I. OPENING

CALL TO ORDER: The General Business & Developer meeting of Lower Saucon Township Council was called to order on Wednesday, December 3, 2008 at 7:10 P.M., at 3700 Old Philadelphia Pike, Bethlehem, PA, with Mr. Glenn Kern, Council President, presiding.

ROLL CALL: Present –Glenn Kern, President; Tom Maxfield, Vice President; 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 Stern Goldstein, Township Planner. Absent: Ron Horiszny.

PLEDGE OF ALLEGIANCE

ANNOUNCEMENT OF ANY EXECUTIVE SESSION (IF APPLICABLE)

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

II. PUBLIC COMMENT/CITIZEN AGENDA ITEMS

Mr. Kern said for citizen agenda items – Council operates under Robert's Rules. What that means is during agenda items, Council will talk amongst themselves and amongst staff and the interested parties. At the conclusion of that, we open it up to the public for public comment. There is an opportunity for non-agenda items at the end of the meeting to discuss whatever your business might be. We do have a microphone and there are microphones up at the table. There is a sign-in sheet in the back of the room. Please print your name and address and email address. It is very helpful in transcribing the minutes. For those who want to receive emailed agendas, please give your email address to Leslie or Jack or call the Township office. Please state your name and address. If you can't hear, please let us know. You can check the minutes on the website, which is lowersaucontownship.org. Mr. Kern asked if anything was taken off the agenda this evening? Mr. Cahalan said two items were taken off the agenda, III.B. Overview of Community Day 2008 – Craig Medei, this will be on the agenda in January. Also, V.E. Discussion on EV Wetlands will be tabled to a future meeting.

III. PRESENTATIONS/HEARINGS

A. APPOINTMENT OF JESSICA NULL AS JR. COUNCIL PERSON TO THE ENVIRONMENTAL ADVISORY COUNCIL

Mr. Kern said The Township Manager is recommending that Jessica Null, a senior at SVSD, be appointed as Junior Council Person representative to the Environmental Advisory Council for a one (1) year term coinciding with the 2008-2009 school year.

Mr. Cahalan said he received a letter from Jessica. She indicated interest in being appointed as the Jr. Council representative to the EAC. He asked her to submit a letter of interest and that letter is in your packet. She talks about her studies at the school and her future plans for college, which involves around environmental sciences. He's recommending she be appointed for a one year term which coincides with the 2008-2009 school year. Jessica is with us this evening.

MOTION BY: Mrs. deLeon moved for approval for appointment of Jessica Null to the Environmental Advisory Council.
SECOND BY: Mr. Kern
Mr. Kern asked if anyone had any questions? No one raised their hand.
ROLL CALL: 4-0 (Mr. Horiszny – Absent)

B. OVERVIEW OF COMMUNITY DAY 2008 – CRAIG MEDEI

Taken off the agenda

IV. DEVELOPER ITEMS

A. ZONING HEARING BOARD VARIANCE

1. BRUCE & SHARON ROGORA – 2700 APPLEBUTTER RD. – REQUEST MODIFICATION OF VARIANCE #31-06

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

Mr. Bruce Rogora was present. He said they sent a letter to various people including the Township Manager, the Council President and Attorney Treadwell requesting that they are proposing rather then them planting the trees on our property, that they offer or propose to the Township that they give the Township the money it would cost them to plant the trees to beautify the Township property or for whatever purpose the Township feels beneficial to the Township. We gave a couple of reasons. Nursery professionals told them planting the trees might possibly destroy some of the existing tree roots and the shrubs and some vegetation has already grown and those could be damaged or destroyed by the equipment that would be needed for the planting of the trees. They would not guarantee that the trees would survive unless we water the trees. Since we have a four acre lot, it would be impossible to water the trees, since there's only one little well on their property.

Ms. Stern Goldstein said the amount seems a little less than she would expect it to be. She doesn't have the actual quote from their landscaper, so she can't comment on that. Based on the number of trees and shrubs, it seemed a little light, but without seeing the actual quote, she's not certain. Mr. Rogora said he had a copy of the estimate with him. He pulled something out of the paper about Red Maples, 14 feet, would cost $100 per tree. That's the purchase price of the tree. Ms. Stern Goldstein said when they are looking at the value, they are looking at the planted price of the tree with a required guarantee which is about 2-1/2 times of the purchase price. Mr. Rogora said that's the stake and planting price. Ms. Stern Goldstein said does this include the warranty that usually comes with the trees? Mr. Rogora said he didn't know.

Mr. Maxfield asked Ms. Stern Goldstein what her opinion was of the two concerns that were raised by the nursery professionals? Ms. Stern Goldstein said watering is the concern of every nursery professional every time a tree is planted. Water is an issue, and the more remote of a location, the more concern getting the water to the trees. That's valid, but the magnitude of its validity is up to judgment. The other one about disturbing existing things, that has gone on for quite a bit of time, and if things did grow since then, she really can't comment on that. Trees grow in forests all the time and grow happily with each others roots. Mr. Rogora said he's not saying they won't grow with each others roots, what he is concerned about is when they dig these trees as a ball on a 14 foot tree, that's a pretty good size. They have to dig down to make sure that the tree is deep enough and wide enough.

Ms. Stern Goldstein said it just takes extra care when they do it which would normally add to the cost of a planting. Both would add to the cost of planting the trees. Mr. Rogora said if our proposal is not acceptable, they will plant the trees as originally required. Ms. Stern Goldstein said at this point, it's going to be more difficult to plant the trees as we're going past planting season. Mr. Maxfield said they are suggesting the Fall of 2009, at the latest. Mr. Rogora said they will continue with the infiltration, but they were only talking about the tree portion of the variance. Ms. Stern Goldstein said the issue is one where you would like to see improvements done. If it's a fear or monetary amount, trees could be planted at other places in the Township and it's certainly up to this group.

Mr. Kern said it's not the Rogora's fault that this happened. It was the developer, but to be in compliance, they got caught in the middle. He'd see the best solution to have an expert go out to site, see what the condition is, and advise Council what the best approach would be. Ms. Stern Goldstein said best for the physical site would be to reforest it. Best for the township, overall, might not be to reforest it. What we are looking at is quality for the best.

Mrs. deLeon said you wouldn't want to make it worse. Ms. Stern Goldstein said the problem is they are stuck with a site which is very wooded. It was problematic because it was too wooded to build the improvements they needed to build their home and enjoy living on their lot. Although the plan was aggressive and they wanted it to stay wooded, it didn't really reflect the improvements that needed to happen on the site. To reforest it, is going to encroach into their outdoor living space which means they will really have no outdoor living area.

Mr. Maxfield said from the beginning, the way this happened, if money would have solved the problem, then a fine would have been issued and we would have moved on from there. The reason the ordinance exists and the reason the action was taken was because the physical environment was affected and could have had further compounded effects from it. We are talking about infiltration and all those kinds of things that were affected. He's not in favor of us just accepting money for it. The land was affected and there should be some corrective measures, whether there's extensive measures as it was originally proposed, that's one thing, maybe a compromise can be hit on that, but an acceptance of money is not the way for us to go. It doesn't set a good precedence. Attorney Treadwell said Council does not make the final decision. It's the Zoning Hearing Board (ZHB) condition that was imposed on the grant of the variance 31-06. The ZHB has to make the final determination that's in front of them. It's in front of Council tonight in case you want to take a position.

Mr. Maxfield said maybe we can come up with some sort of a percentage basis where a percentage of the trees could be replanted and the remainder of the money could be given to the Township for other projects. Mr. Kern said he'd think an expert should go back to the site and see what needs to be done to get it to the proper state to determine what that percentage should be. Ms. Stern Goldstein said the amount that would be needed to replace it has already been determined and that was the ZHB decision. She doesn't want us to get in a catch 22 situation. She doesn't want it to go full circle and waste another year. She'd suggest it depends on what the best is for the site, which would be reforestation. We're going with a reasonable site so they wouldn't have to plant millions of trees. That's best for the site in restoring it to what is should have been.

Mrs. deLeon said if we authorize you to go out and look…Ms. Stern Goldstein said they already went out and did a report. Mr. Kern said you just said the plan didn't make sense and you'd be restoring it with a plan that didn't make sense. Ms. Stern Goldstein said what we're looking at is the amount of violation and what was needed to reforest that number of

trees. They wouldn't have to plant them at the same places. It's the number of trees and they wouldn't go into those same places as they wouldn't have any place to live.

Mrs. deLeon said Mr. Kern was eluding to make it more realistic as the Rogora's were caught in the middle and to come up with some kind of compromise. Ms. Stern Goldstein said any of the ones they would come up with, the planting of it, if it was planted with guarantees, it's going to cost more than $10,000 that they have on their form right now. She's not certain, and doesn't want to speak for the applicant, but that is the number they are latching on to is at their expenditure for what they need to do. She'd hate to come up with something that would cost them more. Mr. Rogora said if he plants the trees himself, it's going to cost him substantially less as he can get the trees for $100. Ms. Stern Goldstein said you certainly have the right to do that. The Red Maple is going to be kind of small on the caliper. Mrs. deLeon said whatever we come up with, it is still going to have to go to the ZHB. Mr. Kern said yes, we are just supporting, opposing or taking no action. Mr. Maxfield said we can make suggestions. They are going to the ZHB before we have another Council meeting, so we have to do something tonight. Mr. Rogora said they are scheduled for December 15, 2008. Mr. Kern said all he's saying is do what makes sense. Mr. Maxfield said we aren't going to get an expert opinion, so maybe we should come up with a suggested percent. What if we were to suggest a 50/50 percentage – 50 of the amount of trees that were supposed to be planted. Mrs. Stern Goldstein said it was originally 44 shade trees which would go down to 22, and it was originally 15 understory trees which would go down to 7 or 8, and 44 shrubs, and you'd be down to 22. Mr. Maxfield said this is just a suggestion to the ZHB. They are going to do what they want to do. Ms. Stern Goldstein said having seen the site, there's room for a lot more, but you'd be reforesting. You can reforest , but if it was her own personal property she wouldn't as it will heal itself over time. Half would be very reasonable and would work. Mr. Maxfield said they could be spread out more like the original plan called for and root damage could be avoided. Why don't we recommend to the ZHB, 50/50 percentage of plants or money, or what they would see as an appropriate percentage for this site. Ms. Stern Goldstein said you can fit all the trees in, but it's like adding extra grains of sand to a bucket of sand. Mr. Maxfield said 50% you would consider reasonable? Ms. Stern Goldstein said yes.

MOTION BY: Mr. Maxfield moved to recommend to the ZHB, 50/50 percentage plants or money.
SECOND BY: Mr. Kern
Mr. Kern asked if anyone had any questions?
ROLL CALL:

Mr. Rogora said we would plant 50%, and 50% of that dollar amount would be given to the Township? Mr. Maxfield said yes. With 50% of the trees that are required, if there were concerns from the nursery about damaging roots, those could be spread out and be lessened and will give them a little bit more of open room.

Attorney Treadwell said does Council support the application subject to the 50/50 discussed, are you taking no position, but if the ZHB decides to grant the variance, you would suggest the 50/50, how are you going to frame it? Mr. Kern said we'd support it with the 50/50 suggestion. Mr. Maxfield said he thinks it would be no support unless there was a percentage involved. That way they would see we didn't support the blanket money. The request is for the replacement with money. Attorney Treadwell said that's the request the Rogora's will present to the ZHB. If the Rogora's are agreeable and agree to amend their ZHB application to 50% of the trees, 50% of the donation, then Council would support it. Mr. Rogora said we would plant 50% of these numbers, so it would be 22 shade trees, 7-1/2 understory trees, and 22 shrubs, and then we would give the Township half of $10,430.00 to be used for trees in the Township. Mr. Maxfield said we maintain a tree

fund for the Township and the money would go in there. Mr. Rogora said that's fine. Mr. Kern said so you'll amend your motion.

MOTION BY: Mr. Maxfield moved to amend his previous motion and support if the Rogora's will amend their ZHB application and suggest the condition of the 50/50.
SECOND BY: Mr. Kern amended his second.
Mr. Kern asked if anyone had any questions? No one raised their hand.
ROLL CALL: 4-0 (Mr. Horiszny – Absent)

2. KEITH LOMBARDI – 1676 FIELDVIEW LANE – REQUEST VARIANCE OF REAR YARD SETBACK TO INSTALL POOL

Mr. Kern said the applicant is requesting a variance of approximately 42' of the rear yard setback to install a pool and deck. They are proposing an 8' rear yard setback as opposed to the required 50' setback.

Mr. Keith Lombardi was present. He said his landscape architecture was not able to attend the meeting.

Mr. Maxfield said the nature of the zoning variance is you are required to have some type of hardship. Usually that involves minimal relief, so the minimal relief that will correct the situation for you, you'd be requesting the minimum. He can't tell from the aerial views or the plan, so he needs Mr. Lombardi to explain to him why there might not be another position on this lot where that setback could be increased and the pool still could be put in.

Mr. Lombardi said the lot is less than 2 acres. If you can note from the plot plan, it's sort of in a pie shape with the majority of the acreage being in front of the house. The area in question, in terms of where we had debated for four years before we moved into the house, is to place the pool where it looks like there is ground under repair. He showed the area to Council. They looked at other viable options, making sure they stayed in the area of the property. There was another possible option, but there were three concerns that were risen by himself, his wife, the architect and the engineers. There is a septic system that would have caused an immense problem, plus there were three huge trees which would have had to be removed. The biggest issue was there was really no viable location other than the current location. If you were to work your way directly back, about 120 yards, their nearest neighbor, the McIntyres, are there to the back of them. The farthest reach to the back yard is the Reithers, then there's an open corn field that another neighbor owns, which is about 300 yards from them. The rear setback issue is that the closest neighbor would be either Reithers from proximity, 50 or so yards, and the McIntyres are about 125 yards away. Mrs. deLeon said is this the farm house that went to the barn? Mr. Lombardi said this was the coach house, he showed the barn and the manner house. They moved into the property about five years ago and all the work, with the exception of the pool, had been done before.

Council took no action.

B. DRAVITZ SUBDIVISION – 2845 COUNTY LINE ROAD – PHASE I LAYOUT PLAN

Mr. Kern said the Developer is proposing two Final Plan phases to the conditionally approve single-phase Dravitz Plan; the purpose of Phase I, which has no land development, is to sell the two western open space parcels to adjoining property owners. Parcel A is proposed to be transferred to Weber (southwest), rather than to Seymour (south) as previously approved; Parcel B is proposed to be conveyed to Schrantz as previously approved. Township staff has prepared letters indicating

what they believe must be addressed prior to recording Phase I Plans. The Plan is here for discussion on whether the Township accepts this concept, particularly whether they accept the change in Parcel A ownership. It is the intent of staff to prepare a Staff Recommendation Motion for approval of the Phase I Plan pending drafting revisions as well as Township input received at this meeting. Terrence Smith was present representing the Dravitz Subdivision.

Mr. Kocher said the plan is not up for action tonight. The only difference from the Parcel A transfer to Weber rather than Seymour is it makes Weber's lot a little irregular and it did make Seymour's lot irregular, but it's going to be open space.

Attorney Treadwell said the reason it's on your agenda tonight is staff wanted Council to see this and that the transfer was going out to Weber as opposed to Seymour.

Ms. Stern Goldstein said their concerns are the ones they always have until the I's are dotted and the T's are crossed…the agreement, the deed restrictions, all of that.

Attorney Treadwell said no action has to be taken as long as everyone is aware that the transfer is going from one owner to another owner, so now they can finish up the plans and bring it back to Council when they are ready to go.

C. <u>AGENTIS BROS. – RT. 378 – REQUEST FOR SECURITY REDUCTION</u>

Mr. Kern said the developer has requested a reduction of security being held for the improvements relative to landscape plantings done at the site. Boucher & James has done an inspection of the plantings and Hanover Engineering will provide Council with the recommended amount for release.

Mr. Kocher said in addition to the landscaping, there are also due for some on lot improvements in PennDOT driveway, which is a separate letter. The amount they are due is $27,672.00. He's okay with that.

MOTION BY: Mr. Kern moved for approval, per HEA recommendation.
SECOND BY: Mr. Maxfield
Mr. Kern asked if anyone had any questions? No one raised their hand.
ROLL CALL: 4-0 (Mr. Horiszny – Absent)

V. <u>TOWNSHIP BUSINESS ITEMS</u>

A. <u>SADDLE RIDGE DEVELOPMENT STREET SIGNS</u>

Mr. Kern said Karen Langendonk, The Executive Director of the Saddle Ridge Homeowner's Association (HOA), would like to request that the Council consider granting its approval for the HOA replacement of street signs in the Saddle Ridge development. Staff has reviewed the specifications for the proposed street sign replacement and has advised Ms. Langendonk that they do not fully meet PennDOT street sign requirements.

Ms. Karen Langendonk, Executive Director and Jennifer Kline, Secretary were present from Saddle Ridge HOA. Ms. Langendonk said she was here in May and we discussed that you had approved the signs back in 1999 with the agreement that the developer or the HOA would maintain and pay for the maintenance and upkeep of our signs. She also talked about how they needed them to be reflective for our EMS, which is their main concern. Council and Ms. Langendonk talked about her getting a design, keeping with the integrity of their signs. She met with Mr. Cahalan and Mr. Rasich and was promptly told that PennDOT would only approve the green background with

the white lettering. She had a design done with black lettering at that meeting and told them she would go and have a design made with white lettering. Then her understanding was that Mr. Cahalan would only support what Mr. Rasich was recommending by PennDOT. They will only approve blue or green background with white lettering. We're a township street, 25 MPH speed limit, we're not a PennDOT state road. She did call the PennDOT engineering office and the lady told her under these circumstances, since they were a township street and 25 MPH, they would not have to have the green background with white lettering. Our design, and she agreed to have it drawn up, was to have the white lettering with a very highly intensive reflective material. This, she was told by Roger, is more than the Township puts into their signs. It would be on a flat surface. She showed how thick it had to be and the design with the white letters, which is a bolder print, and they talked about that at their main meeting. The green would be transparent, so the entire street sign would reflect and would easily be seen by EMS. The letters would be outlined. This is what was approved in 1999, going with the white lettering.

Mr. Maxfield asked her to explain the transparent or translucent nature of the background so that it does show through? Ms. Langendonk said looking at the sign, you can see the green and the reflective material. Mrs. Yerger said the durability is very high for these also and it looks like it wears well. Mr. Kern said the reflectivity issue is the main issue and it fits in more with the neighborhood.

Mr. Cahalan said what we are talking about when we say PennDOT won't approve them…we are talking about PennDOT sign standards that we were trying to uphold in the replacement. Mr. Kocher said the regulations have changed since 1999, but PennDOT actually went more towards the federal standards, so the sign manuals we have today, reflect the federal regs more than they did in the 90's. The regulation is very clear that all of the roads in the State, whether they are Township, County or State owned, must comply with PennDOT sign regulations. The sign regulations say for street signs, they have to be reflective and they have to have contrast between the letter and the background. PennDOT has gone one step further and said here's a street sign that will meet that requirement, and that's what is in your packet as PennDOT took that to the drafting table and said if you buy this sign, it will meet the intent of the regulation. They've done that extra step. That's not saying their sign doesn't meet the intent of the regulations, but if it's ever challenged, we are going to have to show how that sign meets the regulations as opposed to being able to say PennDOT has already sanctioned this. Mr. Maxfield said from what you said, it seems the main problem with that sign is the contrast? Mr. Kocher said correct. Mr. Cahalan said there's another issue. The sign standard talks about a 4" letter and what you showed us at the meeting was 3" or 3-1/2" so that doesn't meet the size standard. Mr. Kocher said the letter size is not a specific regulation. What PennDOT has said to assist our older drivers, we should have 6" letters, but if it's a slow drive down at 25 MPH, you can use 4" letters. That's not necessarily in the regulations, it's in their sign standard that say these meet the regulations. Mr. Kern said the letter size does not meet the regulation. Mr. Kocher said he's saying you don't have anything that you can pull out and defend those signs saying they meet the regulations. If the ambulance can't read the sign or the ambulance gets rear ended, because they slowed down to read the sign, we are going to have to defend that those signs meet PennDOT's regulations. Mr. Kern asked if they could make them 4" and a little darker? Ms. Langendonk said they won't fit. Mrs. deLeon said there's no grandfathering? Mrs. Yerger said she wouldn't think so since they are replacing them. The old ones might have been grandfathered. Mrs. Langendonk said it's considered upkeep and maintenance of our signs.

Mr. Maxfield said what were the options for the background color as opposed to the Verdigris? What else did they have, did they have a dark green or black? Ms. Langendonk said according to Roger, the black with the white contrast is off. You can't have that for a street sign, or a name plate for a street sign. She had a design with black letters and a white background and he said no. Mr. Maxfield said why would that be a problem? Mr. Cahalan said again, Roger was quoting from

the PennDOT sign standards and he said the two choices were the green and the blue background. Ms. Langendonk said Roger said there was a problem with the vision and people's attention which is what PennDOT says. People will drive down a road and will see a street sign and not a 25 MPH sign. Mr. Maxfield said the PennDOT signs aren't that attractive and if you would accomplish the contrast, the reflectivity, and the readability with the size, what else could we ask for. Attorney Treadwell said it will end up being in the end a liability issue. Some lawyer will say his client got in an accident because your sign wasn't good enough and we are going to have to prove that our sign was good enough and what Brien is saying the PennDOT sign is already approved by them. That's a given. We can walk in and say it's a PennDOT sign, it meets all the requirements. With this, we'd have to go farther and say it's not a PennDOT sign, but we think it meets the regulations. Mr. Maxfield said is that an unreasonable position to take? Attorney Treadwell said no, but you can't say it's unlikely that it will ever come up because it might. Mrs. Yerger said a lot of this started with an incident with Dewey Fire Company, have they seen these signs? Ms. Langendonk said she did ask them, and they sent her to Council. They said you have to go to the Township to change your signs. She came for guidance and wanted to keep the white letters.

Mrs. deLeon said these signs, are they a frame and you slide them in? Ms. Langendonk said yes, you slide them in. Mrs. deLeon said is there any way you can increase the font of the letter? Ms. Langendonk said she thinks they can get it to 3-1/2". Mrs. deLeon said instead of sliding it in, is there any way you can make a sandwich out of it? Ms. Langendonk said no. She couldn't attach them on the outside. It would be very costly to have someone come and rivet them in. Mr. Maxfield said is Sir Walters Way the longest? Ms. Langendonk said yes, she showed Council the sign. Ms. Stern Goldstein said black isn't reflective. Mr. Kern said white is. Mr. Maxfield said black absorbs light. He's guessing no matter who you ask, PennDOT or the Fire Company, that Verdigris does not give enough contrast with the letters, so it probably has to be darker than the Verdigris. Mr. Kern said the white reflective letters are fine at night, but in the daytime you need more contrast. Ms. Stern Goldstein said signs are usually a matter of taste. The reason for the signs and for the regulations is really for emergency access. In all municipalities she's been in, she's yet to get EMS to definitively say whether something is sufficient or not. It's that no one wants to be responsible for having the ambulance get to someone. The solution is let's get something that looks nice and functions, but that toggle switch on what does and doesn't function is really fuzzy. That's why we end up with the unattractive PennDOT signs. Mr. Kocher said are you going to replace the sign posts? Ms. Langendonk said no. Mr. Kocher said they are not breakaway and you should not have these in our right-of-way. Mr. Maxfield said the older Council approved these things. Mrs. Yerger said they are attractive, but we have non breakaway signs in the right of way. Ms. Langendonk said when Council approved them, were they attached to the developer's agreement, when you signed off? Mr. Maxfield said he wasn't on Council at that time. Mrs. deLeon said this all went to Planning Commission and it was a recommendation to Council and it went all down the steps. It wasn't like Council just made that decision. It was approved along the lines. Mr. Kocher said the information in your packet, only deal with the signs themselves. Roger Rasich is the one that raised the post issue. He's not sure if that's a conscious decision by any Council. It's just how they got installed.

Dave Langendonk, resident, said it seems if we could just agree and identify what the two or three key issues are, as there are constraints all over the place. The first one is Emergency Services, they have a hard time seeing the signs at night and we want to fix that. There's an issue about liability. If we could put some parameters around that and recognize it has some constraints, short of just taking the whole thing down and putting up galvanized posts with ugly green and white, which he's sure none of us want either. If we can agree what those two or three things are, Karen can go back and work with the designer, maybe darken up the background so it's a Hunter Green instead of the other green, get the contrast better, get the reflectivity better, and still allow us to maintain the sign the way it is. The HOA is offering to pay for the signs. The Township doesn't have to pay for any of the signs if we can reach a compromise so we can get the key things met. Mrs. deLeon said

she'd like the sign to be as close to the regs as possible because if there's a law suit, the HOA is not going to pay for the lawsuit, the Township is going to have to pay for the lawsuit. Attorney Treadwell said the liability may be there for other developments; this is one that's in front of you right now that you can fix if you want to. The only reason Council is considering an alternative to other than the approved PennDOT sign, because the HOA has requested it and offered to pay for it. If the Township was paying for it, we'd take down what was there and put up a regulation sign.
Mr. Maxfield said we have a list and see what we can get out and what we can't. Mrs. Yerger said we have to go back to the basics and go with the break away posts. If there is a real liability issue for the Township, then it makes everything else pretty much moot. She doesn't want to see these people go through all this work, and in the end it doesn't happen anyway because the post is the issue. We need to decide that one first. Attorney Treadwell said the minutes from May 21, 2008, the Director of Public Works is recommending the signs be replaced with PennDOT approved signs and poles.

Bob Fenowich, resident of Saddle Ridge, said he'd like to ask if these signs don't meet all the requirements of PennDOT, then why don't you change all the signs in the township that don't meet that code. Why pick on Saddle Ridge? We're trying to cooperate and make the signs better and safer. The Council for our Township should try to meet us partway with a sign that will do what needs to be done, and that's being more visible. Mr. Kern said the reason that it's before Council is the sign has deteriorated. That's why it was an issue that EMS couldn't see the sign and that's why we're listening to you. If he could make a decision, he would pick the sign Karen Langendonk showed everyone, but if we were to get sued because of that sign, that's an issue. Mrs. Yerger said yes, being sued is an awful thing, but if something happens because of those signs, that's a lot worse. The lawsuit is what comes after what an incident that may have occurred because of it. If those signs are going to be even indirectly responsible for an EMS guy not getting there fast enough, for someone's Mother dying, whatever issue, the lawsuit is a concern, but the first concern is are those signs going to be that detrimental so that the possibility increases for an accident to occur. She doesn't want to see anybody get hurt or get the response time that they need because of a sign. That's a judgment call, but we have to look at it. Mr. Fenowich said if you look at the sign posts throughout the State of Pennsylvania and throughout the Lehigh Valley, 99% of them would not meet that standard you are talking about. You know a lot of yours do not meet that standard right now. You're just as liable for each of those sign posts, so go out and replace those. Have some plan for the whole township and replace them one by one, but just don't pick out Saddle Ridge and say yours don't meet code. Mrs. Yerger said we didn't pick out Saddle Ridge. Saddle Ridge was picked out by an EMS organization. We didn't go up to your development and say those signs don't meet standard. It came about because of an organization citing it. Mr. Fenowich said those signs were approved by this Council. This is a maintenance issue. Mrs. Yerger asked Attorney Treadwell if the HOA could sign a hold harmless agreement for those signs? Attorney Treadwell said sure, they could. Mrs. Yerger said will they accept all the liabilities for those signs? Attorney Treadwell said they are not going to have enough money to back it up. Mrs. Yerger said would you be willing to do that? Ms. Langendonk said this all started as EMS had this problem. She knew it they had to be fixed and it was on their agenda and on their budget to be fixed. She went to the Dewey Fire Department and Leithsville Fire Dept. and said what if we fix those signs and make them bigger and bolder, they said go to the Township. She called Roger Rasich, Roger did not call us. Roger said okay, this is what's wrong with your street signs, along with your trees, with all the stuff in your neighborhood. She said she's not fixing anything but the street signs, so give me guidance on what needs to be done. The Township already approved these, so are we not grandfathered in from when the approval was done in 1999 to now? The agreement in 1999 was that we pay for maintenance and upkeep of the signs. She didn't need to call Roger, she could have just fixed them. Attorney Treadwell said this is not going to help this Township or this Council with a liability issue because whoever comes in and says the Township is responsible for whatever happens in your development, whether it be a car accident or some emergency vehicle doesn't get there in time, that individual is going to come back to the township and say you had a chance to fix

what was incorrectly done in 1999 and you didn't. Ms. Langendonk said she was going to do black lettering and Roger said the white lettering is more visible for EMS and it is reflective, and we talked in May, bigger bolder letters because our letters are fairly small. We wanted to make them bigger, bolder and intensity reflective. That's what she was told back last year by Roger. We talked about it in May – get a design that has the high intensity reflective. When she went to Roger, he said they have to be white letters. Attorney Treadwell said the issue for this Council, at the end, it is a liability issue. When you talk about taxpayer money to replace these signs or any other sign in the Township, Roger has a memo to Jack back in 2007 that says the signs are $78 a piece for a single and $132 for the doubles. To replace the signs, with PennDOT approved signs, it isn't going to cost you that much. The Township pays for putting the signs in, there's no labor charge.

Robert Desalvio, 1960 Velvet Trail from Saddle Ridge, said his property and his home and his wife was the subject of the EMS call that came out. As a resident, he certainly understands the issue of trying to get an emergency vehicle to a location. He supports 100% what Karen Langendonk is presenting today because of what is considered a reasonable standard. These signs were approved by a Council, for our development. We all bought homes within the development because of the tremendous appearance, the look and the feel, the community and the people who are in this development. This is one of the reasons we chose to live there. He thinks it's incredibly unreasonable to expect, rather than change the face of the sign to meet a reasonable standard for reflectivity and to make sure the EMS vehicles can get there, to now come around and say that we would have to now take down the signs and start all over. That is an unreasonable expectation on our development if you are not going to apply that same standard across the entire township. What Karen did was put together an excellent presentation, and great comments about if we could change the colorations to make the reflectivity even better, he thinks the community would gladly accept that. We didn't come here tonight asking for the signs to be removed. We came here asking for a problem about how to get emergency vehicles to the location. He'd like to make a recommendation that we go back to the drawing board with the designer, come back at a later date and show another version that would meet the expectations of the EMS folks. Unless you are going to hold the entire township to the same standard, then we would expect you go back to the entire Township and ask every non conforming sign to come down. It's very unreasonable to ask that of just one development. We didn't come here tonight asking for that one issue to be addressed. Mr. Kern said we didn't come here expecting to hear this tonight, so this is new information. If Attorney Treadwell is telling him that the Township is liable for an issue, that's something he has got to listen to. Mr. Desalvio said it's across the entire township. Mr. Kern said he understands that, but they are not dealing with the entire township, we're dealing with these signs that happened to have failed. Mr. Desalvio said all we would ask is that if you are going to ask us to remove those signs and replace them, that you ask every other sign that's non conforming in the Township, to also come down. If you believe there's a liability for the entire township, he would recommend that every non conforming sign come down. We would certainly then support it and cooperate like anyone else in the community. Mr. Kern said he's agreeing with you that a redesign of that sign would work. Attorney Treadwell said he's not saying you can't have a sign other than the one that PennDOT said is okay, unfortunately, anybody's opinion what may or may not be a reasonable sign, isn't going to help him in front of a Judge. Whoever is there on the other side, is going to have someone from PennDOT saying you shouldn't have done that. He's going to have something that's very close so someone can testify on behalf of the Township that this does meet the requirements even though it's not the exact sign that PennDOT wants. Mr. Kern said did you hear what he said, that's what you need to do.

Mrs. Yerger said her whole point is, this lady has gone through a whole lot of work and she appreciates what she has done, if we really, really believe that the post is a real issue, we just need to decide that. Mrs. Yerger doesn't want her jumping through more hoops if that is the reason. If it's an issue that has to be decided, then it has to be decided. If it's not an issue, that's great, she

can move forward and can redesign the sign and we can move on from there. She doesn't want it to come back and haunt us. That part of the decision has to be made now. Whatever way we go is fine. Do we really think that is a concern of Roger's? Once that decision is made, we can proceed. Is that a liable issue and cause for a liability to the Township? Is it these signs or all the signs of the Township? Somebody has to give us an answer on that. Mr. Desalvio said if we do nothing, the liability is already there. Attorney Treadwell said if you do nothing, at some point, whether it's this month or next month, next year and those signs are not readable, the Township will come in and replace them with the PennDOT sign. They will replace the whole sign. Mr. Desalvio said the first is the breakaway of the sign, and then the second is the readability of the sign. We need to treat those as different issues. If we can come back with a sign design that meets the reflectivity and contrast, we certainly would be willing to do that. He would also offer, as compromise, could we work with that designer and see if there's something to be done with the post to make it breakaway without making it galvanized steel. Mrs. Yerger said just as you were talking, you have all these communities that have done their ornate and are in the right of way, there's got to be something. She can't believe that none of those posts meet standards. There's got to be something then that one standard. Mr. Desalvio said if we can agree on those couple of things that we were trying to solve, and ultimately going to the galvanized steel post, none of us want to go there, so if we can get the reflectivity fixed and see if we can do a break away, and if we can keep the design integrity, does that seem okay everyone? Mrs. Yerger said absolutely. She didn't want any unresolved issues to come back next time when you come back with this wonderful sign. Mr. Maxfield said the pole needs to be examined by a designer to determine whether the top part is adaptable to a break away pole on the bottom. Galvanized can be painted. If that top part of the pole can't be adapted to some sort of break away structure, then there's no use going through it. Ms. Stern Goldstein said the beauty of it may be in exploring your options and looking for the break away pole. You are going to get a whole new pole, then you have a top that you can get to the right size to meet PennDOT standards, which just aren't PennDOT standards, but we're really talking the Federal standards. That would be the beauty of it if in fixing the break away pole issue, you wind up with a new standard. She sees signs all over the place, she specs signs all the time and she knows there are lots of very attractive signs with poles that are break away. Anything that has been designed in the last ten years or so is break away. At that time, you fix the size problem for the letters on the sign because you have a whole new sign post. Ms. Langendonk said it is not cemented in the ground. Mr. Maxfield said do you agree that the pole would be the first thing to look at? Why don't we just have their designer look at the pole, and come back and give us a report. Ms. Stern Goldstein said there are lots of catalogues. Mrs. Yerger said she doesn't have a problem with Roger going out and reconfirming it.

Frank Margolis, 2029 Velvet Trail, Saddle Ridge, said he's wondering when Dewey came, was there a concern about the break away post or the reflectivity? Mr. Maxfield said the reflectivity. Mr. Margolis said so if Council says we fixed the reflectivity issue, the other issue was grandfathered back in 1999, doesn't that provide any protection in a court of law that says they only brought us the reflectivity issue, we dealt with it, they fixed it, we worked with the people in neighborhood. We didn't go around town fixing every non break away post. We dealt with the issue that was brought to us by EMS. They didn't bring us the break away post issue so we didn't deal with it, so that gives you some form of protection as the sitting Council. Mr. Maxfield said safety isn't a grandfathered issue. Attorney Treadwell said unfortunately, the question will be, did you know about? The answer is yes, we knew about it and we didn't do anything about it. Mr. Margolis said you must know about every other non break away post in town, and you aren't doing anything about them actively. Attorney Treadwell said it's a similar issue to a zoning violation. You don't have your Zoning Officer running around the Township looking for zoning violations. When he sees one, and he presents it, he brings it to the Township and does what he needs to do as a Zoning Officer or it comes to Council. He doesn't go out and search for issues. As a Council and a Township, you made a policy decision that you don't want Township employees running around looking for problems in people's back yards. It's the same with the street signs. It

happened to come up here, and the top part doesn't meet the exact PennDOT regulation and the pole doesn't, and you know about it now. Ms. Langendonk said Roger does go out and inspect every sign, every year, that's why this came up in a memo that he sent to Mr. Cahalan last year because when she called Roger, he said he does an inspection of every street, every year, he drives them, and he looks at all the signs and takes notes. He's looking for trees when his snow plows go through, he's looking at every street, the curbs, and he knows which signs are break away and which signs aren't. He said he sent a memo to Mr. Cahalan and it says all this stuff about your neighborhood. One of it is your street signs. She said okay, how do we fix that? He said you call our guys and you have to have the green with the white. He does go every year. Mr. Maxfield said we are going to make the decision here as to what we do, regardless of what you've run into in the past. We'll make that decision, but if you cooperate and we find solutions, that will be better than dwelling on what happened before. He doesn't support the decision the old Council made, but we're here now, and grandfathering is not the issue when safety is concerned. Start with the pole and go from there, and then see what you can do. He was looking at the PennDOT requirements and they do have an example and they talk about below 25 MPH, 4" high for the upper case letters, green or some other background contrasting color as approved by the department. They have sizes for the letters and the white letters have to be reflective. Within those parameters, there has to be a design and a way to go with it.

Attorney Treadwell said we were under the assumption they were in the right-of-way. Roger says they are not in the right-of-way. They are on private property, so that becomes a private property owner issue if somebody hits a sign that's not PennDOT approved. If they are not in the Township right-of-way, it becomes your safety issue.

Mrs. deLeon said she was here in 1999 and she was one of the five votes that voted on this based on the request from the developer. It sounded like a good idea and they were neat looking signs. She doesn't know what you inherited from the development as your HOA, but the Township may have the specifications for those signs if they were part of the developer's agreement. If we approved them and the developer was putting them in, it might give you some insight on what they were.

Mrs. Yerger said it specifically says they are outside of the right-of-way. They are on your private property, it becomes more of your decision. Mrs. deLeon said that was a revision to an approved plan, as the original subdivision showed some kind of street signs as we would require that in our SALDO. Attorney Treadwell said he's looking at the minutes from November 3, 1999, and it says "Saddle Ridge developer requests to use custom street signs". Mrs. deLeon said did we approve it? Attorney Treadwell said you approved it. It was a 5-0 vote. Mrs. deLeon said that was a request from the developer and since it specifically says developer, what stage of the development process was it? Attorney Treadwell said he can't tell. Mrs. deLeon said are they changing the approved plan? Attorney Treadwell said he can't tell from what's in front of him. Mrs. Yerger said according of Roger's opinion, he's of the opinion it was granted by Council. Mrs. deLeon said she read the minutes from 1999, and it said the developer requested and for them to use the word "developer" back then, it was in some stage of the subdivision. They would have said the HOA came in to do it which would have been after the development. When was Saddle Ridge built? Mr. Maxfield said there were five or six phases to Saddle Ridge, so some of the phases were under construction and some weren't. This did not go through Planning Commission. It came straight to Council. Mrs. deLeon said she's admitting she's one of the five that voted for this. Five years from now someone is going to come back and look at us with decisions we made and say what were they thinking. She's been here 20 years. Mr. Kern said this is now your decision. It's not our decision. You can take the Solicitor's advice. Mrs. deLeon said we have to make sure where the signs are. Mrs. Yerger said you may want to check your HOA agreement. Mr. Desalvio said do we just have to change the size or the lettering now since they are on our property and not in the right of way. Attorney Treadwell said he's still concerned about the safety issue when they are on

your property, it's just not as much a Township liability anymore. Mrs. deLeon said the liability issue has changed, every subdivision has street signs. We approve that. If you change something on it, it's called a revision. Attorney Treadwell said that's why Mr. Kocher is looking at the plans. We don't know what they say. Mr. Desalvio said isn't it in the setback of the township anyway and doesn't that make it part of the township? Mrs. Yerger said that's what we have to look at. Attorney Treadwell said each development is different. Mrs. Yerger said the Road Master determined in his memo they were outside of the right-of-way, but we will determine that. Mr. Desalvio said if they are out of the right of way and every homeowner is at risk who has a sign on their corner, what do we have to do as a HOA to satisfy Dewey and the Council? Mr. Kern said you have to do the same thing we were doing up here for an hour, decide how much a liability it is and how far you want to go with the signs to comply with PennDOT. Mr. Maxfield said for us and for Dewey, the minimum you have to do is work that out. Mrs. Yerger said it's just for your own safety within your community. That's not something you don't want to do. You got great signs, they are beautiful. She can see why you don't want to lose them. Mrs. deLeon said you may have to come back here, if they were part of the approval. Mr. Desalvio said if we used dark green paint for the background and paint it with white letters, and call it maintenance, what does the Council have to say about any of this as it's maintenance, we are painting ours signs. Dewey Fire Company can now see reflective white letters, we made them happy, the non break away posts are on our own private property, why can't we just do that and nobody is the wiser. Attorney Treadwell said he doesn't think the Township would have issue with that if the signs are outside of the right-of-way. Everyone is supposed to be on the same team here. We don't need to make this adversarial. Whose ever the property the sign is on, let's get as close as you can to the PennDOT sign. Meet the PennDOT standard and everything else as close as you can get. Mr. Maxfield said you got the sheet Roger handed out and within those parameters, you can accomplish what you want to accomplish. The only thing he had, it says upper and lower case letters, and you have all upper case letters. You might want to ask the designer to look at that. Mrs. deLeon said would the subdivision plan be where the specs are? Mr. Kocher said there's a good chance the subdivision doesn't even spec the street signs. They don't have to spec the street signs because PennDOT already did. That's typically not on a subdivision plan. Mr. Maxfield said we all have work to do. You have to look at the design of the sign. We have to find out the right-of-way issues and check the plan out and then we can meet again when you are ready.

B. <u>SPRINGFIELD TOWNSHIP – REQUEST FOR PLACEMENT IN AG SECURITY (MEASE FARM)</u>

Mr. Kern said Springfield Township is requesting Council adopt a resolution to allow the Township to include Tax Map Parcel No. 42-6-28 (3225 Moyer Road, Hellertown) in their Agricultural Security District. The parcel is owned by Donald & Elaine Mease and approximately 20.3 acres of the property is in Lower Saucon Township. The portion that is in Lower Saucon is part of the RA District. Resolution #60-2008 has been prepared for Council's review and approval.

RESOLUTION #60-2008

A RESOLUTION ALLOWING LOWER SAUCON TOWNSHIP PROPERTY, TAX MAP PARCEL #42-6-28, TO JOIN SPRINGFIELD TOWNSHIP'S AGRICULTURAL SECURITY AREA

WHEREAS, Donald G. & Elaine M. Mease, owners of Tax Map Parcel #42-6-28, consisting of approximately 20.3 acres of which is located in Lower Saucon Township and the remaining approximately 44.7 acres which is located in Springfield Township, are applying for inclusion in Springfield Township, Bucks County's Agricultural Area; and

WHEREAS, the Council of Lower Saucon Township has the authority to permit such action; and

NOW, **THEREFORE, BE IT RESOLVED,** that the Council of Lower Saucon Township, hereby allows the property owners listed below to include their property identified below in Springfield Township's Agricultural Security Area, at the discretion of Springfield Township.

1. Property of Donald G. & Elaine M. Mease, owners of Tax Map Parcel #42-6-28.

Attorney Treadwell said this is a request from a property owner who is located in Bucks and Northampton County and Springfield Township and Lower Saucon Township. All that Council needs to do, if you are okay with it is to adopt the resolution so it can go into the Ag security area that Springfield Township has already created. We did check with Northampton County and they are fine with it. They don't even tax it, they allow Bucks County to tax it. Mrs. deLeon said is there any reason we shouldn't do this? Attorney Treadwell said no, he can't think of anything.

MOTION BY: Mr. Maxfield moved for approval of Resolution 60-2008 allowing Lower Saucon township property to join Springfield Township's Ag security area.
SECOND BY: Mrs. deLeon
Mr. Kern asked if anyone had any questions? No one raised their hand.
ROLL CALL: 4-0 (Mr. Horiszny- Absent)

C. <u>APPROVAL OF QUOTATION FOR BAT EXCLUSION WORK AT THE LUTZ-FRANKLIN SCHOOLHOUSE</u>

Mr. Kern said John Chenger from the firm Bat Conservation & Management, Carlisle, PA has submitted a quotation for $3,325.00 for bat exclusion work at the Lutz-Franklin Schoolhouse which would involve the sealing of entry crevices in the schoolhouse using construction adhesive; caulking or fiberglass screen filler as necessary, and the placement of aluminum screening over the louvers on the inside of the bell tower, with the objective of preventing re-entry on bats into the structure thus preserving its historical integrity.

Mr. Cahalan said this was discussed at a previous meeting. Mrs. Yerger had pointed out that the presence of the bats in the building could compromise its historical integrity. Thus, it becomes a maintenance issue that the Township has to address. We sought the estimate from Mr. Chenger. He does specialized work in this field and it's extensive work. Time is of the essence to get this done to prevent the bats from reentering into the building in the wintertime. We asked him for a quote and Mr. Cahalan reviewed it with Mr. Rasich and he thinks it has to be done by someone like Mr. Chenger. It is a lot of work for the cost he is quoting. It's very competitive. He also asked and received an authorization for the Lower Saucon Township Historical Society that they support the request to proceed with the bat proofing at the Lutz Franklin Schoolhouse.

MOTION BY: Mr. Kern moved for approval to proceed with the bat proofing at the Lutz Franklin Schoolhouse in the amount of $3,325.00.
SECOND BY: Mrs. deLeon
Mr. Kern asked if anyone had any questions? Mrs. deLeon said this will come out of the fund for the Schoolhouse? Mr. Cahalan said yes.
ROLL CALL: 4-0 (Mr. Horiszny – Absent)

D. <u>ORDINANCE NO. 2008-11 – AMENDMENT TO WEED REMOVAL ORDINANCE – AUTHORIZE ADVERTISEMENT</u>

Mr. Kern said Ordinance No. 2008-11 had been prepared for review to amend the existing weed ordinance to reduce the minimum distance for weed removal from 50 ft. from a property line or roadway to 25 ft. Council should authorize advertisement for a public hearing and consideration of adoption.

MOTION BY: Mrs. Yerger moved for approval of Ordinance 2008-11 – Amendment to weed removal ordinance – authorize advertisement.
SECOND BY: Mr. Maxfield
Mr. Kern asked if anyone had any questions? Attorney Treadwell said are we going to be able to vote on this at the next meeting – do we have enough time to advertise? We might have to change the number and he doesn't want to have to re-advertise it because it becomes a 2009 ordinance. Ms. Huhn said we can do it at the next meeting.
ROLL CALL: 4-0 (Mr. Horiszny – Absent)

E. ORDINANCE NO. 2008-12 – AMENDMENT TO ZONING CHAPTER 180 REGARDING EXCEPTIONAL VALUE (EV) WETLANDS – AUTHORIZE ADVERTISEMENT

Taken off agenda

VI. MISCELLANEOUS BUSINESS ITEMS

A. APPROVAL OF NOVEMBER 19, 2008 MINUTES

Mr. Kern said the minutes of the November 19, 2008 Council meeting have been prepared and are ready for Council's review and approval.

MOTION BY: Mrs. Yerger moved for approval of the November 19, 2008 minutes.
SECOND BY: Mr. Kern
Mr. Kern asked if anyone had any questions? No one raised their hand.
ROLL CALL: 4-0 (Mr. Horiszny – Absent)

VII. PUBLIC COMMENT/CITIZEN NON-AGENDA ITEMS

- Stephanie Brown, Meadows Road, said she has a few issues on signs. A couple of years ago a deer crossing sign was put on Meadows Road coming off of Friedensville Road. She saw within the past couple of weeks another one was put up on Meadows Road coming from Skibo, in the area where O'Brien's is. What do you have to do to get two of those signs put up? For years, the deer have crossed in front of her property on either side, and she knows down further on Meadows Road a lot of deer were killed. What is the criteria? Mr. Kocher said it's up to the Township's discretion. Mr. Cahalan said that's one of the things we are covering in the Road Maintenance Policy. Ms. Brown said for years the deer have crossed by her house and the substation and the gun club property. There hasn't been any accidents on her part of the road. Mr. Kern said it's township discretion. Mr. Cahalan said there hasn't been one put up in the last five years. Mr. Cahalan will have Mr. Rasich look into that.
- Ms. Brown said where are we with the Meadows Road Bridge sign? Mrs. Yerger said we are getting the wording re-evaluated as they didn't like the way it looked, so we changed some words around and it has to get approved by the sign maker and then when it comes back to Council again, and gets approved, we'll get it made and installed. We also have to select the location. Mr. Cahalan said we'll have to talk to the private property owner to get an easement to put the sign up. The sign will be put up going towards 412. Ms. Brown said she thinks it will get lost in all the signs down there. Mrs. Yerger said they will have to decide when they get permission to put the sign up from the landowner.
- Ms. Brown said what is the probability of getting another sign put up – the historic marker. Mr. Cahalan said Council actually approved getting four historical signs. The Historical Committee is looking into selection of that. Mrs. Yerger said they won't meet until January. One of the signs will definitely go at Meadows Road, one at the Redington Chapel. We do have discretion of the other two signs. They will bring the recommendation back to Council. Ms. Brown said if you would go forward to having a second sign at the bridge, are you looking for the same wording or

something different? Mrs. Yerger said they haven't even gotten that far. They plan on discussing it in January and it all depends if they can get permission to put a sign on both sides.

- Ms. Brown said one thing she wants to say about the celebration of the bridge, she appreciates the fact that she got a copy of the resolution. Overall, she was somewhat disappointed with the whole thing. She was probably expecting more in her head. She doesn't know why Northampton County Council members weren't invited. She asked John Stoffa to be invited. Mrs. Yerger said John Stoffa is sick. Ms. Brown said she knows, but the Township didn't even extend the invitation until she asked. Mr. Cahalan said the only reason he mentioned the Council members is they represent specific areas of the County. Ms. Brown said five out of nine are at large, and there's also Mr. McClure that represents the district in Lower Saucon, so you are down to three Council members who have other assigned regions. It seems this thing was done last minute as she didn't find out about it until ten days before. Was this thing planned haphazardly? Mr. Cahalan said we had been thinking about it as long as you have been talking about it and we were instructed to put on a ceremony. What we were trying to do was to coordinate it with the historic marker. That involved the Historic Committee and a lot of back and forth work on the sign designs. We were very busy working on that and we realized we were getting close to some approval on the historic marker. Priscilla had also mentioned the October 25 day when the three historic associations were going to be having an open house and we tried to coordinate it with that. We had a window of time and it seemed like an appropriate day to celebrate it. Ms. Brown said she was disappointed that the two local papers didn't cover it since it's one in a life time thing. Mrs. Yerger said Saucon News had a picture of the sign. Paul Bealer said the Valley Voice covered it one week ahead.
- Ms. Brown said Mr. Kern and Mr. Maxfield were discussing the situation of the Stop Sign coming out of the Meadows. She wanted to know if they were any further on that issue? Mr. Cahalan said yes, they are trying to work on that issue. It is on their agenda. They have the permission from the homeowner, and the Engineer has to do a traffic study.
- Ms. Brown said she talked to Corporal Barndt today about another issue on the road. She asked whether the Police Department was monitoring the bridge and the stop signs. He noticed the same things she has noticed that generally people at night don't stop for it. During the day, it's like who's going to go and who's not going to go. She doesn't know what the purpose of the stop signs were and doesn't know if we are accomplishing anything. Pretty much that the Meadow's has been given the right of way to go on the public road. Mr. Maxfield said the purpose of the stop sign, if they slow down or stop at all, it's an improvement. The Beardsley's were always complaining about cars coming down at ridiculous speeds.
- Ms. Brown said next time, please wait for her, don't start without her. She was referring to the celebration of the Meadows Road Bridge.

VI. COUNCIL AND STAFF REPORTS

A. TOWNSHIP MANAGER

- Mr. Cahalan said he put a memo in your red folder, and he'd like to go over the painting at the Heller Homestead. They want to come to a partial resolution of the payment to Sobrinski. The Council had given a contract to them to do exterior and interior painting repairs at the Heller Homestead for a cost not to exceed $9,900.00. That work has been completed. Just recently, they installed the four attic windows which they were waiting to be delivered. There are some issues with the painting. Two Council members went out with him this week to inspect the work. Previous to that, Glenn Kern and Mr. Cahalan had been out there with the Sobrinski representatives and they pointed out that there was some glazing work that had been missed. They admitted that and said they would make up for any missed work. This week they went out and went around and looked at a couple of items. One was the caulking that was done on the windows along Friedensville Road and those are still outstanding issues. He gave Council a chart with all the listing of the unresolved missing items that need to be taken care of. Based on that, and in light of the fact that Sobrinski is on record, once he tells them about it, they will say they will take care

of it. They probably will not be able to take care of it right now because of the weather, but they will commit to completing the work by spring time. He'd recommend to Council that you consider approving a payment to Sobrinski of half of the approved $9,900.00 amount, and that specific amount would be $4,950.00, and you direct the Manager to advise Sobrinski of the missed work items and obtain a schedule for their completion. One other issue that did come up was in the specs for the work for the exterior painting, they were required to use a primer on the exterior windows and two top coats. It's hard to determine from what we were looking at out there if that has been done. He would want Council to direct the Manager to have Sobrinski confirm that they used the one primer coat and the two top coats on the exterior windows. Mrs. deLeon said the November 5 memo you have here, there is a comment that Todd and Carlos said that when they did the walk through with Priscilla prior to doing the work, they were outside and asked her if she wanted them to do any repairs, scraping the windows and she said no. That's not correct. She said you have to check with Jack. She mentioned that the wood around the windows was missing and she asked if that was part of that. Mr. Cahalan said they did call him and asked if they were responsible for doing any repairs of the wood on the window, and he said no, as that involved the PHMC. Mrs. deLeon said the other things she asked about, as they were going through the windows, she noticed the old paint was uneven and if they were going to sand it. They were kind of vague. They'd ask her questions and she'd tell them she wasn't the Manager. She doesn't want anybody to think that she didn't want them to do any repairs scraping the windows. Mr. Cahalan said you are correct. This memo was just a file memorandum. Mrs. deLeon said this is posterity and she doesn't want anybody to go back and say she didn't want these things done. She would like him to mark up his file copy. Mr. Kern said the only other thing is every window underneath needs to be painted. Mr. Cahalan said on the bottom, they have a list of what needs to be done. Mr. Kern said it's the second floor. Mrs. deLeon said the one memo where it says "where necessary", that's all subjective wording. She thought she was speaking English. The best part was when we looked up at the replacement windows, and they are off white and they never painted them and they were supposed to be painted before they put them up. When you buy replacement windows, do you not paint them before you put them up? Mr. Kern said when Priscilla looked up and noticed the windows weren't painted, she also noticed the three sills of those windows weren't painted either. Attorney Treadwell said do we have a contract with them? Mr. Cahalan said there's a sheet with the estimate and there's an attachment on there that has a payment term. Mrs. deLeon said she had to remind them to replace the cracked panes. She asked if Jack marked the big hole on the second floor by the Widow's side. Jack said yes, he did. Mr. Kern said the putty is still soft. Mrs. deLeon said how do you fix that? Mr. Maxfield said you dig it out and do it all over again. Attorney Treadwell said this says we gave them 1/3 down? Mr. Cahalan said they didn't give them anything. Attorney Treadwell said he doesn't have a problem giving them half the money with a list of what they didn't do. Even though they didn't require them to give us 1/3 down, it says remainder due upon completion. Mr. Kern said the other issue is did they put three coats on. He can take his finger nail and scrape the paint off. Mr. Maxfield said if there were spots missed, it would point to the fact that they only put one coat on. Otherwise, you'd see the primer and stuff underneath or you wouldn't see a spot at all. Mr. Cahalan said the one question he has about the primer, you look at their one estimate and it says they would only put the primer on bare spots. That may be what we approved. On the revised estimate of 9/18/08, it says scrape, and sand glaze, where necessary, and apply one prime coat terminator one, alcad primer on bare surfaces, apply two top coats of latex acrylic semi gloss finish, match existing color. Mr. Kern said when he read that, he figured they would sand it. Attorney Treadwell said it says scrape and sand, glaze, where necessary. Mrs. deLeon said they didn't do that. Mr. Cahalan said let him ask them where they applied the primer. Attorney Treadwell said after this discussion, his question is why are we paying them at all? Mrs. deLeon said she doesn't think we should pay them. Mr. Cahalan said we

did say we were okay with the inside painting. Mr. Kern said outside was where the prep work should have been done and it wasn't done. Prep work is painting. Mrs. Yerger said give them 1/3 of the payment.

MOTION BY: Mr. Kern moved to pay Sobrinski 1/3 which will be $3,300.00 representing the work they have done on the interior.
SECOND BY: Mrs. deLeon
Mr. Kern asked if anyone had any questions? No one raised their hand.
ROLL CALL: 4-0 (Mr. Horiszny – Absent)

- Mr. Cahalan said on the Heller Homestead, he did get an estimate from the electrician who was approved to do other work out there to do the electrical outlets and he has indicated that the total cost to install the outlets in the sunroom would be $450.00. He had originally thought it would be more, but he feels he can run the line under the floor to install the outlets. Also, there was a question raised about the safety of the current outlets that they were overloaded with extension cords and Mr. Cahalan asked Roger about that. He said the receptacles there now are protected by breakers. If they overload the receptacles, the breaker will trip and it will have to be reset. He doesn't think there's a safety issue. The request was for two outlets. Mr. Maxfield said he said it last time, he doesn't see it as maintenance. Mr. Kern said he talked about this with his mother and father, and he asked them to respond, and they both agreed that weather stripping comes under maintenance, but the outlets don't. That would be extra. If they were a landlord and requested that, yes, you can do it, but you are paying for it. Mrs. deLeon said that's fair as our lease says we can't do anything unless Council says so. For a non profit organization to spend donated money, we need to have a paper trail. If this Council decides no, it's your responsibility, then she has it on record that it's an expense the landlord declined. Weather stripping she couldn't believe this was even an issue. She feels as a Council person we are supposed to take care of our property and it is a public property and we need to present to the public that we want to take care of our property. We have a lot of residents of the Saucon Valley Conservancy and they scratch their head a lot of times. Mr. Kern said his recommendation would be for the paper trail and say if you want to do, you can do it. Mrs. Yerger said it would be probably cost effective when you are approved from PHMC for the lights. Mrs. deLeon said at least now she can report back. Mr. Maxfield said we should make a statement as a Council that we would approve the installation of those as it's a public building. Mr. Cahalan said he doesn't have a scope of work available for the outlets. After you approved that, he would send it to the PHMC. He has the direction on the weather stripping.
- Mr. Cahalan said the request for the weather stripping. Roger said the cost of the materials would be about $25.00 per door. Mr. Kern said weather stripping is important. Mrs. Yerger said assuming Roger is doing that, get it on ASAP.
- Mr. Cahalan said yesterday we received plans for the Majestic property from the City of Bethlehem and last evening the EAC reviewed them and they made a recommendation, Motion was made to:

  - Reinforce the comment regarding the preservation of the water quality, and flora fauna, which exists along the East Branch of the Saucon Creek as stated in the Pennoni letter, dated December 1, 2008; and,
  - that the best possible environmental management practices, including long-term protection be implemented for the treatment of the riparian corridor and wetlands along Applebutter Road.

  The deadline the City of Bethlehem gave us is December 4, 2008. He'd need a motion to direct him to send these comments to the City of Bethlehem. Mr. Maxfield said he doesn't think we need to reference East Branch. We were referencing the tribe that runs down near

the landfill as none of their property touches the property. Mr. Maxfield said you can say the water quality and flora fauna which exists along the Northern tributary of the Saucon Creek abutting Applebutter Road. Mr. Cahalan will add that to the letter.

MOTION BY: Mr. Maxfield moved for approval to send the comments from the EAC regarding the Majestic priority to the City of Bethlehem.
SECOND BY: Mrs. Yerger
ROLL CALL: 4-0 (Mr. Horiszny – Absent)

- Mr. Cahalan said Lee Weidner stopped in to tell him that he had purchased a water color painting of the Saucon Valley Farmers Market from the Heller Homestead Art Gallery done by Artist Mr. Clover and he wants to co-donate to the Township and Hellertown Borough in honor of special Olympians from Hellertown and Lower Saucon Township. It will be on display. Mr. Cahalan will send him an okay.

B. COUNCIL/JR. COUNCIL

Mr. Maxfield

- He said in the paper today, there was an article that talked about County Council and their decision to basically plunder their open space monies what had been promised to purchase open space because of the "bad financial situation". They seem to think that people in the County are more concerned about other things than open space. They are opposed, according by Mr. Stoffa, that people have voted strongly and repeatedly for open space. Mr. Maxfield said he'd like to send a letter to County Council expressing that we would agree with Mr. Stoffa's opinion and that we believe they might be making a critical error because now of all times is the time to buy land for parks and open space as we'll never get it cheaper than this, and that Parks are never a loss. You are always banking for your future. They should stick to spending the money the way they promised the citizens they would.

MOTION BY: Mr. Maxfield moved to direct the Staff to send the County Council a letter expressing they agree with Mr. Stoffa's opinion and we believe they would be making a critical error if they don't spend the money the way they promised to their citizens.
SECOND BY: Mrs. Yerger
ROLL CALL: 4-0 (Mr. Horiszny – Absent)

Mrs. Yerger

- She said she has a recommendation from last night's EAC meeting. They have made a formal motion to recommend to Council the acquisition of open space for 19.2 acres available of the Mease Farm that lie in Lower Saucon Township. The Sub Open Space Committee has done their evaluation (Ted Beardsley and Allan Johnson). It did qualify. They recommended it to the EAC and now the EAC is recommending we pursue the conservation easements on the portion of the land that lies in Lower Saucon Township. We need to check with Springfield Township from Rich Schilling to see if an appraisal has already been done. We need to instruct Attorney Treadwell eventually to open dialogue with the Mease family. The recommendation we have talked about is Bucks County has a cap on their ag preservation, $12,000 an acre. That has been accepted tentatively from the Mease family. Lower Saucon would like to pursue the same dollar amount and we were told they would probably be accepting of that.

Mr. Horiszny
Absent

Mr. Kern
None

Mrs. deLeon

- She said Friday she attended the Hellertown-Lower Saucon tree lighting and it was a nice turnout.
- Monday night, December 8, 2008 from 6 PM to 9 PM, there is a holiday gathering "Meet the Artist" (Donna Meeds) reception at the Heller Homestead and the public is invited.
- Today she was asked go to the Homestead to meet the electrician, that was putting in the underground electric line that Council approved and there was frost on the ground. When he got there, he thought the ground would be frozen and thought he would have to dig 7" down from the window of the Widow's House and go underneath the sidewalks and continue out to the barn ruins. She thought it would be a one day type thing. He said it would be two days. She told him they are having this big party on Monday, and he wasn't even sure if the ground would allow him to dig. So he didn't do it today. She said it wasn't a emergency type thing, but in her conversation, she did learn that the line he was going to put in, it would just be the electric line and would have a dawn to dusk time period. She said we didn't want a spot light on the arch; we just want it for parties, receptions or special occasions. She's just informing Council we need to amend his scope of work. Since it is a public park, she would think we would want an electrical outlet that would be available 24 hours. At her house, there are a couple outlets that work only certain hours. She thinks the electric should be available 24 hours. She'd like the scope of work amended and it won't increase the cost. If the spot lights were on, they'd be on 365 days a year, that's not what they wanted. Mr. Maxfield said there needs to be a switch. He's guessing an on and off switch for the spotlight would be out near the barn where it would be triggered by the light, and he'd bet that the line goes to the box and there's a breaker there that you could turn on and off whenever you wanted to. Mr. Cahalan said he thought there was supposed to be a spot light on the pole. Mrs. deLeon said she thought it would be on the ground shining up. She'd ask that the spotlight should be on the ground illuminating the arch. Mr. Kern said it should be a switch. Mrs. deLeon said when we want it on, we would switch the breaker on. The switch is available 24 hours. The way he would have wired it, it would have been dawn to dusk. Mr. Maxfield said there has to be a switch there. You can just unplug it too. Mrs. deLeon said she was anticipating a socket there also. Mr. Cahalan said the quote they got from the Electrician was to dig the trench, install a rigid conduit, install a 20 amp breaker, install an outside receptacle, and a 3 gang dusk to dawn spotlight. Mr. Kern said everything is good except the dusk to dawn spotlight. Mr. Maxfield said all you have to do if you don't want it to shine all night long is go down in the basement and turn the breaker off. Mrs. deLeon said she spoke to the Electrician today and he could do that and it wouldn't affect the cost. Mrs. deLeon said we need to take dawn to dusk out and it needs to be an electrical line to the breaker box with an on/off switch. The breaker has to be marked. Inside the fence, should be the outdoor receptacle and the spot lights. Mr. Kern said specify the receptacle and the spot lights. The Electrician said there would be two. Mr. Cahalan said just put a line out there with a receptacle and you are going to plug a spotlight into it. Mrs. Yerger said do you want permanent spotlights out there? Mr. Kern said you could put permanent spotlights there or have a receptacle and a wire that you plug in. Mr. Cahalan said the Electrician won't do the work until Mrs. deLeon talks to him. Mrs. deLeon told him the SVC won't be upset if he doesn't do it until Spring.
- She said we talked about the signs with Stephanie, and we talked about the signs for the Meadow's Bridge, is it going to be a break away sign? Mr. Cahalan said it won't be anywhere near the roadway.

D. SOLICITOR

- Attorney Treadwell said he filed preliminary objections to the Stover Road complaint yesterday. It's still moving forward.

D. ENGINEER

None

E. PLANNER

None

F. ADJOURNMENT

MOTION BY: Mrs. Yerger moved for adjournment. The time was 9:53 PM.
SECOND BY: Mr. Maxfield
Mr. Kern asked if anyone had any questions? No one raised their hand.
ROLL CALL: 4-0 (Mr. Horiszny – Absent)

Submitted by:

Jack Cahalan	Glenn Kern
Township Manager	President of Council