wasn't supposed to be included and it said it was supposed to be good land and buildable land. Because of that, we have Southeastern Park because that was given to us. The total of Southeastern Park and the 14 acre along the Saucon Creek was what Society Hill gave us for their open space rec contribution. When you say it's floodplain, they did give us additional

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land that was developable and not floodplain. Mr. Maxfield said we have additional developable land, but the land we have here is a liability now. We can't get into it. If someone gets hurt, we are liable. It would be a nice little natural area. Kids use it already. Mr. Kern said what is the specific direction to our Solicitor and to Mr. Cahalan? Attorney Treadwell said we have to talk to Society Hill first and see if they are interested in swapping it out. Mrs. Yerger said maybe they can put the gazebo in a more opportune location for everybody. Mrs. deLeon said there is money in the account. Mr. Maxfield said the lot line change would benefit us no matter what because of clarity. The money for the gazebo is another issue, but at least we have another place for it. Before we talk to them, let's have a good idea what we want to present to them as a trade. Maybe we need to go back and look at Society Hill maps and check where the line goes to that whole thing. Mrs. Yerger said why doesn't Staff come back with a proposal as far as changing the lot line before we go to Society Hill.

Mr. Kern asked if anyone in the audience had any comment? Mrs. Segaline said she had a question about the size of the gazebo. How many feet is it estimated to be? Ms. Stern Goldstein said it was going to be an 18 or 20 foot gazebo. Mrs. Segaline said was the idea behind it to accommodate a couple of picnic tables? Mr. Cahalan said the indication he gave to the Planner was to see if they could get something that we could get two picnic tables in. Mrs. Stern Goldstein said it could be picnic tables, it could be benches around the perimeter. This type of gazebo isn't one you just put a standard picnic table in it, but ten to twelve people would be good. Mrs. Segaline said for one to accommodate 30 children, what size would be needed? Ms. Stern Goldstein said 30 children would be like 20 adults, if you want to do crafts and arts, this isn't the main objective if that's what you want. Mrs. Segaline said there are educational programs in the works and minimums size group would be 30 in a class. If we're planning on building something, we should accommodate the smallest group. If one class was visiting the property at a time, but sometimes there are two classes. Mr. Cahalan said what are they coming for? Mrs. Segaline said it would be for educational programs put on by the Conservancy. Ms. Stern Goldstein said if you are talking about instructional and they are standing, you could certainly get a whole class in there without a problem. Mrs. Segaline said she's envisioning a place where they could eat their lunch. Mr. Maxfield said you don't want a structure that is going to compete with the Widow's House, that structure is only 25 feet wide. Mrs. Segaline said we might be able to fit more people with benches around the outside. Ms. Stern Goldstein said a gazebo is made for people to gather in and people will sit on the benches on the perimeter. Pavilions are for seating for activities and getting out of the rain. Mrs. Segaline said those are issues already facing that land. There's a small group from Lehigh University that are going to be taking a tour of the property. Mr. Maxfield said in the summer is when it would get most of its use. Mrs. Segaline said the three seasons. Mr. Cahalan said the paved walkway isn't shoveled. You would have to make sure it was accessible. Ms. Stern Goldstein said they are used with historic structures and used for fund raising events. Mrs. Segaline said the oval gazebos are nice. Mrs. Yerger said what would that cost? Mrs. Segaline said she knows they make them. Mr. Cahalan said once you talk about picnics and events, you have to think about accessibly. This really isn't conducive to have someone driving up over the lawn. That's another restriction. You put something back there, it has to be accessible by foot traffic. Mr. Cahalan said we are going to work on the lot line and he will come back to Council with a recommendation. Mrs. deLeon said we need to be comfortable with line changes first.

D. UPDATE ON STABILIZATION OF BARN RUINS & ART GALLERY AT THE HELLER HOMESTEAD

Mr. Kern said the Saucon Valley Conservancy would like to update Council regarding the Heller Homestead Barn and art gallery.

Mrs. deLeon said we are going to be doing a test called a Dendrochronology test. We're hoping to find a good enough sample in the beams that are there and get a sample. We won't know until we

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start moving all the beams and finding the right one. That'll be for dating the barn. The Conservancy back in the beginning of the year interviewed consultants and we hired John Milner Associates. They are developing a plan for the stabilization. Peter Benton and Lori Alton will be working on the project. We've raised money in donations and received a grant to start the first phase. The recommendations from the consultant will comply with the Secretary of Interior standards for rehabilitation and guidelines for the treatment of historic properties and the code of guidelines and ethics for the practice of the American Institute for Conservation of Historic and Artistic works. PHMC will like that. JMA will be working with Keystone Hood Structural Engineers based in Philadelphia and they are experienced in structural designs with historical buildings. They worked with JMA for 25 years and will be coming out to the site with the scope of service to prepare the scope of work and masonry stabilization specifications. They will help us with the bidding so we hire the right person to do this. When this happens, it will be taken back to Council and you will see the process and then it will be sent to PHMC. We are constantly asking for donations. This is the first step, and we need to stabilize the barn ruins. She's not sure what that means in permits with the township, and she's hoping the township will do their steps and help them. Lee Weidner and Margie Segaline, two board members are present. This is very exciting. Mr. Kern said a few years ago, one of the suggestions you had with dealing with the barn ruins after they were stabilized was to turn it into a garden. Is that being considered? Mrs. deLeon said there's the ruins and there's the finished barn. Anywhere between the ruins and the barns, we'll go. First we need to stabilize it. We'll know when the structural engineers come. We need to then raise some money and are hoping a garden type theme would be the first phase and then go from there. Mr. Kern said right now, it looked like his neighbor's ruins and they had to do the stabilizing and the capping of the stones and they turned it into a treasure. He can envision that at the Heller Homestead with weddings and the gazebo. Mrs. deLeon said thank you for keeping the ruins cleared. We're doing the best we can. Money is getting tight, but at least we can stabilize the ruins.

Mrs. deLeon said regarding the art gallery, we wanted to put track lighting in and the scope of work was to include, but not limited to the following description of work. Four existing fluorescent light fixtures will be removed and existing conduit piping will be changed to accommodate new location of new light fixtures. The new light fixtures will be operated on the existing switching that is currently being used. The fixtures will be surface mounted consisting of four 8' tracks to be located. Each track will have centered surface mount, 300 watt transformer which will power a total of 500 watt fixtures designed to enhance the gallery art work. Three of the tracks will house four fixtures each while the fourth track will only have two fixtures. The lamps for these fixtures are MR-16-50 watt halogen bulbs. Three of the tracks will house three fixtures each while the fourth will only have two fixtures. All lamps are included in the installation and the tracks and fixtures that are installed will be necessary to be able to adjust the angle of the lamp and all work is to be performed by a licensed electrician in accordance with all township electrical codes. We did receive a grant and through the sales of our painting and other donations, we'd like to proceed with the project.

Mrs. Yerger said is this okay with PHMC? Mrs. deLeon said the first step is Council, then we have to go from there. Mrs. Yerger and Mr. Kern said as far as Council is concerned, they are okay with it. Mr. Kern would like to suggest a dimmer switch. Mrs. deLeon asked who would contact PHMC, the property owner or them? Attorney Treadwell said the Township can contact PHMC. She will send a .pdf file to Mr. Cahalan with the information with the lights and the tracks.

- MOTION BY:** Mrs. deLeon moved to have Council support the Conservancy's request for the installation of lighting in the Art Gallery and to contact PHMC for their approval.
- SECOND BY:** Mr. Maxfield
- Mr. Kern asked if anyone had any questions? No one raised their hand.
- ROLL CALL:** 5-0

E. PROPOSED PROJECT TO ADDRESS BAT ISSUES AT LUTZ-FRANKLIN SCHOOLHOUSE

Mr. Kern said Sandy Yerger would like to discuss a project that involves the Lutz-Franklin Schoolhouse which currently hosts approximately 100+ bats in the summer months. The plan would be to seal the building from the bats in order to protect its historical integrity and build a bat condo or install boxes to create new habitat for the bats.

Mrs. Yerger said today, Jack, Fran, Roger and herself went out to the Lutz-Franklin Schoolhouse. They had been informed earlier that there were bats taking residence up in the schoolhouse. As much as we appreciate the benefit of bats, it's probably not the best location for them to be living over the summer months. She contacted an expert and he will be closing off the building appropriately so the bats can no longer enter at this time of year because they left to go into hibernation and the house will be addressed and caulked and screened, and other issues from the inside will be taken care of to make sure the bats, when they come out of hibernation in the spring and they will not have entry into the schoolhouse. In order to provide them with other accommodations, there will be two bat boxes on the advice of the bat expert. He is drawing up some proposals for Mr. Cahalan. Mr. Cahalan said the expert talked about potential locations, one in the back near the privy and one over in the park. He looked up in the attic and he thought he would include screening up there. Mrs. Yerger said he will do a proposal for the bat boxes as well as the exclusion. When those estimates come in, the exclusions will be maintenance and we would like to move the bats out of the attic. The bat houses will not cost the township any money as the Heritage Conservancy has come up with a donor who will pay for the cost of installing of the bat boxes and paying for them. It's just a matter of making sure the bats leave. The other benefit to this will be that it will seal the house and reduce the cost of heating the schoolhouse for the Historic Society. Mr. Horiszny asked if the bat houses would be pole mounted? Mr. Cahalan said in your red folder, there are some pictures of what they look like. The expert will provide different examples of the houses. John Changer, the expert, recommends the ones you have in the folder as they are maintenance free and the bats prefer them. It's a very warm black metal box. We are benefiting the bats and taking care of the schoolhouse at the same time. The houses have to be south facing, close enough to trees. Bats are amazingly fussy. There will be one behind the schoolhouse and then another one in the Kingston Park area. That might increase the bat population in the area. Mrs. deLeon said if these are going on the property, you may have to write to PHMC as its part of the landscape. Mrs. Yerger said yes. Mr. Kern said he read the initial placement of the bat house has to be fairly close to the opening where they are going in and out. Mrs. Yerger said it will be close, and apparently, they have been going in and out all over the house. It's pretty much the entire parameter of the house.

VI. MISCELLANEOUS BUSINESS ITEMS

A. APPROVAL OF NOVEMBER 5, 2008 MINUTES

Mr. Kern said the minutes of the November 5, 2008 Council meeting have been prepared and are ready for Council's review and approval.

Mr. Horiszny said the question he had was a starting time, was that correct? He noted 7:05 PM. It has 7:17 PM.

MOTION BY: Mrs. Yerger moved for approval of the November 5, 2008 minutes, with corrections.

SECOND BY: Mr. Maxfield

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

ROLL CALL: 4-1 (Mr. Horiszny – No)

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B. APPROVAL OF OCTOBER 20, 2004 MINUTES

Mr. Kern said the minutes of the October 20, 2004 Council meeting have been prepared and are ready for Council's review and approval. These minutes were never formally approved because there had been a problem with the transcribing equipment.

Mr. Cahalan said we had some technical difficulties with the transcribing equipment.

MOTION BY: Mr. Maxfield moved for approval of the October 20, 2004 minutes.

SECOND BY: Mrs. deLeon

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

ROLL CALL: 3-0 (Mr. Horiszny and Mr. Kern abstained)

C. APPROVAL OF OCTOBER 2008 FINANCIAL REPORTS

Mr. Kern said the Financial Reports for October 2008 have been prepared and are ready for Council's review and approval.

MOTION BY: Mr. Horiszny moved for approval of the October 2008 financial reports.

SECOND BY: Mrs. deLeon

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

ROLL CALL: 5-0

D. APPROVAL OF 2009 MEETING DATES

Mr. Kern said the proposed meeting dates for the 2009 Council meetings have been prepared for Council's review and approval. The dates will be ratified at the 2009 Reorganization meeting.

MOTION BY: Mr. Horiszny

SECOND BY: Mrs. deLeon

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

ROLL CALL: 5-0

VII. PUBLIC COMMENT/CITIZEN NON-AGENDA ITEMS

None

VI. COUNCIL AND STAFF REPORTS

A. TOWNSHIP MANAGER

➤ Mr. Cahalan said in your packet, he gave you some material that he received from the Borough of Freemansburg Solicitor. Attached to it are several pages of the gaming act. At a previous Council meeting, Mrs. deLeon requested on the gaming, that we have a meeting with Senator Boscola. We took that to the last Partnership meeting and we had a discussion and the consensus was we felt that representatives from the Partnership, at least from Hellertown and Lower Saucon, and we would ask Freemansburg Borough to go to the County Council meeting and bring up our proposal for the distribution of the gaming funds. After that, he attended a meeting with the four municipalities which are Lower Saucon Township, Hanover Township, Freemansburg Borough and Hellertown Borough and the representatives at that meeting all felt that it wouldn't be worthwhile to go to a County Council meeting at this point. One of the big issues is that the County Executive, John Stoffa, is out on medical leave and he's been our support through this whole process and without him we felt it wouldn't be fruitful. While we were at the meeting, the Solicitor

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from Freemansburg said he had done some research on the gaming act and it was his feeling from reading it, one of the sections points out that if the municipalities and he believes it is referring to us, that is the contiguous or priority municipalities, if we were to enter into intergovernmental cooperative agreements with each other, then he feels he could file a petition with the Northampton County Court and seek a declaratory judgment to determine how we can enter into such agreements and if the agreements are binding. If the court agrees with that, he feels we can then go to the County and have them distribute the money to us without having to go and apply for the funds. In order to move this process along, he has asked us to consider adopting a resolution, which is in your packet. The resolution reiterates what we have already said with our partners in this process and that is that we want these funds distributed on an equal share. If you adopt this resolution tonight, the first step would be Hellertown, Hanover Township and Freemansburg have to adopt it also and he's pretty confident they will. When that's completed, they will talk to Bethlehem Township to see if they are interested in joining with us and at that point, we felt we should go to Mr. Stoffa and talk to him about this process and brief him on it, tell him where we are with this interpretation, and at that point, we would consider authorizing Solicitor Fox if he's designated to do that, to file this declaratory judgment with the court and we'd wait to see what the court has to say. If it's positive, it would really move this whole process along and we'd be in a good position for the distribution of the funds once the casino opens up sometime next year, 2009. Attorney Treadwell will review this. The resolution just joins us together with the other three municipalities. Mrs. deLeon said did any other municipalities approve this yet? Mr. Cahalan said it came in too late for Hellertown Borough. Mrs. deLeon said she keeps reading "municipalities" and we have to be real careful as there are 38 municipalities in Northampton County. We always look at the five of us as the contiguous municipalities but it doesn't say that until you get down to the second paragraph where it says to the extent that Bethlehem Township contiguous municipality. That's the first time you see contiguous. Mrs. Yerger said you see that word in the first paragraph, first sentence. The definition is right there. It would be clearer if the word contiguous would occur more often. Attorney Treadwell said municipalities are a defined term under the first paragraph so you always refer back to the definition, which is contained in the first paragraph. Mr. Horiszny said No. 1 in the first section, municipality is not capitalized, the rest are, should it be? Mr. Cahalan said they will correct that. Attorney Treadwell said he hasn't reviewed it yet, and he has not done any research in looking into this. Mr. Horiszny said No. 1 doesn't make any sense. Mr. Cahalan said it gives all the municipalities an out if you want to. Attorney Treadwell said Bethlehem Township is not part of the municipalities defined in the first paragraph. They left them out on purpose. Mrs. deLeon said the imaginary money is going to start flowing in, who cuts the check then? Mr. Cahalan said the check that comes to Northampton County. Whatever they decide to do, we are saying we don't have to go through this whole grant process. His interpretation of the law is that we go right to Northampton County, 50% of the host fees are supposed to be put aside for municipalities with priority given to the contiguous municipalities. We just say whoever has it at the County, give us a check and they will split the whole thing up in five ways. We put a process forward to the County how it has to be done. There's a whole formula. Mrs. deLeon said what did Larry say about part of the law that has to be apply, doesn't the law say that too? Mr. Cahalan said according to this, we can bypass that whole process of going to an economic development authority and filing a grant. Mrs. deLeon said when you met with these other municipalities, Bethlehem Township was invited, but they didn't come. Mr. Cahalan said they weren't invited to that meeting, it was just the four of us. Mrs. deLeon said she thought the COG said they should be invited. Mr. Cahalan said we would, but this was a meeting with just the four of us. What we said we would do, when we move forward with this, we would invite Bethlehem Township to join in with us. The Mayor of Freemansburg said he has been trying to meet the Commissioners of Bethlehem Township to talk to them.

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Mrs. deLeon said she remembered at the COG that we would always invite Bethlehem Township and leave it up to them if they were going to come or not to the meeting. Mr. Kern said at the COG meeting, what was stated was at the meeting we were going to have with the County Commissioners, that we would invite Bethlehem Township to that, not the one on Friday.

**RESOLUTION #61-2008
JOINT RESOLUTION FOR INTERGOVERNMENTAL COOPERATIVE
AGREEMENT IN ACCORDANCE WITH SECTION 1403 OF THE 2006
AMENDMENT TO ACT 139, PENNSYLVANIA
RACE HORSE DEVELOPMENT AND GAMING ACT**

WHEREAS, the municipalities situated in the County of Northampton, Commonwealth of Pennsylvania, known as Lower Saucon Township, Borough of Hellertown, Borough of Freemansburg, and Hanover Township, hereinafter referred to collectively as the "Municipalities" exist as four of the five contiguous municipalities bordering upon gambling facilities located within the City of Bethlehem; and

WHEREAS, the elected representatives of the Municipalities are cognizant of the provisions contained in the "Pennsylvania Race Horse Development and Gaming Act," hereinafter referred to as the "Act", and specifically Section 1403 thereof which establishes the distribution of gambling gross terminal revenue, hereinafter referred to as the "Revenue"; and

WHEREAS, Section 1403 permits the Municipalities to enter into intergovernmental cooperative agreements, hereinafter referred to as the "Agreement" with other jurisdictions for sharing such Revenue; and

WHEREAS, the elected representatives of the Municipalities seek to enter into such an Agreement and have duly executed the present Joint Resolution in confirmation of such mutual action;

NOW, THEREFORE, IT IS RESOLVED AS FOLLOWS:

1. The Municipalities agree that Revenue acquired by the Municipalities shall be distributed equally among the Municipalities, commencing with the first payment, and continuing until notice from one or more Municipalities is received to the contrary.
2. To the extent that the Township of Bethlehem, a contiguous municipality, seeks an equal one-fifth distribution of Revenue, the Municipalities will not object to same. Should the Township of Bethlehem seek other than an equal one-fifth distribution of Revenue, the Municipalities will join together as necessary to object to such an unequal distribution.
3. This Resolution and Agreement, once executed by the appropriate representatives of the Municipalities, may be submitted to the County of Northampton to confirm that the Municipalities have reached an Agreement pursuant to Section 1403 of the Act.

In Witness Whereof, the parties hereto, intending to be bound hereby, have affixed their hands and seals this 19th day of November, 2008.

MOTION BY: Mr. Horiszny moved for approval of Resolution No. 61-2008, with the one correction.
SECOND BY: Mr. Maxfield

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Mr. Kern asked if anyone had any questions? Mrs. deLeon said was the meeting on the 14th to go to the legislators? Mr. Cahalan said your recommendation was brought to the SVP and their consensus was to go to the County Council. We took that to the meeting with the four municipalities and this appeared to be the direction the municipalities wanted to go in. We brought it back to Council to adopt the resolution. This is just one of the options that has been discussed. It seems to be the most promising. Going to the County Council, all the representatives felt that it would not be productive at this time. They are doing their budget discussions right now and Mr. Stoffa is absent. He is really the only one who has been shepherding our proposal. Mrs. deLeon said since the State Legislators are the ones that created this mess, that's why she suggested that it go to them. She would appreciate that comment being carried back to those meetings. Mr. Cahalan said he mentioned that he took her comment back, the night you made the comment about meeting with Senator Boscola. We said we would take that to the next SVP meeting. He repeated that the next SVP meeting, and stated Mrs. deLeon stated she wanted to meet with Senator Boscola. That was part of the discussion. The consensus from the SVP was to send representatives to the County Council. Mrs. deLeon said it wasn't taken off the table not to go to Boscola, it was just that this was coming up. Mrs. deLeon said she doesn't want it taken off the table and we need to keep it on the table. Mr. Kern said we can keep that option on the table but at the meeting of the four intergovernmental entities, the consensus was this is a shortcut that could work. Mrs. deLeon said that's fine, she understands how the process works. Mr. Kern said no it's Council's decision whether or not we agree it's a shortcut that could possibly work if it's going to go to Court. He thinks it's a good shot. Attorney Treadwell said the resolution refers to an intermunicipal cooperative agreement, is one of those in existence? When we have done these resolutions before, normally we attach the agreement as Exhibit A. Mr. Cahalan said Larry Fox believes this will suffice for that. Attorney Treadwell said okay. Mr. Cahalan said it's stated to enter into an intergovernmental cooperative agreement and he will tell the court we will adopt this joint agreement. Mrs. deLeon said there's no definition of an intermunicipal agreement. Attorney Treadwell said all he can go on is what he knows and what he's done in the past. If Larry says he's okay with it, then that's what we'll go with. Your adopting and signing a resolution from the Council of LST. There's not a document anywhere with four different signatures on it. Mr. Cahalan said he'll pass that along. Mrs. Yerger asked what the timeline was to present it to County Council? Mr. Cahalan said the documents will be put together in a filing Larry Fox would do. That's where he will file the request for the declaratory judgment. Mrs. deLeon said she thinks we need to have it really airtight. "Whereas's" are just statements. Mr. Cahalan said we have time to do that. We want to speak to Bethlehem Township and we also want to speak to Mr. Stoffa. Mr. Maxfield said can we initiate that form and pass it around to the other municipalities? Mr. Cahalan said he will get in touch with Freemansburg Borough and speak with them tomorrow. Mrs. deLeon said can we vote on this with a motion to include this agreement so we have the ball rolling with everything they would need. Attorney Treadwell said yes, if in fact, Freemansburg says we don't need an agreement, are you still okay with the resolution. Mrs. deLeon said she's not comfortable with just the resolution. Attorney Treadwell said if you want to add to 61-2008, subject to an intermunicipal agreement being attached as an exhibit, that's okay. Mr. Kern said you are asking for a document to be attached with all signatures. Attorney Treadwell said instead of having four or five that each municipality adopts, you have one document that everyone has signed. It can only help with the Judge. Council agreed.

ROLL CALL:

MOTION BY: Mr. Horiszny amended his motion for approval of Resolution No. 61-2008, with the one correction and have each municipality sign one document instead of four or five.

SECOND BY: Mr. Maxfield amended his second.

ROLL CALL: 5-0

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- Mr. Cahalan said on the historic marker that we have for the Meadow's Road Bridge, we need to get Council's decision on how you want to proceed with this. We gave you a prototype that was done by the sign company, the one we have outside here. He thinks everyone likes it. They did all the things we asked them to do. We have an invoice for them. They can do four of those signs...the Meadows Road Bridge, the Redington Chapel, then there would be two other historic sites in the township that could be recommended and chosen and approved by the Council. Along with the signs are the matching 3" posts, the total cost is \$3,530.44. We want to give Sign Design Associates the okay if we are moving forward or go in another direction.

MOTION BY: Mr. Maxfield moved for approval of the design of the historic mark, four signs included for \$3,530.44.

SECOND BY: Mr. Horiszny

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

ROLL CALL: 5-0

- Mr. Cahalan said there's a resolution in front of you, 62-2008, prepared, and normally we would have an Executive Session to discuss this, but we are going to have the Session later, in order to settle this litigation, we need to make a payment of \$6,000 and we need a resolution approved. It's to move monies in the amount of \$6,000 from the contingency fund to pay the monies due for the settlement which is for earned unused vacation pay. Mrs. deLeon said shouldn't we mention the litigation. Attorney Treadwell said we were going to talk about it in Executive Session, so he can tell you what the resolution of the court case was, but because we switched the Executive session for after the meeting, this came up first. Mr. Kern said can we vote on this after the Executive Session? Attorney Treadwell said it's public record. We settled it in court on Tuesday and the settlement of the Martha Chase litigation was we agreed to pay her the pension number that we had stated at the beginning what the Township had owed her. We also paid her \$6,000 in accrued, but unused vacation time. He can explain more of the details in Executive Session. Mr. Cahalan said this would be to move money from unallocated funds in order to make that payment.

**RESOLUTION #62-2008
A RESOLUTION AUTHORIZING THE TRANSFER OF MONIES
FROM ONE TOWNSHIP FUND TO ANOTHER**

SECTION 1.

The Council of Lower Saucon Township hereby authorizes the transfer of monies in the amount of \$6,000.00 from Account #01.493.000 to an account to be determined by the Township Auditor. This payment represents the settlement of litigation between the Township and Martha Chase.

SECTION 2.

The Township Manager is hereby directed to make the necessary transfer to implement this Resolution.

RESOLVED AND ENACTED this 19th day of November, 2008.

MOTION BY: Mrs. deLeon moved for approval of Resolution 62-2008 to move money from unallocated funds in order to make that payment.

SECOND BY: Mr. Maxfield

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

ROLL CALL: 5-0

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- Mr. Cahalan said the painting at the Heller Homestead, he hasn't had an update. He knows the four Pella windows for the attic have been delivered and he's waiting for a date from Sobrinski Painting to when they are going to install those. On the work on the exterior windows this is still unresolved and he hasn't heard back from them. We reported previously that there was some work they missed on the glazing on the exterior windows where it was loose or missing, they did not replace that. In order to close that out when the attic window are in there, he'd like some direction on this. Weather will not permit them to come back and fix those windows. He needs to get some resolution to pay them off for this contract. He doesn't know how Council wants to handle this. He doesn't have a number of windows they missed. He is waiting back to hear from them. Mr. Kern said he'd be willing to go out and do a visual inspection of the missed windows and try to come up with some type of calculation of total windows versus missed windows and try to get some type of math going on that. Mr. Maxfield said we are still going to need an agreement on that with Sobrinski. They are still going to have to look at it. Mr. Cahalan said he will join Mr. Kern. Mrs. deLeon said she'd like to go along.
- Mr. Cahalan said the BRE Open House is this Friday, November 21 at 11:00 AM.
- Anyone who is going to go to Light Up Night in Hellertown, Friday, November 28 at 6:00 PM at Hellertown Borough Hall, let him know if you'll be attending.

B. COUNCIL/JR. COUNCIL

Mr. Maxfield

- He said he'd like to do the weed ordinance and have it to 25 feet. Attorney Treadwell said he will work on it.
- He said he'd like Council's blessing...he has a plan and would like to work with Glenn and Dan, and if Judy is interested in it, but he thinks it is time to look at lighting. Dan Miller has some real strong background and opinions about Bethlehem and their lighting when we were talking about their comp plan. He'd like to get their blessing to begin to work on and to look at the lighting.

Mrs. Yerger

- She said November 11, actual actions were taken. The first recommendation is recommending the naturalization of the Polk Valley Park. Judy and her staff did an excellent job of generating a proposal for naturalizing the storm water detention basins in Polk Valley Park. There's a few comments by the EAC to minimize the fencing around the existing basins and to make the triangular area along Polk Valley Road that was dedicated by the SVSD to make it stay as natural as possible. With those recommendations, we would like to figure out how we can move forward with those at a Township level. Can we have Council and staff take this proposal to full blown plans. Ms. Stern Goldstein said we can prepare the full blown plan from that and bring it to Council so you can see what it is. They will have cost estimates for the actual implementation to go with that. The cost you need to look at also.

MOTION BY: Mr. Maxfield moved to have Boucher & James prepare a plan for the "naturalization of the ponds and other features at Polk Valley Park".

SECOND BY: Mrs. Yerger

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

ROLL CALL: 5-0

- She said at the same meeting, they discussed the natural areas inventory update and our open space action plan. It was brought to our attention several weeks ago that the County updated their natural areas inventory in 2005 and designated additional areas in Saucon Valley that are worthy of preservation and as part of their natural areas inventory, we

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would like to take that information and have it incorporated into our current open space plan because they are not here. We'd like to have, as per our November 11 meeting, the LST Open Space Action Plan, be updated to include addendums of the following: description of the township's natural resources inventory as identified in the township comprehensive plan, a description of the county's natural areas inventory including the new areas they have designated, and a new map overlaying the township natural resource area inventory and the County natural resource inventory. That way we'll have a completed and updated inventory of the County and some of the new statutes we've done as well. Mr. Cahalan said we had discussed this at staff meeting, and we were talking about several steps and the work involved. Ms. Stern Goldstein said they prepared a memo. There were three recommendations. One was just update the physical map itself and reference itself. The heavy end was the way you would do it and technically update the whole plan and include all the narrative of the areas and the one we recommended was update the physical map, update the list of natural areas. Mrs. Yerger said our NAI has never been incorporated and that would be an addendum.

- MOTION BY:** Mrs. Yerger moved that the Township update the current LST Open Space Action Plan as per the recommendations from the Planner through the recommendation of the EAC of their November 11, 2008 recommendation.
- SECOND BY:** Mr. Maxfield
- Mr. Kern asked if anyone had any questions? No one raised their hand.
- ROLL CALL:** 5-0

- She said we also discussed the Exceptional Value (EV) Wetlands along the Saucon Creek and the EAC made a motion to the effect that they recommend that the LST Zoning Ordinance be amended to provide a 75' wetlands margin along the wetlands designated as Exceptional Value. Ms. Stern Goldstein said with the designation of EV, it has significances in that those wetlands have a higher quality and mean more to the environment. Unfortunately, in the state and federal regulations, there's nothing more protecting them except discharges need to go through another permitting process. It doesn't eliminate activities; it just makes people go through more steps to have any discharges into the wetlands. In LST, the concern isn't just discharge, it's disturbance too. Anything in those areas get into the wetlands, they get right into the aquifer. This is adding an extra width to the wetlands margin around the EV wetlands. She thought there were additional protections and she asked a friend and he said there really aren't federal rules for that. It's a local issue. Mr. Maxfield said that number wasn't picked out of the air. Mrs. Yerger did research and found that Tinicum has done it also for their EV wetlands. Mrs. Yerger said we need to update our ordinance to have 75' wetlands margin along the wetland areas designated as part of the EV. Ms. Stern Goldstein said as we do that update, we need to actually include the list or map of the streams and label them as EV. Mr. Maxfield said we may have to be a little more detailed as they have a square footage cutoff that our wetland cutoff goes much lower, and we might have to use another reference other than the County wetland map. Ms. Stern Goldstein said she was referring to certain streams that are labeled EV and those streams would be the ones we are dealing with the wetlands. Mr. Maxfield said there is a small section of the Saucon Creek that is called high quality, but there is no EV along the Saucon Creek anywhere. We were told it was EV on the East and Main Branch. Whatever wetlands they consider to be contiguous wetlands along both branches were classed EV wetlands without the stream being classed any higher. The East Branch doesn't even have a classification. We couldn't find one anywhere. It's not really the stream classification, it's the wetland classification. Mrs. Yerger said it came out of the Lehigh County Conservation District and that's why she directed Stacy Ogur to look there. Ms. Stern Goldstein said they had no information there. Mr. Maxfield said they are still classified as EV wetlands and that's a DEP classification

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and that's because there are EV wetlands and we've had so many flooding problems along the creek, especially the East Branch. Ms. Stern Goldstein said they talked to DEP and she will go back to them and get the number of the person she talked to. Mr. Maxfield said the one that is EV is in Bethlehem, not Lower Saucon, down below the Thomas Iron Works area. If you could find a classification for it, it would be more than we have. Ms. Stern Goldstein said if a classification exists, she'll find it. With your permission, she'd like to not draft any ordinance until all answers are known to your questions. She'll come back and report to you and will coordinate with staff.

- She said she has another request – she would like to have Mr. Cahalan have staff look into the parcel up on Cloverview. Has that been finalized? Attorney Treadwell said yes, we own it. Mrs. Yerger said she'd like to have Mr. Cahalan have staff look into retrofitting the detention basin up there and naturalizing it because that one we can not only improve its appearance through naturalization, but we can actually increase its functionality and put it back as a functioning wetland. It is headwater waters of the East Branch of the Saucon Creek. This is just to start the process and look into it. Mr. Maxfield said there may also be some disconnected piping up there according to our Open Space Committee. They found pipes that were disconnected. Mr. Kocher will find out. Mr. Cahalan said they will work on it and come back with a proposal.

Mr. Horiszny

- He said the Lower Saucon Authority (LSA) meeting last night, they got some preliminary information for the cold system on Redington Road, that five lot Reen Subdivision, and these are preliminary estimates, but they think it would take about \$342 per year per customer for maintenance of the system. This is the system we would own and the LSA would operate. They were trying to figure out what it would cost the customer (\$342 per year per customer) for operation and maintenance and \$1,399 per customer for capital costs and a big part of the reason is that the first big mound would be in the best location. Subsequent mounds will be larger and not as well located, therefore, more expensive, maybe twice as expensive. Brad Youst from HEA did some estimating and indicated if the developer put in \$125,000 up front, it would drop the customer's payment to \$437 per year for the capital costs and that means they would be at about \$408 per EDU and our normal cost is \$102 per quarter for our other customers. They'll be a big difference there. Attorney Treadwell said is the LSA going to forward that to him? Mr. Horiszny said he thinks they are getting ready to do that. Attorney Treadwell said he wants to look over it.

Mr. Kern

None

Mrs. deLeon

- She said on Sunday, they had their Fall lecture, and unfortunately, Ken Ranier wasn't able to be the speaker, so they had Frank Whalen from Lehigh County Historical Society speak on the French and Indian War. He did a great job and there were over 40 people in attendance. They were very interested and it was a good lecture. It was a joint venture with Lower Saucon Township Historical Society and the Saucon Valley Conservancy.
- She said a resident emailed her today with a complaint regarding how many subdivision signs do we have to see advertising. He said he stopped and asked the person putting up the sign and they can put them up on weekends, but they have to take them down. Mr. Cahalan said are you talking about the ones that just get stuck in the lawn? Mrs. deLeon said yes, for the development in Wassergass, advertising houses for sale. Mr. Cahalan said he'll talk to the Zoning Officer about that. He has a whole collection in the back of the Tahoe. Mr. Kern said what is the law or ordinance? Mr. Cahalan said if they want to put something up, they'd have to approach Chris Garges for a permit. Mrs. deLeon said to her, it's like a political sign, but these are 12 months a year. Mr. Cahalan said he will take care

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of it. Mr. Maxfield said there are a couple of real old development signs by the Giant where the light is for developments that aren't even in our township. Mr. Kern said on Old Mill Road where the development went in, there's still wooden pressure steps going up to where the trailer used to be. It's been five to seven years.

D. SOLICITOR

➤ Attorney Treadwell said there is an Executive Session after the meeting.

E. ENGINEER

None

F. PLANNING

None

**Council went into Executive Session. The time was 9:27 PM.
Council reconvened. The time was 9:40 PM.**

Mr. Kern said Council met in Executive Session to discuss litigation and settlement and potential property acquisition.

G. ADJOURNMENT

MOTION BY: Mr. Horiszny moved for adjournment. The time was 9:41 PM.

SECOND BY: Mr. Maxfield

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

ROLL CALL: 5-0

Submitted by:

Mr. Jack Cahalan
Township Manager

Glenn Kern
President of Council