I. OPENING

CALL TO ORDER: The General Business & Developer meeting of Lower Saucon Township Council was called to order on Wednesday, December 2, 2009 at 7:00 P.M., at 3700 Old Philadelphia Pike, Bethlehem, PA, with Mr. Glenn Kern, Council President, presiding.

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

PLEDGE OF ALLEGIANCE

ANNOUNCEMENT OF ANY EXECUTIVE SESSION (IF APPLICABLE)

Mr. Kern said Council met in Executive Session prior to this meeting to discuss several issues, one being the Kipp violation; the second is potential property acquisition with the Vanscavish property; third is an issue with Meadows Catering; and the fourth is the Williamson violation, as well as a personnel issue.

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.

Mr. Kern said we have some dignitaries in the audience. We have Representative Karen Beyer with us this evening.

III. PRESENTATIONS/HEARINGS

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

Mr. Kern said State Fire Commissioner Ed Mann is present this evening to recognize Se-Wy-Co Fire Company for achieving 100% certification in the Pennsylvania Voluntary Fire Service Certification Program.

Mr. Mann said it's an honor as State Fire Commissioner to be here this evening to make a very special presentation to your fire department. You, as members of the Council and members of the public, need to understand what this means, not only to you as the local government officials, but also to the citizens of the Township that the Se-Wy-Co Fire Company protects. In PA there are no laws that require a firefighter to have any level of training before they become a firefighter. It's left entirely, in many cases, to the Fire Chief to decide at what level his or her firefighters can be trained. Much less, we don't have a requirement in place that requires people to become certified. Sometimes people confuse being certified with the fact that you showed up and took a class and got

a certificate and now you are certified. This is not what this program is all about. His office is accredited by two national organizations that come to PA every three years and re-accredit his office and their ability to provide a certification program to the fire service in PA. What he's trying to say is he and his staff do not sit in the back room and dream this up. They are evaluated on their ability by two national organizations, the National Professional Standard Board and the International Fire Service Accreditation Congress who visit PA every three years to insure that they are following national standards when it comes to firefighter certification. In order for an individual to certify voluntarily as a firefighter in PA, to give you an idea of what they have to train for, before they can even take the written examination for firefighter - if you started in today's system, you would have to first complete a 166 hour entry level fire training program. Then you would have to complete a 24 hour hazardous materials program, and in addition to first aid and CPR as a minimum, and a 16 hour structural burn program before you can even sit down and make application to take the written test. As part of the application, there are several parts of the application that require you to do additional things. You have to do an evacuation plan for your home, etc., etc. Then you are finally given the opportunity to take the written exam. If you pass the written exam, normally the following day, depending on where you are doing your testing, you're then evaluated on your ability to perform certain skills. Those skills have to be performed to a national standard. Again, it's not something that he and his staff sit in the back room and cook up. It's something that's held to a national standard. The bottom line is this fire department has decided, voluntarily, that they wanted 100% of their active members certified to at least the firefighter one level. What does that mean on a state-wide perspective? We estimate on any given day there are 2,400 fire departments in PA. The Se-Wy-Co Fire Department is one of 39 in the entire state that is certified at 100%. We owe them a round of applause for that alone. What it means to him, as the Fire Commissioner, is one thing it should mean to you as citizens and members of the local government, that your local fire department has proven, both through written examinations and through practical skills, that they can compete at, or have been tested to a national standard, and that they cannot only talk the talk, they are able to walk the walk. Ultimately, it means better protection for your citizens, and overall should mean lower fire loss for you as a local government. It's all voluntarily and is under the leadership of the Chief and his officers. This is a pretty significant milestone. The other thing it does for the fire department is we have a grant program and as part of that grant program, if you have members of your fire department who are certified, you get extra points for each one of those people up to a maximum of ten. The more points you get when we calculate the grant awards, the more money the fire department receives. To give you an example, a fire department who requested $15,000.00 from the grant program with nobody certified got $9,500.00. A fire department who requested $15,000.00 who had ten people certified got $11,000.00 and change. It does make a difference even with the certification program. With having said all that, the Se-Wy-Co Fire Department the only one in Northampton County that is at 100% of their active members being certified. There's one department in the County at 50%, one at 75% and two at 10%. The most significant number is they are one of 39 in the entire state.

Mr. Mann and Representative Beyer presented Chief Barndt with a certification plaque. Chief Barndt said he'd like to take the time to thank this hard, dedicated team of volunteers. They are an awesome group of guys, and without them, this could not be done.

Mr. Kern said we have some other dignitaries in the audience. Senator Lisa Boscola is here, welcome. We also have Bob Mateff the Director from the Northampton County Emergency Management. Welcome. He'd like to invite any dignitaries at this time to say anything if they would like.

Senator Lisa Boscola congratulated the fire company for their dedication and hard work.

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

Mr. Kern said Resolution #73-2009 has been prepared recognizing Se-Wy-Co Volunteer Fire Company for achieving certification through the Pennsylvania Voluntary Fire Service Certification Program.

A RESOLUTION COMMENDING SE-WY-CO VOLUNTEER FIRE COMPANY FOR ACHIEVING PENNSYLVANIA VOLUNTARY FIRE SERVICE CERTIFICATION

WHEREAS, Se-Wy-Co Volunteer Fire Company is one of four (4) volunteer fire companies that faithfully provide firefighting protection to the residents of Lower Saucon Township; and

WHEREAS, Se-Wy-Co Volunteer Fire Company is composed entirely of citizen volunteers who dedicate themselves to protecting other persons and property in our community at the risk of their own health and welfare; and

WHEREAS, these volunteers, under the leadership of Fire Chief Tom Barndt, have over the past seven (7) years devoted countless hours toward achieving individual certifications in addition to their required training, emergency calls and their full-time jobs, leaving precious little time for their families; and

WHEREAS, as a result of their hard work and dedication to this task, Se-Wy-Co Volunteer Fire Company has become the first fire company in Lower Saucon Township and Northampton County to meet the rigorous qualifications and standards for 100% certification as a Participating Department in the State of Pennsylvania Voluntary Fire Service Certification Program; and

WHEREAS, the Lower Saucon Township Council is deeply appreciative of the level of commitment and dedication that it took the members of the Se-Wy-Co Volunteer Fire Company to achieve this certification.

NOW, THEREFORE, BE IT RESOLVED, that the Council of Lower Saucon Township, Glenn Kern, President; Thomas Maxfield, Vice President; Priscilla deLeon, Council Member; Sandra Yerger, Council Member; and Ronald Horiszny, Council Member; hereby recognizes and commends the Se-Wy-Co Volunteer Fire Company for achieving 100% certification as a Participating Department in the Voluntary Fire Service Certification Program.

MOTION BY: Mrs. deLeon moved for approval of Resolution #73-2009.
SECOND BY: Mr. Maxfield
Mr. Kern asked if anyone had any questions or comments? No one raised their hand.
ROLL CALL: 5-0

Mr. Kern said on a personal note, two nights ago, he had a chance to experience the response time of the fire department and it just kind of blew him away. There was an accident right at the end of his street on Old Mill Road where a car had flipped over on its roof. He was the first one to call 911 and could actually hear the dispatcher saying all units please respond. By the time he got a block down the road, he saw the first blue light on the roof of one of the vehicles and it just kind of blew him away. He appreciates all the fire company does and so does the rest of Council and the entire Township. They don't know the level of commitment and dedication that you guys have and the amount of training that goes into it. When he learned of it, he just couldn't believe it and he appreciates it.

Mrs. Yerger said unfortunately she had the experience of having to utilize the services of the five fire companies and Se-Wy-Co was one of them, nine years ago. She's been very acutely aware of

how important it is for that response time. The Fire Marshal said afterwards that they were probably about 90 seconds away from having the entire house implode and go up and the roof would go down and they would have been at 100% loss. As it was, we were at about 75% loss. Her family got out safely thanks to the fire crew. They even rescued her cat who was under the couch. You have her family's entire undying gratitude for the safety of her entire family along with the pets and the goldfish.

Mrs. deLeon said she's been around for a while and you guys have been great. You never cease to amaze her. They just do better and keep going. She commends and appreciates them.

Mr. Horiszny said he does somewhat know what they go through. They are really awesome and there are other departments in town that do try to keep up with them, and do a lot of big time training, a lot of effort and dedication and it's really great.

Mr. Maxfield said he hasn't had the opportunity to avail himself of their services, but if he does, he wants you guys.

Chief Barndt thanked the Township and the Council for their ongoing support to the emergency services. Without you, they wouldn't be able to make what they have here today. He spoke to the Commissioner on the way in here and he actually asked the question about the Township's support and Chief Barndt told him it is unbelievable. He wants to thank Senator Boscola and Representative Beyer for all their support over the years. He also wanted to thank Bob Mateff. Chief Rick Delmore from Hellertown came to support them also and Chief Barndt knows it's a goal of Chief Delmore. He's striving very faithfully to do it. He thanked everyone for their support.

Mr. Mann said he doesn't want to gloat too much about this, because if you do, they might decide to withhold support in the future, but he has to tell you, in his travels across the state and he gets into a lot of fire companies; after nine years, he still logs about 500 miles a month; he can tell you that there are a lot of municipalities in this state that if they would do half of what you are doing to support these fire departments within your municipality, his hair would be a lot less gray. When the Chief told him how you support them, it's fantastic to know. He wishes there were more local governments that would take emergency services and treat their volunteers as well as you folks do because they would have far fewer problems with the PA Fire Service if they had more local governments that supported their fire companies as you folks do. His hat is off to you and he would ask to please continue the support of the fire department as it tickles him to hear a Fire Chief finally tell him that he's happy with the support that he gets from his local government, so thank you. His hat is off to you and please keep it up.

Mrs. deLeon said she thinks they should write to PSATs and let them know about this wonderful event and maybe they'll do an article. Mr. Cahalan said he will write a letter.

C. <u>ORDINANCE NO. 2009-12 AMENDMENT TO CHAPTER 130, ARTICLE VI REGARDING INDUSTRIAL WASTE – PUBLIC HEARING & CONSIDERATION OF ADOPTION</u>

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.

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

Mr. Cahalan said this is being done as a result that the City of Bethlehem had to make changes to their disposal and discharge of their waste regulations and they had to submit those to the federal EPA. Before the EPA can formally approve the revisions, the City and the EPA must receive a copy of the ordinance from the municipalities that are served by the system. This ordinance has been prepared to amend our Chapter 130 so that we are consistent with those revisions and they can be sent on to the EPA for approval. Attorney Treadwell said it's on tonight for adoption at a public hearing.

Mr. Kern said does anyone in the Council or public have any comment or questions? No one raised their hand.

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

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

IV. DEVELOPER ITEMS

A. SCENIC VIEW – FLINT HILL ROAD – REQUEST FOR SPECIAL EXCEPTION

Mr. Kern said the applicant has requested a Special Exception in accordance with Section 180-100 B (3) in order to expand an existing non-conforming use by constructing an additional 4-unit apartment building.

Dennis Benner, attorney was present on behalf of the applicant. He said this applicant has submitted a request to the Zoning Hearing Board for a special exception. He's been to the Planning Commission a number of times. During that process that predated coming before Council this evening, the issues from a public health and safety standpoint are pretty much resolved or certainly can be resolved. They have a consulting engineer here this evening if the Council has any questions. Should a special exception be granted by the Zoning Hearing Board, then this process and application comes back to the Planning Commission and then back to you for a vote. That is an adequate process that is in place to give you comfort with any kind of a land planning issue that may be of concern to the Council.

Mr. Kern asked if Council had any questions? Mr. Maxfield said he'd like to hear from the consultants about their satisfaction. Ms. Stern Goldstein said they did review it as a site plan, not as a land development plan, as land development would be submitted later if and when the applicant obtains their Zoning Hearing Board approval. The last letter they have is dated November 11, 2009 and in that, to characterize it, they summarized what the plan submission is. There was significant relief being requested from the Zoning Hearing Board for special exception and variances and they are really the outstanding issues. They were very minor issues regarding site plan, but they are issues that could really be addressed when they get to land development – tree protection, tree preservation. There are ordinance requirements and right now with the site plan, they have not done full engineering drawings. When they do full engineering drawings and calculations if there is more grading than they think would be present right now when they do the plans, then they might need more relief later. It's something that the applicant will have to deal with. The issues tonight are how you feel about the application and whether, as Linc will tell you, you want to send it on with no comment or you want to oppose or support. The issues that are left are really Zoning Hearing Board issues.

Mr. Kern said you mentioned significant relief is being requested, how does that apply to us tonight? Ms. Stern Goldstein said it applies to you as any other application would apply to you. The significant relief they are asking is for relief regarding impervious surface. They are asking for relief for a different interpretation of the ordinance or if they don't get the interpretation they are asking for with regards to impervious, they are asking for a variance. They are asking for special exception for the additional units. Significant in that it's not a patio encroaching two square feet into a side yard.

Mr. Horiszny said would the development plans get fully involved with sewer and water, or will the site plan cover that? Ms. Stern Goldstein said the land development plans would be fully involved with that. The site plan shows what their intent is, but in order to do what they are proposing, it's more than one residential unit on a lot which would require them to do land development and those plans do require the detailed information requiring sewer and water, in addition to storm water, landscaping, the full land development.

Mr. Benner said what is before you this evening is whether you are of a mind to support, go neutral or oppose the zoning application in terms of the land development plan and all the issues that have been articulated. All those would have to be satisfied to the satisfaction of the Township for this application to go forward in any event. It is really isolated to your thoughts with regard to the Zoning Hearing Board.

Attorney Treadwell said the last time this applicant was before you on this same issue, Council raised the question that because there will be an additional 1.88 acres of impervious surface, Council had requested that the applicant provide a little bit more detail as to how the storm water would be handled since according to the staff's calculations, they are already over the amount of impervious surface that they would be permitted under today's standards. That was the last question Council asked the applicant to address. Mr. Benner said the short answer to that is what's being contemplated are seepage pits and putting roof leaders that direct storm water into these seepage pit areas and they would certainly be sized and calculated consistent with the requirements of any ordinance that you may have. The question may be what if there was a hurricane or some catastrophic event. In that regard if the areas that have been identified as a seepage pit, they can be swaled away from any other structure into an existing swale into a downstream swale and into a stream and would not affect any other structures on the property.

Mr. Miller said he would like to clarify that. It's his understanding that they were going with a cistern rather than a seepage pit. Mr. Benner said maybe he's not using the right term. (**COULD NOT HEAR THE ENGINEER MR. HUNSICKER)**. Mr. Miller said it appears they are attempting to address the ordnance requirements. It's HEA's belief they are not quite meeting them, but their intent is to do so. Mr. Benner said working with your office and Township, they can get to a resolution. Mr. Miller and Attorney Treadwell said they are fine with that assessment.

Mr. Kern said what's the desire of Council? Council took no action.

V. TOWNSHIP BUSINESS ITEMS

A. KINGSTON PARK DESIGN PLAN

Mr. Kern said Staff is requesting direction from Council on (1) the terminus of the paved path from Kingston Park to the schoolhouse; and (2) the width of the paved path section in the tree line between Kingston Park and the schoolhouse.

Ms. Stern Goldstein said the 8-1/2 x 11 plans that she put on each of your places at the table this evening is just a small section of the Kingston Park Plan and it's from the area of the proposed pavilion over to the Lutz-Franklin Schoolhouse. The connector pathway in the revised version is

proposed to be six feet wide for the entire length and its proposed to taper down to the width of the existing ramp up to the porch and then the current little loop that goes from the trail coming out from the road to the schoolhouse, the little loop that goes to the ramp is supposed to be eliminated. All the handicapped parking, if you recall, is going to be in the parking lot, so that's going to be the official accessible route. Mrs. Yerger said the path going straight to the schoolhouse is going to remain as is? Mrs. Stern Goldstein said yes, as is. There's no need to change that. It's not the accessible route. It certainly is functioning nice as it is. We really don't want to interfere with that.

Mr. Maxfield said the six foot wide path that is being proposed to the ramp, he knows the ramp is removable, he doesn't know what the occasion would be to remove the ramp, but if this is the only access coming from the parking lot at this point, and someone is on that path, if for any reason the ramp was removed, will it just be ground underneath where the ramp is or will the surface continue where the ramp is now? Ms. Stern Goldstein said it would just be ground under where it is and at such time if the ramp is removed, then that would be restored to whatever surface it would need to be restored to. Mr. Maxfield said temporarily removed. He doesn't know what the occasion would be to remove it. Ms. Stern Goldstein said when she looked at it, she thought it was actually removable as in the case that it's not concrete or masonry. That was her impression. She doesn't know what the intent was when it was put in. If it was to take a photo, then it could be removed and that surface would not matter. Mr. Maxfield said a question to the Historical Society is would there be any function where people are attending the schoolhouse where that ramp would be removed? Ms. Stern Goldstein said she has to caution you if you are having people gather there, you can't remove the ramp unless you have another accessible route into the building. The only time she could see it not being there was for a photo, not for a public event. Mr. Maxfield said so there is absolutely no need to put the surface underneath the ramp? Ms. Stern Goldstein said not in her opinion.

Mr. Horiszny asked what is the ADA width requirement of a path for the ramp? Ms. Stern Goldstein said four feet works, but for a landing, it has to be a five foot length for a landing. Four feet will work. You could actually go down to 36" for the ramp, but four feet is sufficient for the ramp and that's what we have here. Mr. Maxfield said five feet of perfectly level? Ms. Stern Goldstein said five feet not exceeding 2% in any one direction, so not totally level. That's about a quarter inch per foot drop which is 2% in rough terms.

Mrs. Sue Horiszny said she's representing the Historical Society. She has a couple of questions. The path coming through, if it comes through at six feet, you are going to have to take out some big trees. She thought we were going to curve it to go around the trees? Ms. Stern Goldstein said the note on the plan proposed a six foot wide trail to be field located to avoid unnecessary tree removal. They don't have individual trees plotted on the survey plan, so she didn't want to show a specific path for fear that you actually hit a tree then, so they have the general path shown with the note that it is to be field located and adjusted. Mrs. Horiszny said they are trying to prevent as much concrete surface as they possibly can. Ms. Stern Goldstein said we share that thought process and Township Staff shares that concept also. Mrs. Horiszny said they've been very supportive. You would prefer the path be six feet coming through rather than making is smaller? Ms. Stern Goldstein said in this case yes, because we could have large groups of people coming through. For instance, a bus load of children being dropped off and with the nature of the small size of the schoolhouse and the potential for having some instruction in the schoolhouse and some instruction in the park, two sections of classes would be passing on the path. Six feet is not that wide outside. We really don't want to have kids or adults being jostled place to place. We want it to be a comfortable experience. Mrs. Horiszny said they noticed when you dig for the pervious concrete that you are putting in the park, you go very deep. They were wondering when you go through the hedgerow, if you are cutting that deep aren't you going to be disturbing some of the root systems of the bigger trees and they are going to end up taking out more trees than they realize? Ms. Stern Goldstein said that's a real good question. It's one they discussed with Roger Rasich about what to do when you encounter tree roots, and it's really the matter of a sharp cut,

radial to the root, or perpendicular and having it be a clean cut. At that point, you can actually minimize a lot of the damage. The damage is usually done when roots are torn or shredded or pulled up or compacted. These are issues that they are addressing. There will be some roots cut, that's a given. The use of the pervious paving is much less intrusive to the tree roots and to the woodland area than the traditional paving because you are not compacting everything under it. You have the air pockets between the stone that conveys the water, they also convey oxygen. When you have total compaction and no oxygen, the trees suffocate and die. Mrs. Horiszny said do you prefer the pervious concrete versus a crushed stone? Ms. Stern Goldstein said a problem with a lot of the crushed stone is they are not ADA and if they get smooth enough or compacted enough to be ADA, they are not functioning as stone where water can go through. They are functioning as impervious because everything gets compacted and the water can't go through. Mrs. Horiszny said she noticed at Polk Valley Park the paths are a very light color. Is this going to darken with time as they are not excited about the chalked colored path coming through. Will it darken on its own? Can they darken it themselves? Ms. Stern Goldstein said yes, it can be darkened. She doesn't know what the Township wants to do with darkening it. When they saw the initial samples that Roger showed them before, there were different sample patches done and different methods of laying the concrete down. There are also some with an ad mixture which are those with a color. The problem with adding a color in or the ad mixture is that if you ever have to repair it, you never can match the color. That's the one drawback. She can't tell you if it will get darker or lighter over time. It is a material she's familiar with but it's an application of the material that, quite honestly, Roger came up with – extruding the porous concrete through the paving machine was something she was not familiar with until he came up with that about a year ago. Our engineer hasn't seen an application with the machinery either. Usually it's done with forms and it's very intense labor. Roger is extruding it through the paving machinery. Mr. Maxfield said organic growth will be on it. It has to darken. It can't be that pristine white. Ms. Stern Goldstein said she assumes it's going to darken, but she can't promise it as she hasn't seen it down for a long time. She believes at Polk Valley Park, it's a little darker than it was before. Mr. Cahalan said it's a light gray. Mrs. Yerger said it's not white, white. Mr. Maxfield said we also need to think about night visibility. If we darken it too much and blends in too much, we may lose our trail at night. It may be a little tougher for people who are challenged to see. We don't want it to be dangerous. Mrs. Horiszny said on the map it shows the paths in the park, six feet, except at the parking area they are making them eight feet. Her concern was that keeping this rustic rural park, we were going to end up with too much pavement in front of it because it's not that large of an area. Do you think it can handle the eight foot paths? Ms. Stern Goldstein said she agrees, it's not that big of an area. That was one of her challenges in dealing with the sketch plan, everyone thought we had too much room, and it's not that big of an area. She does believe it can handle that width of pathway. That width is the width that Roger can pass with the machinery and that's why they had to change it to that width also. Eight feet wide is realistic. It's a multi use trail and people can use that trail not just for visiting the schoolhouse, but as a park also. People can use that trail to walk, bike, etc. If she didn't believe it would work, she wouldn't have recommended that to the Township. Mrs. Horiszny said in Ella's Garden they have taken up all the topsoil, and removed it. When it's time to do all the plantings, more topsoil will have to be put back in there. Ms. Stern Goldstein said when a site is graded, or you change the contours, you have to remove the topsoil first and then do the grading or the topsoil comes back on again at the end. You can't change the grade by just moving the topsoil around. You have to take the topsoil out, grade the site and put the topsoil back on. It's being done correctly and she will make a note to add the right amount of topsoil back on. There's a detail on the plan showing how much topsoil. She and Dan Miller went through that a couple of times.

Mr. Fran Robb asked if there was some requirement that we have to have this pervious surface? They all think it's rather ugly. Ms. Stern Goldstein said there's no requirement you have to have pervious surface, but the requirement is you have to deal with storm water and the Township has made quite an effort to be more sustainable in the design of their parks and the Township properties and porous paving was one of measures they wanted to take. Mr. Robb said he understands that,

but they seem to treat this all the time like it's one single project and it's actually two. It's a modern park and a historic site. The amount of walkway that has to go in this site is rather minimal compared to all the pains you are taking with the modern park. We all think pervious concrete is pretty ugly. There are a lot of other parks around and they must be ADA compliant when you have federal funds assisting with the reconstruction of the canal tow path, which is compressed gravel type material. He still has a problem with the pervious concrete and the appearance of it in the schoolyard. Ms. Stern Goldstein said you are talking about the school yard property itself as opposed to the park? Mr. Robb said not the whole park. Sue was questioning the width of the trails in the whole park. Basically, we're trying to stay out of the park as much as possible. Ms. Stern Goldstein said she was looking at it from the trail to the park to the schoolhouse and keeping those materials consistent in all that's being proposed. It really is a Township policy issue as to how you want to treat that. They proposed porous concrete as that was the material being used throughout the park. It's a good question. Mr. Robb said they would possibly be happier with standard concrete, a gray color to be compatible with all the slate that is in the school property.

Mr. Kern said are you suggesting the path just on the schoolhouse property? Would it be different than the pervious on the rest of the property? Mr. Robb said he would imagine it would probably start at the junction of the path, but that's not a great distance from the junction of the path to the porch. Mr. Kern said from your experience, aesthetically, in a park like this, would it look better or worse to deviate from the pattern of the path? Ms. Stern Goldstein said from the perspective of being in the park, it's always better to have all of the material all the same. Looking from the schoolhouse property, they are looking from a different point of view literally. Mr. Maxfield said that's the first time he heard anyone call it ugly. Mrs. Yerger said she doesn't think it's unattractive. You may not be used to it. It's not any uglier or prettier. Mr. Robb said he thinks it is in terms of having it on a historical site. It's fine to go out to Polk Valley and see this. It's not in any way compatible with the historical nature. Ms. Stern Goldstein said you think regular concrete would be better? Mr. Robb said regular concrete stained a gray to make it look like slate would be a little bit more aesthetically pleasing and compatible with the amount of slate that's already used on the school for the roofing and the front step, the fence posts. That was a material that was historically accurate for the time. No concrete really is. The regular concrete as opposed to the pervious could be made to look more compatible. Mr. Kern said he can understand what he's saying, just in the school part area. Ms. Stern Goldstein said the only thing she cautions is if we start applying things to concrete to make it look like something else, it usually looks really fake especially if you are going to put a dye in it. Mr. Robb said so does the pervious. Ms. Stern Goldstein said it's true to its material, its porous concrete, that's what it is. When you try to make concrete look like a slate pattern, all you have to go to is the Promenade and see the squirrel eyes in the middle of what is supposed to be stone and it just calls out fake, not true to materials. She's a firm believer in being true to the materials, whatever that material may be. If you want something that's brick, you use brick, not something that is fake. If you are using paver, you use a paver that's not clearly looking like something else. Concrete, use concrete, but there are different finishes you can use. As far as the historical accuracy, there's a good point about using historical materials on a historic site, concrete is not one either though. Mr. Maxfield said concrete has an incredible history. It has been around since the time of the Roman's. Ms. Stern Goldstein said right, but not in the form as we use it today. Mr. Maxfield said no, not in the form as today, but some of the first concrete structures, concrete block buildings were built before 1900 in this country. Concrete, whether it's pervious or not, has that ability to begin to blend into the landscape as the time goes on, and it becomes a little bit more adapted to the landscape. This is going to happen with the pervious concrete. We just have to wait and give it some time. He doesn't think it's ugly. Mr. Horiszny said especially if a few black walnuts happen to be stored on it. They will stain it right away. Mr. Robb said the pervious concrete is being excavated to a depth of sixteen to twenty inches. Mr. Cahalan said that is correct. Mr. Robb said the other materials would not have to be excavated that deep to go through the tree line and would minimize the impact on the root system. Mr. Maxfield said normal concrete might have to go that deep to get down to the normal freeze line. Ms. Stern Goldstein said for a sidewalk or tree line you do not go below the freeze

line. You wouldn't have to excavate as deeply, but you'd have to compact it more. It's the trade off. It's not a deeper excavation, but it's more of a compaction and more disturbance in that way. Mr. Horiszny said if they hand lay the trail through the tree line, will it still have to be as deep? Ms. Stern Goldstein said yes, the depth isn't because of the width. The depth is because it's a porous material and there's a stone reservoir under the standard path. Mr. Cahalan said what if this was left unpaved with any material and just be left as a gravel surface and the Historic Society did a campaign to do commemorative bricks with the names of the students on the brick. Mr. Robb said he thought they had a problem with both bricks and slate as an ADA material. Ms. Stern Goldstein said bricks or slate could be ADA, it's a matter of how they are laid, and not having the gaps in the surface. Mr. Robb said are bricks laid in sand compatible or do they have to have a concrete base? Ms. Stern Goldstein said they have to be flush if they are in sand, which is the way she actually prefers them. They tend to pop more often than if they were on concrete. It is ADA compatible either way, it's the matter of maintenance and keeping up with that as they pop and get them back to the surface. It's a maintenance headache. This is a municipal project, and again, it's not your home. Mr. Maxfield said that will bring you with another material, you'll have brick, stone, and pervious concrete. Mr. Robb said that would have to go back to the board. Mrs. Yerger said if it's commemorative bricks, then that's time. Mr. Robb said the brick is not historically accurate for that property. Mrs. Yerger said who knows how long it would take to get something like that to be completed. Mr. Robb said he doesn't know how many of you have been out there since they started working, the new location of the path from the path to the schoolhouse through the tree line, you might want to take a look at it. One thing Judy has been doing is preserving the historic cooking pit, which they don't feel particularly attached to. That was a BBQ pit that was built in the 70's by one particular member of the previous Historical Society who grilled hot dogs and hamburgers out there on a Sunday afternoon. It's not of great historic value unless we want to memorialize Mr. Hoppes out there. It has nothing to do with the history of the original use of the schoolhouse.

Mr. Horiszny said is asphalt an ADA approved material? Ms. Stern Goldstein said yes it is as long as its applied properly. Mr. Horiszny said would it be deep as concrete? Ms. Stern Goldstein said if it was porous asphalt, it would be the same depth as the porous concrete. If it would be standard asphalt, it would be not need to be as deep. Mr. Maxfield said Roger said there were more application problems with the macadam than the concrete for some reason. Ms. Stern Goldstein said the asphalt plants have to close for a whole day to make a batch of asphalt without fines. If you aren't buying it in sufficient quantities, it becomes expensive. The cost of asphalt last summer was so much higher because of the petroleum. Mr. Maxfield said he totally appreciates her comment and from a design point of use of materials and truth to materials and he also likes unity in design. Even though Fran says these are two different sites, he appreciates that, but there is going to be a connection between these two sites. The materials will help to do that. The access will be there. There will be a transition from the one site to the other, but there will be a sense of unity between the two plots. It might be breaking us up a little bit and losing unity. He would be in favor of just going with the plan that is in front of us and using those materials.

Mr. Horiszny asked what the PHMC says about grounds, are we under their jurisdiction on what we do put down as a path? Do they say we can do whatever we want? Mr. Cahalan said we sent a notice to them and provided a copy of the plans of the pathway, at least the section that goes from Kingston through the tree line and into the front porch and asked them to advise them if they had any comments. He hasn't heard anything from them. Mr. Horiszny said the thought about leaving it at this point, wouldn't hurt? We are not going to do pervious concrete this fall anyway? Mr. Cahalan said no, we're just digging in the trails, laying down the geo tech style and putting the gravel in. Paving will be next year.

Mr. Maxfield said adding on to what he said before, he does think as soon as we get past the tree line or within the tree line, he would like to have someone observing the excavation there to make sure there isn't anything there of historic nature so that it's identified and saved. Mr. Cahalan

asked if someone from the Historic Society could provide that? Mr. Robb said he's out there most of the time, and he did stand by when they excavated the gravel pit so he would imagine he could do the same thing. Mr. Cahalan said he can notify Mr. Robb when they are doing the tree line. Mr. Maxfield said it could be coins or anything like that which could be of significant nature. Mr. Horiszny said what about the BBQ pit? Pave it over? Take it out? Go around it? Mr. Kern said is it interfering with anything? Ms. Stern Goldstein said she hasn't been out to the site in the last week? Is it interfering with the path right now? Mr. Robb said it's not interfering with the path. The path on this particular drawing was straight. It ran in a straight line. Now we're talking about having some curve to it. He was simply suggesting where it ran straight there was several trees, a couple smaller ones and one larger one that really wasn't that good of a tree anyway. It had quite a bit of damage on it. Where you had it on the original drawing, which was to the south side of the fire pit, the path probably could have gone through there with the removal of one six inch tree. He's simply suggesting if it helps in realigning the path, that we were not particularly concerned with saving the BBQ pit. It was an option to use that area as far as the Historical Society was concerned. Ms. Stern Goldstein said okay.

Mr. Kern said is Staff clear enough on the direction? Mr. Cahalan said they got the terminus at the ramp; they have the width which would be six foot from the intersection; and the surface material is pervious concrete.

MOTION BY: Mr. Horiszny moved for approval of the Kingston Park Design Plan.
SECOND BY: Mr. Maxfield
Mr. Kern asked if anyone had any questions or comments? No one raised their hand.
ROLL CALL: 5-0

B. <u>SPRINGTOWN HILL ROAD IMPROVEMENTS</u>

Mr. Kern said the Township Engineer and Director of Public Works are recommending that several improvements be made to the intersection of Springtown Hill Road and Kohas Drive to reduce the speeding of westbound drivers and improve the safety of the intersection.

Mr. Cahalan said this was something that Donna Bristol, who resides on Springtown Hill Road, had been in contact with the Director of PW about making some improvements to the road. He asked the Township Engineer to go out and do a field inspection with Roger. Following that inspection, the Engineer indicated that some of these improvements were actually contained in a subdivision plan that was approved back in the 1990's for the Kohas Drive development. Apparently, for whatever reason, they were never implemented. The three way stop intersection was not implemented. The intersection was supposed to become a T intersection with a stop bar and a stop sign on the Springtown Hill Road southbound, and a stop bar and a "stop except right turn" sign installed on Springtown Hill Road for traffic heading west. A new street light was supposed to be installed, but that was not. Brien has submitted a letter recommending that these changes be implemented. That is to make the intersection of Kohas Drive and Springtown Hill Road a three-way stop. This would entail the removal of some paving at the northeast corner of this intersection to encourage traffic heading westbound on Springtown Hill Road to stop at the intersection rather than coast through to the right; to install a street light at the S curve by the Bristol's driveway; and add additional chevrons on all the S curve locations. He wanted to bring this to Council's attention to approve implementing these improvements, which will hopefully, cut down on the speed of the traffic coming around the corner and the number of incidents that occurred primarily by Ms. Bristol's house.

Mr. Maxfield asked if there was a map he could look at. Mr. Kocher showed Mr. Maxfield a map.

Mr. Kern asked if there was a cost estimate? Mr. Cahalan said he can get you an estimate. Most of it involves just some additional signage and a couple of hours of work by PW.

Ms. Stephanie Brown said as someone who's lived with "Stop Except Right Turn" sign on their road for many years, they are dangerous and not necessary. People who should stop at them don't, as she almost got hit the other day at Skibo where it has a sign like that. People who are making the right hand turn usually stop. She's always felt they were dangerous and hoped that someone would remove that sign from that intersection. She wouldn't want to see the Township add any more of those signs. Mr. Cahalan said he said "Stop Except for Right Turn" in his comments, and that was incorrect, it will be a three way stop intersection.

Mr. Maxfield said if that changes any runoff patterns there and you are taking away the lower elevations, make sure you don't cause some sheet flow across the intersection, do what you have to do.

MOTION BY: Mr. Horiszny moved that we change the intersection, per the HEA memo dated November 25, 2009.
SECOND BY: Mrs. Yerger
Mr. Kern asked if anyone had any questions or comments? No one raised their hand.
ROLL CALL: 5-0

C. <u>ORDINANCE NO. 2009-13 – RAIL TRAIL ADVISORY COMMITTEE – AUTHORIZE ADVERTISEMENT</u>

Mr. Kern said Ordinance No. 2009-13 has been prepared to approve the Township's participation in a Multi-Municipal Joint Rail Trail Advisory Committed known as the Saucon Rail Trail Advisory Committee to oversee the initial development of the rail trail which connects the four municipalities and to provide ongoing direction for the operation and maintenance of the rail trail.

Mr. Cahalan said there are three documents that go together in the package and the intent is to formalize the Rail Trail Advisory Committee which Lower Saucon and Hellertown Borough have appointed representatives to. Upper Saucon and Coopersburg Borough still have not appointed representatives. The representatives and the Township staff from the four municipalities have been meeting on an informal basis. This ordinance is before you to advertise and that also accompanies the intergovernmental agreement for the creation of the Joint Rail Trail Advisory Committee and then they've also attached the Saucon Rail Trail Advisory Committee By-laws for the operation of the Advisory Committee. We anticipate that SEPTA will approve the lease for the Lower Saucon section at their board meeting which is on December 17. The other municipalities, once they get their approval, and they also adopt these ordinances and intergovernmental agreement and by-laws, then we will be fully up and running with the rail trail.

Mrs. Yerger said it looks like you got some encouraging news in regards to the High Street bridge. Mr. Cahalan said Council authorized sending a letter regarding the bridge. Frank Pazzaglia from the Advisory Committee was told that the letter had no standing because we had not intervened, but fortunately, the City of Bethlehem and DCNR are parties to it and DCNR sent in a document indicating that they would really push to keep the trail open. There is a process the state has adopted that they have to go through called a decision tree process. They said they would work through that to maintain this as a rail trail which is good news.

Mr. Horiszny said there is a typo on action 5 in the rail trail document. It's the first sentence, last word, which says "action may be necessary" and it should be "action may be necessary". Mr. Cahalan said they will correct it.

MOTION BY: Mr. Maxfield moved for authorization of advertisement of Ordinance No. 2009-13.
SECOND BY: Mr. Horiszny
Mr. Kern asked if anyone had any questions or comments? No one raised their hand.
ROLL CALL: 5-0

D. INTERGOVERNMENTAL AGREEMENT – FOR THE CREATION OF A JOINT RAIL TRAIL ADVISORY COMMITTEE

Mr. Kern said an Intergovernmental Agreement has been prepared regarding the creation of a Joint Rail Trail Advisory Committee between the Boroughs of Hellertown and Coopersburg and the Townships of Upper Saucon and Lower Saucon.

Mr. Cahalan said this is another document that the four municipalities must sign binding us together on the Joint Rail Trail Advisory Committee.

MOTION BY: Mr. Horiszny moved for approval of the intergovernmental Agreement for the creation of a Joint Rail Advisory Committee
SECOND BY: Mr. Maxfield
Mr. Kern asked if anyone had any questions or comments? Ms. Stephanie Brown asked if there weren't any representatives appointed from Upper Saucon at this time? Mr. Cahalan said correct and Coopersburg doesn't have any either at this time. Ms. Brown said what is the status with Coopersburg? Mr. Cahalan said Coopersburg has been participating with us. Their solicitors have been working with our solicitor reviewing the draft lease agreements and they were sending comments back to SEPTA. They are on board for approval for January. Ms. Brown asked what kind of time frame is there for Coopersburg and Upper Saucon getting on board with the representatives? Mr. Cahalan said that's up to Coopersburg and Upper Saucon to decide. Mrs. deLeon said if you think back many years ago, in the 90's, we tried to get the rails to trails thing going. Dennis Benner said yes, this has been a long time coming and this is what he had in mind when he developed Weyhill Woods. What you people are doing is wonderful.
ROLL CALL: 5-0

E. SAUCON RAIL TRAIL ADVISORY COMMITTEE BY-LAWS

Mr. Kern said the Saucon Rail Trail Advisory Committee By-Laws have been prepared and need approval from Lower Saucon Township Council and a signature by Council President.

Mr. Cahalan said Priscilla knows what it means to go through adoptive by-laws for a group. She's going through this with the Gaming Authority. This is just to set down some of the rules that the committee will abide by as far as funds, frequency of meetings, times, etc. Each party has one vote and there are some other housekeeping items in it. The acquisition and the disposal of property primarily has to do with the Advisory Committee acquiring not real property, but property such as office equipment and that type of thing that belonged to the Committee and if a member wanted to break off, there would a process to do that . That would also have to be approved by all four municipalities.

Mr. Horiszny said he has a correction where it has "an" and it should be "and". Leslie will correct the mistake.

MOTION BY: Mrs. Yerger moved for approval of the Saucon Rail Trail Advisory Committee By-Laws.
SECOND BY: Mr. Horiszny
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 NOVEMBER 18, 2009 MINUTES

Mr. Kern said the minutes of the November 18, 2009 Council meetings have been prepared and are ready for Council's review and approval.

MOTION BY: Mrs. deLeon moved for approval of the November 18, 2009 minutes.
SECOND BY: Mr. Maxfield
Mr. Kern asked if anyone had any questions or comments? No one raised their hand.
ROLL CALL: 4-1 (Mr. Horiszny – No)

B. APPROVAL OF OCTOBER 2009 FINANCIAL REPORTS

Mr. Kern said the October 2009 financial reports have been prepared and are ready for Council's review and approval.

MOTION BY: Mrs. Yerger moved for approval of the October 2009 Financial Reports.
SECOND BY: Mr. Horiszny
Mr. Kern asked if anyone had any questions or comments? No one raised their hand.
ROLL CALL: 5-0

VII. PUBLIC COMMENT/CITIZEN NON-AGENDA ITEMS

- Sandy Mort-Backauskas, 2040 Black River Road, said you stated you met prior to this for the Kipp and Williamson properties. She noticed this week that someone actually came out and made an accurate measurement, was it the Township that put the marks on the road? Attorney Treadwell said someone from the Township put a piece of tape on the road for measurement purposes after the last meeting. Ms. Mort-Backauskas said where the riparian buffer was, where we stated it was all along? Evidently the map that was submitted by Zoning at the last meeting wasn't completely accurate showing where the woodlands were? Mr. Cahalan said he disagrees with that. What we did was make a mark on the road so Council could go out and see the extent of the riparian buffer. The calculations the Zoning Officer made were correct from the beginning on the map. Ms. Mort-Backauskas said you are still stating there were no trees in there? Mr. Cahalan said he's saying the calculation for the measurements were correct. Ms. Mort-Backauskas said the grading of the property, the property prior to the disturbance, was in a northward direction towards the creek. It's now about a foot and a half high and it's in a southward direction towards Black River Road so the drainage will now go out on the road and not as nature intended it to, going towards the creek, which is the whole purpose of the riparian buffer for drainage. It's now level with the road. It was never level with the road before. Attorney Treadwell said that's the first he heard of that issue. They will look into it at staff level. This is not necessarily the forum to have those specific questions answered, but they will look into it. Mr. Horiszny said it went to the tributary, not into the creek, which would be east, not north or south. Ms. Mort-Backauskas said the tributary runs through her property and goes under Black River Road and then goes in between the Williamson and the Kipp property and then drains into the creek. It did go towards the creek, now it goes towards the road. You stated you met prior to this, was anything resolved? Attorney Treadwell said it was an Executive Session to discuss the litigation and he provided an update to Council on the litigation. Ms. Mort-Backauskas said then basically it's a moot point. The Kipp property is done? Attorney Treadwell said we are still working with Mr. Kipp and his representatives to see if there is a possibility of getting some trees or shrubs planted in that area. Ms. Backauskas said the Williamson property is just a legal issue at this point? Attorney Treadwell said the Williamson property is a legal issue and there is no update for the public at this time.
- Mr. Amos Kunkle said he thinks they should be briefed just like the Council was with regards to the status of the Kipp property. It should be public knowledge as to regards to where we stand so the citizens know what's going on in regards to the Kipp situation. Attorney Treadwell said he just

said they are working with Mr. Kipp and his representatives to see if we can get an agreement to plant some shrubs, trees, something in that area. Other than that, he doesn't have anything further. Mrs. deLeon said we have a right to meet in Executive Session. Attorney Treadwell said Council does, under the Sunshine Act, have the right to meet and discuss litigation in Executive Session and that is not necessarily information that they would readily disclose to the public. Mr. Kunkle said he thinks the grading issue is an issue that hasn't been addressed, unless you could tell him it satisfies the requirements. Attorney Treadwell said what he said earlier was they would look into it. This is the first time tonight that he's heard a question about the property being regraded in a manner other than how it was originally. Mr. Kunkle said it's supposed to be taken back to its natural state. Attorney Treadwell said at the moment the offending driveway has been removed and grass has been planted. Mr. Kunkle said the grading has never been approved by representatives of Council. Attorney Treadwell said Council would not approve the grading. That's why the Township staff would look at it. He will check into it as tonight is the first time he's heard that the grading may be different than it was originally. Mr. Kunkle said we are just asking to take it back to its natural state.

- Mr. Allan Johnson said a couple of meetings ago we talked about lowering the speed limit on Lower Saucon Road. Is there an update? Mr. Cahalan said the Township Engineer met with Chief Lesser and asked the PD to conduct a series of safe speed tests on the road. Those results have been turned over to the Township Engineer and he will be coming back to Council with some recommendations shortly on the speed limit. It will be on the agenda.
- Ms. Stephanie Brown, Meadows Road, said she has a question about the historic marker that is supposed to be up at the Meadows Bridge? How much longer are you going to be holding it hostage? Mr. Cahalan said the issue is that it has to be put up outside of the floodplain and that involves private property and we're negotiating with the owner to put the sign on their property. Ms. Brown said you told her that a couple of months ago and it seems to be dragging out and it doesn't seem fair or right that the taxpayers paid for the sign and it's still not up. Mr. Cahalan said as soon as we get permission from the property owner to put it up, we'll erect it. Ms. Brown said can you project some kind of timeframe? Mr. Cahalan said he didn't know. Ms. Brown said what happens if they don't want it on their property? Mr. Cahalan said then we have to look for another site; and hopefully, it's close enough to the bridge to serve its purpose. Ms. Brown said 2010 is coming up and that's when the bridge is supposed to be torn down, but she also heard it's been postponed until 2011. We can't really trust anything that is going on with the County. She's very upset that this bridge is not getting the historic recognition in the Township that it should be. She's been out walking a lot over the bridge and she doesn't know what the County did over the summer or recently, but they added more concrete and took some concrete pieces out and it just looks horrendous. Has the County updated the Township on what they are doing? Mr. Cahalan said the Township inquired about the work on the top of the bridge and we were told that it was milled and repaved. Ms. Brown said she's actually talking about the bridge walls themselves. Mr. Cahalan said he wasn't aware there were any repairs there. Ms. Brown said they are really bad looking. Mr. Cahalan said he can ask Tom Kohler for an update on the repairs. Ms. Brown said when Northampton County reorganizes in January, she will be there and she's looking for a lot of community support and is going to the various community organizations and asking for letters of support because it's time to bring this issue up again. Hopefully, with the bad economy, it won't get torn down. Between the stop signs that were placed there and the Meadows functioning as a restaurant three days a work, the congestion on the bridge is horrible; and this is 11 AM in the morning. One of the issues she's noticed is that first you put the two stops signs up on Meadows Road, but then with the third stop sign that has been added on the private driveway coming out of the Meadows, it just makes the situation worse. She's looking for is it a two way stop or a three-way stop as it needs to be marked accordingly. Mrs. deLeon said there are three stop signs there. Ms. Brown said one is coming out of a private driveway, does that make it a three way intersection? Mr. Cahalan said they didn't put the stop sign up. It's a private parking area and the owner erected the stop sign. Ms. Brown said people seem to think now that it's a three-way stop. There are already too many signs down at the bridge that takes away from the beauty of the creek and the bridge. We need the appropriate signage to state that the traffic on Meadows Road has a

right of way compared to traffic coming out of the Meadows. She's seen it one too many times that people coming out of the Meadows think that they have the right of way, even with that stop sign there. She doesn't want to see the bridge get hit and damaged. She assumed having two stop signs, you are supposed to take your turn going over the bridge and that's not happening. Mr. Horiszny said that's a good question, is it a three-way stop now or not because there are two stops signs on a thru street. Ms. Brown said the stop sign coming out of the Meadows property is after the one stop sign on the Meadows Road close to the Beardsley's and people assume it's a three way stop. It is, but she doesn't think it was meant to be. The traffic on Meadows Road should have the right of way. Mr. Cahalan said why is a three-way stop bad for all three drivers if they stop before they proceed? Ms. Brown said it's not bad to stop, it's bad because no one knows what to do. Mr. Cahalan said they are all stopping. Ms. Brown said everybody just kind of sits there and then goes at the same time. Mrs. Yerger said coming out of a private parking lot, anyone would understand about thru traffic. Ms. Stern Goldstein said the PA driver's manual tells you what to do at a stop sign and that rule applies whether that stop sign is on the private drive or the public street. You stop, you yield to traffic in the right of way and the driver who got there goes first, and if not, it's the one on the right if you arrive there at the same time. Mr. Kern said that's the answer to your question. Mrs. deLeon said the three-way stop, the third stop sign is on the other end of the bridge, and if you are not familiar with that road, you don't know there's two more stop signs. If you are in a low car, you can't even see as the hump is in the way. Ms. Brown said she requested signs be put up for the deer crossing which were put up. The one deer sign that was put up people see the sign and think the deer is going to cross right there, but the deer crossing is like a half mile up the road and there is no signage stating that even though she's seen it on other signs in the Township. Mr. Cahalan said there are three deer crossing signs on Meadows Road. They are spread out past O'Brien's Court all the way down past your house. They tried to select a wide enough area that would give people enough notice that there are deer crossing in that area. It encompasses a pretty wide area. Ms. Brown said on the Hickory Hill Road deer crossing sign it states underneath "next one-half mile". When it comes to the stop signs at Meadows Bridge, we need something that says it's a two way stop or a three way stop so there's less confusion and congestion. Mr. Miller said it's not a three-way stop. Ms. Brown said you'll then put the appropriate signage up saying it's a two-way stop? Mr. Kern said we have enough signs. Mrs. Yerger said if you ever go across High Street, that bridge is fairly one lane, but most people wait and there is no stop sign there at all. People there are courteous, they are not bashing into each other. Mrs. deLeon said if we can contact the County Executive and set up a meeting with their Bridge Superintendent. She'd like to be at that meeting. They need to hear from other representatives from the Township on the importance of the County's responsibility in saving a historic bridge. They just need to take care of a historic bridge. Mr. Maxfield said he doesn't think we are going to get anywhere. We talked to them before and it was basically you want the bridge, well you can have it and pay for it. We're talking about a County Council taking things out of their budget and he doesn't think they are going to care about historic bridges. Mrs. deLeon said the County Council will change in January, so the Council not approving the budget is not going to be the Council taking office. We didn't give up with the library and it's not something she's going to give up on. She feels it's worth another shot and she's willing to do it. Ms. Brown said she saw Mr. Maxfield's anger last night over the tax money and the money taken out of open space, she wishes he had that enthusiasm for the bridge. She cannot do this herself anymore. Mr. Maxfield said he just doesn't like beating a dead horse and we've been dealing with this bridge for a number of years, and Jack, and any of the Council members can tell you that the County is more than willing to give it to us if we are willing to pay $90,000 just to get it into a useable state, and if it falls down, we repair it and fix it. We're talking about millions of dollars to maintain that bridge. Ms. Brown said why do you need $90,000 to get it into useable state when it's being used every day? Mr. Maxfield said there was an estimate that came out a few years ago for immediate repairs to the bridge. When Mr. Birdsall was here, he said the bridge was in an imminent state of collapse which means because of the rubble construction of the bridge, it could go at any time. We've done what we can do to save this bridge. It is up to the County and if we want to try and contact the County, he has no objections to that to try to make them responsible. He just seriously thinks in the

real world, we are not going to get anywhere. Ms. Brown said this Township set a precedent when it took over County Bridge 16. Since we only have two county bridges in LST, it wouldn't be fair, right or ethical to let one bridge be destroyed while we save the other and that's what's going on here. She did write a letter, as per policy by the Township, about ongoing trucks on Meadows Road and she's wondering if her request to restrict trucks off of Meadows Road has gone anywhere? Mr. Cahalan said it was distributed to Council. Ms. Brown said is that being worked on? Mr. Cahalan said there is no work by staff being done on that. Ms. Brown said why not? She's not the only person who feels like this on Meadows Road that it needs to be restricted from truck traffic. Mr. Kern said he remembers previous reports that Stephanie provided from an organization that suggested it was more cost effective to rehab an existing bridge than to knock it down and build another one. That might be an avenue to approach. Ms. deLeon said she wants Stephanie to come to this meeting with us. She did do a lot of background work and she has the information. Ms. Brown said we had a civil structural historic bridge engineer come out and look at our bridge. This guy who was very well known and well appreciated for what he does in his work said there's no reason that bridge can't be fixed. He didn't say it was going to be cheap, but we have the County still using concrete on that bridge when they should be using lime putty. That's upsetting to her. Who is making the calls when it comes to fixing this bridge? Mr. Cahalan said the County has a consulting engineer for their bridges. Mr. Kern said that would be another good item for discussion on the bridge in January that when repairs are made, they should be done appropriately. Ms. Brown said the County Bridge Superintendent has wanted it torn down for years. Mr. Kern said if you can show him it's more cost effective to repair it, that would be a plus. Ms. Brown said will the Council look into her request to stop and limit trucks on Meadows Road? Mrs. deLeon said what you have to understand is if you put up a sign that says "no trucks", you can't restrict local deliveries, so you are still going to have trucks coming and going for local deliveries. Ms. Brown said she doesn't know how many places she's seen signs like that in Hellertown. We just want to keep it to local deliveries. Hopefully, that will cut down on the truck traffic and the illegal trucks going over it that are overweight. Mrs. deLeon said you still need the enforcement and if an officer isn't right there, you can't stop each truck. Ms. Brown said the Township has had a poor history of refusing to cite overweight trucks going over that bridge. That's something that is contributing to the deterioration of the bridge. Mr. Cahalan said that's your opinion. Mrs. deLeon said our officers have criteria. If they see somebody doing something, it has to hold up in court. Mr. Kern said he is going to have to ask Ms. Brown to move on, we've been over this before many times. Ms. Brown said is the Township going to look into restricting trucks on the bridge on Meadows Road as she sent the letter in August. Attorney Treadwell said the answer is "not at this time".

VIII. COUNCIL AND STAFF REPORTS

A. TOWNSHIP MANAGER

- Mr. Cahalan said you mentioned the County Council, and he has drafts of letters with two issues. County Council is discussing the 2010 budget. They have a deficit of about $7.3 million and the County Executive has proposed at tax increase and the County Council is looking for ways to cut spending to avoid the tax increase. Two of the ideas that the floated are to use the unallocated open space funding to fill some of that hole in the budget. The EAC last night met and discussed this and made their recommendation to Council that the Township Council write to the County opposing their plans to utilize the allocated open space funding to reduce the tax increase. There is a draft letter before you for your consideration. Mrs. deLeon said you are talking about both letters? Mr. Cahalan said regarding the second letter, we also learned that they are proposing to eliminate the position of the Environmental Services Coordinator. That's a position that was just filled about two years ago. The SVP was one of the groups who called on the executive to fill that position because the County had left it unfilled. There was actually no leadership at the County level on solid waste and recycling. That was filled by Tom Dittmar who was very experienced in these areas, brought a lot of expertise in recycling and environmental

issues and has worked diligently over the past two years to speak with the various municipal representatives, COGs and environmental groups, set up electronics recycling and household waste recycling events on a regional basis. They were trying to work with him to try to come up with a regional solution to the collection and disposal of yard waste. The County gets funding from the State to offset his salary and by eliminating his position to save $23,000 a year is a pittance in terms of the several millions in savings that they are looking for. He thinks it will have a negative effect on our efforts to move forward with recycling and solid waste activities on a municipal level. There's a letter to Ann McHale opposing the abolishment of that position also.

MOTION BY: Mr. Horiszny moved that we send the letter regarding the Environmental Services Coordinator to the County.

SECOND BY: Mr. Maxfield

Mr. Kern asked if there was any other discussion? Mrs. deLeon said the first sentence, "it is with some dismay that Lower Saucon Township and our Environmental Advisory Council", shouldn't it say Lower Saucon Township Council as we are the one that is authorizing the letter on Township stationary? Mr. Cahalan said they can fix that. Mrs. deLeon said she'd also like this on the SVP agenda for next week. Mr. Cahalan said the letter has to go tomorrow, and Hellertown will also be sending a letter in, but he will put it on the agenda for the SVP next week for an update. Mrs. deLeon said Tom Dittmar has attended a few of our SVP meetings and he's excellent. Our County is behind in these areas. She's been involved with the landfill since 1987 and the County is just not there when it comes to the landfills in our County. They are supposed to be taking an active role. There are a lot of plans that are sitting there collecting dust that he was trying to address. He's been a definite asset to the County. Please add the word "Council" after Township and make it stronger. Mr. Cahalan said they can make those changes.

ROLL CALL:

MOTION BY: Mr. Horiszny amended his previous motion that we send the letter regarding the Environmental Services Coordinator to the County, with changes.

SECOND BY: Mr. Maxfield amended his second

ROLL CALL: 5-0

Mr. Kern said next is the Open Space funding letter. Mrs. deLeon said the first sentence, "Lower Saucon Township Council on behalf of its Environmental Advisory Council", we are the top dog here and the letter should somehow say something like the first letter and then go on to say "at the Environmental Advisory Council's meeting last night". This will show them that you also thought it was important at your meeting. It just sounds like we are doing it because you asked us to do it. Mr. Horiszny said include us both. Mrs. deLeon said right. Mr. Cahalan said "Lower Saucon Township and the Environmental Advisory Council" are writing. Mrs. Yerger said that's fine. Mr. Maxfield said Council should be aware County Council did vote on getting rid of some of the funding for sensitive areas already, so we should address it knowing some of this is occurring right now. Mr. Cahalan said he can add that. Mrs. Yerger said she has a copy of the newsletter, so he can pull the information out of there. Mr. Maxfield said the Saucon Creek Watershed Association sent a really good letter addressing the same issue and he'll have them send a copy to the Township. Mrs. deLeon said can we cc the bottom to the Watershed Association? Mr. Cahalan said sure. Mrs. deLeon said if you could update the SVP at the meeting next week. Mr. Cahalan said he will update them.

MOTION BY: Mr. Horiszny moved that we send the Open Space Funding letter, as amended, to the County.

SECOND BY: Mrs. deLeon

ROLL CALL: 5-0

B. COUNCIL/JR. COUNCIL PERSON

Kimberly Kelly

- She said she will only be attending one meeting a month now just because her Junior year has been getting harder and exams are coming up next month. It's just been too much to balance both of them. You can email her the sheets and she can see if she can bring anything back on school on the meetings that she misses. She will be at the first meeting of the month. Mrs. Yerger said we have selected April 24th as our Electronics Recycling date for the Township. Please pass that information on to the school. We will be doing it with Springfield Township. Mrs. Yerger will email her the information. Mr. Miller said will that recycling be free? Mrs. Yerger said it will be free for everything except for old monitors. There will be a $10 charge for old monitors. They do not accept TV's or microwaves. You don't have to live in the Township.

Mr. Maxfield

No report

Mrs. Yerger

- She said last night, the EAC voted to move their meeting time to the second Tuesday of the month instead of the first Tuesday of the month. They want to notify Council about the change. Mr. Cahalan said it will be duly advertised.

Mr. Horiszny

No report

Mr. Kern

No report

Mrs. deLeon

- She said she hopes everyone had a Happy Thanksgiving.
- On Monday, December 7, the Saucon Valley Conservancy will hold their annual holiday gathering and reception for the Bethlehem Palette Club Plein Air Group from 6 PM to 9 PM. There are invitations on the back table. She hopes to see you there.
- She said regarding the Hellertown-Lower Saucon Chamber, they are having a holiday shopping spree and gift certificates are available at specific participating businesses.
- On Saturday, December 12 at noon at the Moravian Church they will have a mixer and get together and a drawing for the shopping spree.
- Regarding the landfill, at their last meeting in November, Allan reported there have been some changes with DEP in the budget cutbacks. They are hoping that's not too significant because of their ongoing reports and what's going on with the liner. They just sent a letter to DEP and are hoping that it gets responded to.
- Regarding gaming, she's on the Gaming Authority. They met on November 23th and the 30th, and they finalized the RFP which should be going out to both bar associations. They are looking for a Solicitor for the Gaming Authority Board. The RFP is available through the County's office. If anybody is interested, let her know. They are also working on draft by-laws. Local sharing gaming criteria with the scoring matrix and developing that and the application for the local share municipal grant application. The next meeting will be held on Monday, December 14th at 5:00 PM at the Courthouse. They most likely will be meeting on the fourth Monday of the month. Mr. Horiszny said do you discuss anything about table games or is it just the money coming from slots? Mrs. deLeon said they don't talk about table games and she has a funny feeling they won't be talking about table games. She thinks they are going to write the legislation that it's not going to go to them. It's going to go directly to the County, but she's not sure of that.

- Tuesday, December 8th, 9:30 AM is the County COG meeting in Easton. Dan Cohen will be speaking on the cable franchises.
- She asked if Mr. Cahalan heard anything back from Wise regarding the revisions? Mr Cahalan said not yet. He understood they were just going to correct the copy and then send it off to the PHMC. He will ask them to send back a final corrected copy.

E. ENGINEER
No report

F. SOLICITOR
No report

G. PLANNER
No report

Mr. Kern said Council is going to have a brief Executive Session to discuss personnel issues.
Kimberly Kelly left the meeting at 9:10 PM.

Mr. Kern said they met in Executive Session to discuss personnel issues.

IX. ADJOURNMENT

MOTION BY: Mrs. deLeon moved for adjournment. The time was 9:19 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	Glenn Kern
Township Manager	President of Council