

I. OPENING

- A. Call to Order
- B. Roll Call
- C. Pledge of Allegiance
- D. Announcement of Executive Session (if applicable)

II. PUBLIC COMMENT PROCEDURE

III. PRESENTATIONS/HEARINGS

- A. Metro PCS – 3709 Hickory Hill Rd. – Conditional Use and Site Plan – Public Hearing

IV. DEVELOPER ITEMS

- A. Majestic Realty – Commerce Blvd. (City of Bethlehem) – Presentation of Development Proposal
- B. Baumer Nursery – 2521 Ringhoffer Road – Site Plan
- C. Old Mill Estates – Hawthorn & Springwood Rds. – Dedication of Roads – Resolution #75-10 – Approval of Maintenance Period

V. TOWNSHIP BUSINESS ITEMS

- A. Zoning Hearing Board Variances
 - 1. Bob & Michelle Dabundo – 1837 Viola Ln. – Variance Request for Rear Yard Setback to Construct Patio
 - 2. T-Mobile Northeast – 1995 Leithsville Rd. – Variance Request for Dimensional Setback for Co-Locations of Antenna
 - 3. L & P Holdings (Meadows Banquet Facility) – 1770 Meadows Rd. – Update on Zoning Hearing Board Status
 - 4. Miller – 2059 Riverside Dr. – Variance Request for Dimensional Setback for Porch/Deck
 - 5. Saucon Ventures – 2200 Wassergass Rd. – ZHB Review for Special Exception
- B. 2011 Budget – Final Adoption – Resolution #76-2010
- C. Ordinance No. 2010-10 – Fixing Tax Levy for 2010
- D. Resolution #74-2010 – Fixing EIT, Real Estate Tax & Local Services Tax for General Purpose
- E. Recommendation for COBRA Services
- F. Ordinance No. 2011-01 – Amendment to Chapter 170 – Vehicle Code Regarding Snow and Ice Removal – Authorize Advertisement

VI. MISCELLANEOUS BUSINESS ITEMS

- A. Approval of December 1, 2010 Minutes
- B. Approval of November 2010 Financial Reports

VII. PUBLIC COMMENT/CITIZEN NON-AGENDA ITEMS

VIII. COUNCIL & STAFF REPORTS

- A. Township Manager
- B. Council/Jr. Council Member
- C. Solicitor
- D. Engineer
- E. Planner

IX. ADJOURNMENT

Next EAC Meeting: January 11, 2011
Next Zoning Hearing Board Meeting: December 20, 2010
Next Council Meeting: January 3, 2011
Next Planning Commission Meeting: December 16, 2010
Next Park & Rec Meeting: February 7, 2011

I. OPENING

CALL TO ORDER: The General Business & Developer meeting of Lower Saucon Township Council was called to order on Wednesday, December 15, 2010 at 7:00 P.M., at 3700 Old Philadelphia Pike, Bethlehem, PA, with Mr. Glenn Kern, President, presiding.

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

PLEDGE OF ALLEGIANCE

ANNOUNCEMENT OF ANY EXECUTIVE SESSION (IF APPLICABLE)

<p>Mr. Kern said Council met in Executive Session just prior to this meeting to discuss personnel issues.</p>
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II. PUBLIC COMMENT/CITIZEN AGENDA ITEMS

Mr. Kern said if you are on the agenda, you have Council and Staff's undivided attention and we can discuss the agenda item with you thoroughly. At the conclusion of the discussion, they do open it up to the public for public comment for each individual agenda item. If you do speak, we ask that you use one of the microphones and state your name clearly for the record. We transcribe the minutes verbatim, accurately and fully. If you go on our website, you can see that. We want to make sure we get everyone's name in there and what you've said accurately. If you do want to receive future agendas, there's a sign-up sheet in the back where if you put your email address, we'll email them or mail them to you if you don't have an email address. Mr. Cahalan said Item IV.C. Old Mill Estates has been taken off of the agenda.

III. PRESENTATION/HEARINGS

A. Mr. Kern said Mrs. deLeon is here this evening and has a special presentation and some exciting news. Mrs. deLeon said it's very exciting for her to be here and to present these checks. She sits on the board of the Gaming Authority, better known as the Northampton County Gaming Revenue and Economic Redevelopment Authority. They awarded grants for the restricted funds for the casino and she has three checks to present to the Manager. She has a check for \$96,000.00; one for \$84,430.80; and one for \$18,750.00. These grants were presented by the Township and one was done jointly with Hellertown. Mr. Cahalan said it was for the fire services for pre-emptive devices for traffic signals in the Township and the Borough. The ones for the Township were for a police officer and a police cruiser. Mrs. deLeon said she wants to thank the staff for doing a good job of putting together the grant packages and we're currently looking at the uncommitted grant applications. In a couple of months, they will be awarding those grants.

B. METRO PCS – 3709 HICKORY HILL ROAD – CONDITIONAL USE AND SITE PLAN – PUBLIC HEARING

Mr. Kern said Metro PCS is proposing the co-location of a commercial communication antenna on an already existing tower. This requires approval through a conditional use and site plan. A staff recommendation for the site plan has been prepared and a Conditional Use Decision has also been prepared should Council approve the use.

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

Attorney Debbie Shulski was present. She said she is here on behalf of Metro PCS. They are here this evening seeking conditional use approval to permit the co-location of telecommunication antennas on an existing tower. This is going to be a very similar application as several other Metro ones which you saw in the last six months. You had an opportunity to view this particular application about a month ago when they were before you for a recommendation to go to the Zoning Hearing Board. They needed a variance to permit the fall zone setback which was nonconforming for the site to be slightly increased for the tower extension and a dimensional variance for the equipment cabinet. The Zoning Hearing board did grant that relief. They are here this evening for the use of the site. When she was last before you, you had indicated that the Township is environmentally-friendly and they had submitted electronically all of their exhibits to you. If the Board has no objection, she will have the witnesses sworn in, summarize their testimony and they would confirm it as their own and be available to answer any direct questions that the Council may have.

The witnesses were sworn in.

Attorney Shulski said the first witness she would summarize is Mr. Trevor McNeil. He would be testifying as a fact witness. He's the Site Acquisition Representative and a consultant for Metro PCS. He goes out and does what they call scrub the site whereby he finds available candidates within the search ring, which is established by the radio frequency expert. He would testify that Metro looks to co-locate whenever possible. Obviously it's in the municipality's best interest. It eliminates the proliferation of new towers in the Township. It is also in Metro's best interest as well. The site does contain an existing tower. He would further testify that he's authorized to proceed by the property owner and the lease agreement is marked as Exhibit 3. Lastly, he would testify that he reviewed the various ordinance provisions. There are certain requirements in your ordinance governing the use should it terminate and what Metro is responsible to do in terms of removing the antennas in a certain timeframe. He would testify that Metro is agreeable to those provisions as well as entering into a Hold Harmless agreement with the Township in order to guarantee that the improvements would in fact be removed. That would summarize Mr. McNeil's testimony. She asked if Mr. McNeil if the above was true. Mr. McNeil said yes. She asked were there any corrections or additions? Mr. McNeil said no.

Attorney Shulski said the second witness is our Radio Frequency Expert, William Blessing. He would testify as to his qualifications and credentials and actually has been accepted by this board before as an expert. His CV is marked as Exhibit 4. He would further testify that Metro is licensed by the FCC and under its license is required to provide what's called reliable coverage. The FCC license is marked as Exhibit 5. A reliable coverage is the ability to have the user initiate and maintain a call without getting a busy signal, experience a dropped call or having it go directly into voice mail. He would testify that he prepared what is known as a propagation analysis, Exhibit A-6. It depicts the existing coverage in Lower Saucon Township and the surrounding area. The area in white depicts what is known as a significant gap. In this stretch of the municipality, a user would not have a reliable coverage and wouldn't be able to initiate or maintain a reliable call. That would be unacceptable to Metro under their FCC license. Exhibit A-7 depicts the coverage when the facility is up on air and running. As you can see, the area that is in white, a significant portion of it is now in green. The green area depicts the reliable coverage. Exhibit A-8 shows the proposed coverage extending from the site. Mr. Blessing would testify that the proposed height is the minimum necessary in order to provide this coverage and that the propagation analysis demonstrates that the antennas must go where proposed in order to satisfy the companies function for its system. Part of his testimony as well, would be that the facility complies with all the maximum permissible levels and the radio frequency levels and this Board is well aware that if

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those levels are in compliance with the FCC standards, it's not a basis for denying the application on EM maps or radio frequency admissions. Exhibit A-9 is a electromagnetic report prepared by Dr. Foster, which demonstrates that the levels are way below what is acceptable under the FCC standards. They are very similar to those of low powered communication facilities such as fire, emergency services and ambulance. Mr. Blessing would further testify that he reviewed all the applicable ordinance standards, conditional use standards, and that the proposal complies with those standards. A number of those standards aren't relatively necessary for this type of application because it's not a new tower or a co-location on an existing tower. It does satisfy the relevant ones, Section 180-127.1.L requires that the facility comply with all the applicable FCC standards and the RF report, marked as Exhibit A-9 demonstrates compliance with that requirement. In addition, the FCC license was marked and it was also a requirement of the conditional use standards and Section 180-127.1.M.1 requires that we prove and demonstrate that there's need for the coverage and based on the testimonies summarized, as well as the propagation analysis, Mr. Blessing would conclude that the site is necessary in order to provide the reliable coverage. Lastly, he would testify that the facility will operate in compliance with all local, state and federal regulations and that there won't be any interference caused from the site. She asked Mr. Blessing if that summarized his testimony for this Board? Mr. Blessing said yes. Attorney Shulski said do you confirm that as your own? Mr. Blessing said yes. Attorney Shulski said do you have any corrections or additions? Mr. Blessing said no.

Attorney Shulski said Mr. Mario Calabretta, the Civil Engineer, and he would testify as to his credentials and qualifications, which are marked as Exhibit A-11. He would testify that he reviewed the site plan and that the site plan accurately depicts what is proposed. The site plan is marked as Exhibit A-12. The property contains an existing 90' PPL tower. Metro is proposing to extend the height of that tower by eight feet and is proposing to add the antennas at an overall feet of 98'. The radio equipment cabinets will be on the proposed 7'x12' concrete pad to be located at the base of the tower in a proposed compound area. Three cabinets are proposed and are essentially the size of a small refrigerator. Mr. Calabretta would further testify that the additional antennas will comply with all applicable structure requirements as well as all building code requirements and that it will be designed as in accordance with the industry standards. A structural review was prepared and is marked as Exhibit A-14 in accordance with Section 180-127.1.I of the zoning ordinance. In addition, Mario would testify that it's an unmanned facility and only requires monthly maintenance trips; therefore, it has a diminimus impact on traffic. In addition, there are no water or sewer issues or concerns, no impact on public infrastructure. He would also testify that the site complies with the applicable telecommunication ordinance and given this type of installation, there's a lot of your requirements that don't apply as it's not a new tower. One of the requirements is that there be a NEPA survey prepared and that was done and it is marked as Exhibit A-16 in accordance with Section 180-127.1.S. A structural report was prepared and that's one of the requirements of your ordinance. Mr. Calabretta would further testify that he reviewed the Township Consultant review letters. The plans have been recently revised based on the most recent review letter which is dated December 8, 2010. She knows that their consultants have reached out to your consultants and they are here to speak for themselves. We believe that all the issues have been addressed and in addition, the Planning Commission has reviewed this application and made a favorable recommendation subject to certain conditions to which the applicant is agreeable to comply with. Lastly, Mario would testify that the proposed use does not affect the character of the neighborhood. It's consistent with the Township's policy of encouraging co-locations on existing structures in order to eliminate the need for a new tower within the Township. Lastly, the proposed use serves the best interest of the Township, the convenience of the community and the public welfare by making wireless telecommunications including enhanced 911 features available to the residents of this community. That would summarize Mr. Calabretta's testimony. She asked him if that was his own testimony. Mr. Calabretta said yes, but with one correction. The proposed concrete pad is 10'x60'.

Attorney Shulski said that rests their case. She would just want the exhibits moved into the record. Mr. Kern asked if Council or anyone in the audience had any comments? No one raised their hand.

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MOTION BY: Mr. Horiszny moved to close the public hearing.
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 Township staff has prepared a recommendation for your hard work and Council's review. It has some conditions and he'll ask Staff if any of the conditions are pertinent to be brought to Council's attention? Mr. Kocher said no. Mrs. deLeon said she would like to go over the conditions. Mr. Kocher said the first is they need approvals of all governmental agencies that have jurisdiction over the project. No. 2 is to comply with the Township ordinances. No. 3 is post security for the removal of the antenna. No. 4 is to comply with the Township Engineer's review letter. No. 5 is to comply with the Township Planner's letter. No. 6 provide an accurate number of copies of the plan. No. 7 is clear any outstanding escrow balance. No. 8 they have to do all that within one year. No. 9 you have to keep all your government licenses. No. 10 if you change the antenna at all, you have to come back. No. 11 is compliance with the zoning ordinance.

STAFF RECOMMENDATION FOR METRO PCS EXTENSION OF EXISTING POWER TRANSMISSION TOWER FOR COLLOCATION OF COMMERCIAL COMMUNICATION ANTENNA – 3709 HICKORY HILL ROAD, TAX MAP PARCEL Q6-3-12 CONDITIONAL USE AND SITE PLAN APPROVAL

The Lower Saucon Township Staff recommends that the Township Council approve the "Metro PCS Pennsylvania, LLC PH0646B – WYDNOR" Plan, as prepared by Allan D. Corpus, PE of Henkels & McCoy, Inc., last revised November 30, 2010, consisting of Sheets T-1, Z-1 through Z-3, S-1 through S-3, and E-1 through E-3, along with all exhibits received on November 18, 2010.

Subject, however, to the following conditions:

1. The Project is subject to the approvals of all municipal and governmental agencies having jurisdiction over the project.
2. The Applicant shall comply with all applicable provisions of the Township Ordinances that may be pertinent to the project, whether specifically enumerated herein or not.
3. In accordance with the Ordinance requirement, the Applicant shall post security in a form acceptable to Lower Saucon Township in favor of Lower Saucon Township in an amount to cover antenna removal and site cleanup, and execute a Security/Hold Harmless Agreement to the satisfaction of the Township Solicitor.
4. The Applicant shall address, to the satisfaction of the Township, the review comments contained in the letter dated December 10, 2010, from Hanover Engineering Associates, Inc.
5. The Applicant shall address, to the satisfaction of the Township, the review comments contained in the letter dated December 8, 2010, from Boucher & James, Inc.
6. The Applicant shall provide seven (7) prints of the Record Plans with original signatures, notarizations, and seals. Four (4) complete sets of Plans shall also be provided with original signatures, notarizations, and seals. The Applicant shall also provide two (2) CDs of all Plans in an AutoCAD format (jpeg-ROM).
7. The Applicant shall pay any outstanding escrow balance due to the Township in the review of the Plans and the preparation of legal documents.

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8. The Applicant shall satisfy all of Conditions 1 through 7 within one (1) year of the date of the conditional approval unless an extension is granted by the Township Council, or this approval shall be considered withdrawn, null and void.
9. The Applicant shall have a continuing obligation, during the operation of the project, to provide Lower Saucon Township with immediate notification of any renewal, cancellation, or other change in the status of all Federal, State, and other outside agency permits required for the operation of the project.
10. Any change to the type, size, or number of antennas shall require the Applicant to submit, and obtain approval of, a new Conditional Use Application.
11. Any violation of these conditions shall subject the Applicant to the same penalties set forth in The Code of the Township of Lower Saucon that would be imposed for the violation of a provision of Chapter 180 contained therein, as well as any other legal remedies available to the Township.

Mrs. deLeon said she'd like to point out on No. 4 that the Township review letter that he was speaking of from Hanover was dated December 10, 2010 and the review letter is dated December 8, 2010.

Mr. Kern said the applicant has reviewed all the requirements there. Is there any comment regarding that? Attorney Shulski said no comment.

- MOTION BY:** Mr. Maxfield moved for the approval of the site plan for Metro PCS extension of the existing power transmission tower for the co-location.
- SECOND BY:** Mr. Horiszny
- Mr. Kern asked if anyone had any questions or comments? No one raised their hand.
- ROLL CALL:** 5-0

Attorney Treadwell said the conditional use decision, normally we would bring back the conditional use decision at your next meeting, but the applicant was interested in moving forward and getting a building permit before the end of the year, so he prepared the conditional use decision ahead of time so it is there for your motion and approval as well.

- MOTION BY:** Mr. Maxfield moved for the approval of the conditional use decision per Attorney Treadwell's letter of December 16, 2010.
- 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. MAJESTIC REALTY – COMMERCE BLVD. (CITY OF BETHLEHEM) PRESENTATION OF DEVELOPMENT PROPOSAL

Mr. Kern said the applicant is developing 450 acres of former Bethlehem Steel land for commercial use. Twenty five acres of the property is in Lower Saucon Township and may contain portions of a warehouse building & parking.

Attorney James Preston was present representing the applicant. Mr. Rocco Caracciolo from Pennoni Associates, Inc. is their engineer. He's putting some information up on the board. Skip Bailey is a VP with Majestic Realty. They are here this evening by your good graces. They have a site which you are all familiar with. It was created some time ago. It is accessed primarily by Commerce Boulevard coming in through the City of Bethlehem and the intent had been all along to

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develop it from the City going back, to work with the infrastructure and roll it back into the park. Majestic has an opportunity for a user here. He can tell you it's a data storage center, but he can't tell you much more than that. Other than that, it has some very peculiar security needs which require that it not have pass-through trips associated with it, so it has to go all the way in the back end of the park, which sort of changes their paradigm. They need to start this particular use in the back end of the park. They've had some discussion as to what is the back end of the park. As you know, the property all the way in the back is located in the Township, not in the City, so this particular user and the buildings that this user would occupy would be contained in the City or we can push them back into Lower Saucon. The problem is that the user is on a shorter time line than they had hoped, so they are coming here to make you familiar with this proposal and to ask for any consideration that might be given to expedite those approvals. As you see, there's no ingress or egress into the Township. The utilities all come from the City. The protection and fire and police will be coming from the City. Everything is accessed through the City. It is however, that a piece of this building would be placed in Lower Saucon if we can achieve a review that would bring us in line with the user's time line. Mr. Kern said how much of the building is in Lower Saucon? Attorney Preston said he will turn this over to Mr. Caracciolo.

Mr. Caracciolo showed the plans to Council for the facility. He said Ringhoffer Road is to the east. There's a strip of land that is part of the LVIP 7 parcel, the greenway, which is in between Ringhoffer Road and our site. For acreage, the site itself is 415 acres in the City of Bethlehem and about 25.68 acres within Lower Saucon Township. As Mr. Preston stated, Commerce Center Boulevard right now exists to the beginning of the property. It's about 5,990 feet of Commerce Center Boulevard that has to be extended, about 1.3 miles to be able to serve this portion. You can see the other developments that are within the City of Bethlehem. As Mr. Preston stated, the intent is to build in this direction, but for this client, they have the need to be in the back. The first building that they will have is the building itself. It's the electronic storage building. On both sides are proposed utility pads that are for backup generators and also for the HVAC for the cooling and the chillers. The Township line and the City line runs through the property. He showed Ringhoffer Road and the contributing East Branch of the Saucon Creek. The data building itself is 307,000 square feet. Lower Saucon would have 222,000 square feet of it and approximately 84,850 square feet would be within the City of Bethlehem. Attached to that is a proposed two-story office building entirely within the City of Bethlehem and then another smaller warehouse down below. Roughly, if you include the connected warehouse, two-thirds of the building is in Lower Saucon and about one-third is in the City. Another thing they are proposing is off of Ringhoffer Road, within the City of Bethlehem limits, an emergency access drive and a select client drive to come in and access the site. Ninety-nine percent of the traffic will come up Commerce Center Boulevard. Water and sewer will be served through Commerce Center. It will connect to the existing connection. Mr. Kern said the road off of Ringhoffer Road would not be used for employees? Mr. Caracciolo said no. It would be used for emergency situations and when they have certain events where they have clients come in to look at it and observe it. All other traffic will be restricted and it will be gated. It is fully gated. The other thing that was mentioned, there's a 12' high security wall that completely surrounds the site so that everything within here is secured within that security wall. Everything inside will be pretty sterile and clean. The air handlers can't take in dust and a lot of outside matter.

Mr. Bailey from Majestic Realty said this is anything but ordinary. When they closed on this property three years ago, they intended to start at the far west end. This client came to them. It's not necessarily our typical type of development for the Majestic product that's across the country, but is a user we are currently working with in other cities. It's a great use. There's going to be a sizeable investment coming to the Lehigh Valley with this and a sizeable amount of jobs. As Mr. Caracciolo mentioned, if all goes well, this is the first phase they wish to put out here. They are talking about a two story office with 100,000 square feet within the first building, which creates quite a few jobs and these are all high paying jobs. The real challenge for them and why this is sort of atypical is it covers two municipalities. It crosses the line and that's why they met with your folks a month ago and had some real good discussions. That's why they are here today so they can

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present it to you before it goes to Planning Commission. They are going to be addressing the Planning Commission tomorrow night and then submitting a full set of plans for their review. There was some discussion that it doesn't necessarily follow standard practices. It's going to be something that will be having two municipalities looking at. The majority of our project is in the City of Bethlehem and we have been working with them a lot. There were a lot of questions when this client first started about how this was going to work and if it was going to be a problem if it was going to be able to processed within the schedule they are working with. They do need to have access to the first phase of development by next summer. The small building, about a 50,000 square foot area, that would be the first phase of what they need to complete and move them in and get them started while they are finishing the rest of the project by the end of next year. That's why they started looking at this. They don't usually work with two municipalities at the same time. The conversations they've had so far have been great and everyone has been very cooperative. That's why they wanted to share this with Council beforehand. Mrs. deLeon said are there any tax advantages and could they be shared with Lower Saucon. Mr. Bailey said it will be strictly square foot of land area. Lower Saucon would benefit from the square footage. The whole project, other than half of the first phase, is in the Saucon Valley School District. The economic tax payment is basically an abatement of tax on the new improvements to the property over a period of ten years progressing from 100% the first year down to 0% the last year. It's basically a 50% abatement of taxes on the improvements over a ten year period. Mrs. deLeon said the two story office building, about how many employees would that hold? Mr. Bailey said they are not necessarily going to be full time employees. This is a data center and a lot of big clients and engineers coming in and will be working in here. Once they are able to reveal more about the company, they are hoping there is going to be an announcement within the next month, they'll be able to tell you exactly how many jobs. They'll probably have 100 permanent employees initially just for their operations. Mrs. deLeon said this may have been done a couple of years ago, but Conectiv Energy is one in, so you may want to correct your information. It is now purchased by Calpine, so that has to be corrected. In PA, they don't really recognize industrial waste landfills; they recognize residual landfills, so she thinks that would be the more proper term. They had talked about plans about a greenway, has anything transpired about that? Mr. Bailey said there is a greenway and that's what Mr. Caracciolo mentioned. That's owned by Lehigh Valley Industrial Park. They've got some engineers hired and are working on realigning that. There are erosion problems in part of that area, and they will be working with them and giving them access easements and will be talking about access across there. Mrs. deLeon said would there be any sewer or water extension in part of the place that's in Lower Saucon? Mr. Bailey said there will be sewer and water around the building to serve the building. All the stubs will go down to the point of connection. Mrs. deLeon said she's just wondering if the Township needs to approve anything if it's in the City and the City if controlling the EDU's, she didn't know if it was something the Township had to do if it was extended into the Township. She knows with Act 2, does that extend to this property and what they can and cannot do out there? Attorney Preston said there are a couple unique engineering features and he's going to put that in the category of engineering features.

Mr. Caracciolo said they have a series of aerials dating back to the 30's when it was farmland into the 40's when Bethlehem Steel buildings were built. By the 60's, that whole area was filled with slag and other material. They have a full Act 2 permit in force. They are dealing directly with Randy Rausch in Harrisburg, at the DEP central office. They know where the exceedances levels are. There is certain capping that has to be done with the site. There's a very detailed, six volume, soil management plan that has to be filed. That is all documented on their plans when they were in front of the City of Bethlehem and will all be recorded on this plan now.

Mrs. deLeon said you said fire would be served by the City and at the IESI Landfill a couple of weeks ago a resident who lived adjacent to the landfill picked up his phone and called 911 because of a methane smell and emergency people were dispatched. When the City sold the landfill to the first private person back in 1998, one of the negotiating things from the Township was that the City would respond to landfill issues at the Bethlehem Landfill. It's very confusing and every now and then she will call the County and someone has changed it. They've changed it from the City

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responding to the Township. If someone is in the Lower Saucon part and picks up the phone, you have to make sure the 911 people know that it's not the Township responding. Attorney Preston said that's not a problem. They have met with the City and members of your staff and there's a certain comfort level there and we can work that out.

Mr. Kern said it's a large data storage operation, obviously secure and confidential, and eventually we'll know the identity of the prospective owner? Mr. Bailey said yes. It has government installations inside it also, so it has to be built to DOD standards and setbacks are important, that's why they have walls all around it. Once you see the company and go to their website, you'll understand. It's high security and the security personnel will be all ex-military and all fire trained. They have had meetings with the Fire and Police Chief from the City of Bethlehem and the Mayor. We can arrange joint meetings between the two municipalities if that is necessary. They want to make it clear where the services are coming from and how the processing is going, how the land development entitlement are going, how the subdivisions and trying to get that all straight. The City is working with Attorney Treadwell; and hopefully, they'll be able to get that all nailed down.

Mr. Maxfield said what you're calling the unnamed tributary is called Fawn Run and the unnamed tributary that most people refer to is at the intersection of Applebutter Road, the creek that heads down towards the sewage disposal plant. It's important that we keep the names. It's on our historic maps. We can provide you with that information. He's very curious about all the things that will occur at the emergency access and he thinks when Majestic first spoke to us, there was mention of emergency access. That makes sense. Even though the entrance is right there in Bethlehem, it does affect Lower Saucon residents as well as traffic from Lower Saucon. He would hope that these other individuals you are talking about, that wouldn't be a daily occurrence and it would only be for a special event. Something they wouldn't have traffic problems with on a daily basis. If it's a security gate, you could have traffic backed up as far into the gate. Mr. Bailey said for special tours and sales presentations where you want to bring in the hundred billion dollar clients and you want to bring them in the back way and not through the industrial park, that's the interest of the client. That doesn't happen all the time. It could happen once a week with two or three people. Mr. Maxfield said it really will be an emergency access except for very special events? Attorney Preston said for limited situations requiring security. Mrs. deLeon said that could be a condition of approval. Mr. Bailey said the access road they are putting in there will not service trucks. Mrs. Yerger said that's going to cross the tributary? Do you need to go through the DEP process? Mr. Bailey said they already know about that. Mr. Horiszny said are you building out of the flood plain? Mr. Bailey said yes. Mr. Horiszny said your CD mentioned 60% impervious, but it could be more. Is it desirable, as it's a Brownfield, to be more impervious? Mr. Caracciolo said that's exactly correct. They have from the environmental report, there are known exceedances levels from some of the unfortunate stuff that Bethlehem Steel buried there years ago. It's better to have an impervious cap on it rather than a two foot cap on it. The one thing with the eventual tenant, is that they do need it very clean and sterile and they are going to minimize what they do have impervious, but they will make sure they do follow the Act 2 and in some areas, it will be more advantageous to put that cap on a hard surface.

Mrs. deLeon said in order to comply with Act 2, you have to put the coverage, but also if this was a regular site which wasn't damaged because of pollution, you wouldn't have to contend with that. She thinks she's getting it now. Are you saying you have to come back to us for a special exception or a variance? Attorney Preston said at some point, it's likely they will need zoning relief. Exactly what that is, he doesn't know as he sits here, but we can't do this with the existing ordinance and the calculations that are required because of Act 2, which would be their hardship. He's confident that they have a legal basis for all those things, but as you know, often times if you don't have a Township's support, it's a pretty tough way to go. Mr. Maxfield said what we have to do as a Township is knowing this is a Brownfield site, we have to make a decision what is environmentally best for this site and sealing off toxics by EPA is the best. Mr. Kocher said it should probably be done anyway. He doesn't know what your Act 2 report shows, but to cover with an improvement like this, is better than just capping it. Environmentally, it's the same effect.

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Mr. Maxfield said if you were talking about areas with two feet of soil don't quite do it, you'd have to seal it with something like concrete or asphalt, which would be fine. You are looking for an agreement of which route which should be taken. Attorney Preston said he thinks so. We suspect you would be in agreement. It's a good idea what they are doing but of course, we can't presume.

Mr. Kern said his only concern with the project is around the security aspect of it and what exactly does that entail, as far as safety for the Township residents? How vulnerable is this site? Mr. Bailey said Mr. Maxfield asked about that also and it's a good question and a very quiet use. They don't even want anyone to know they are there. It's not high profile. The security is there to protect a breakdown. They offer 100% on their services, and because they have the Department of Defense and government, they can have any breakdown, so they have the security there. Mr. Kern said his question is what happens when someone who isn't supposed to know what's there, finds out what is there. That's the security issue he's concerned about. Mr. Bailey said he can't answer that. There's another project in a another city where they've been four years and there's never been a security issue. Mrs. deLeon said you would have a response plan that would be shared with the police responders. There may be a point also where it would spill over into the Township police. Mr. Bailey said absolutely.

Mr. Kern said he thinks that's assumption that Conectiv is more vulnerable as they don't know what's going here as they aren't telling us as it's a secret, so how do we know Conectiv is more vulnerable. Mr. Maxfield said we know its data storage and the type of data storage it is or that it will be, not exactly the companies. Mr. Kern said that's his only concern. Mr. Bailey said he knows the company is talking about offering to Bethlehem to have their police and fire chief's fly out to their other facilities and see the facilities and we could certainly do that with Township representatives also. It wouldn't be a problem. Mr. Maxfield said even though Bethlehem is the designated first responder, our companies do get involved, especially when you are talking about that area as we are closer to the facility than some of the other Bethlehem services are. That would be great if we could share this. Mrs. deLeon said the problem is when 911 gets called, they will dispatch the City and they will respond as they are paid staff. Chances are the Township wouldn't be called unless it was a major response. Mr. Maxfield said he just thought he lives close to Easton Road and there's a lot of emergency traffic heading towards the Hellertown direction. If the case does arise, we'll be there.

Attorney Preston said he's going to ask Mr. Caracciolo to go over what really is one of the most unique characteristics, which is the timeline of the approvals. He's discussed those with your staff and he just wants to ask that he review those with you.

Mr. Caracciolo said at the meeting they had with Township staff and the attorneys and the City of Bethlehem staff, they discussed the timeline to meet this aggressive schedule and to be able to deliver by summertime. When he talks about the variances, what they would rather have is an interpretation that they aren't variances and some sort of explanation of the process which they tried to see what they came up with. When they talked to the Township staff, they actually came up with a date which isn't a date in your ordinance of December 23, so his whole staff gets to work right up to Christmas to submit full development plans that they are going to give to the City of Bethlehem, and also present them to the Township Engineer, Planner, and Zoning Officer, and then to be able to appear at your next meeting in January to discuss the actual plans and see at that time if you do see issues that would not allow a quick approval for us. Mrs. deLeon said we meet January 3rd and not the 5th as we reorganize. Mr. Caracciolo said they were thinking the January 19th meeting as that will give them a month to review the plans. Mr. Maxfield said when you said not think of them as variances, what did you mean exactly? Mr. Caracciolo said the one thing like the site capacity calculations, like a Bucks County ordinance, it's very good for your farm fields, your forests and your crops, but for this, everything was man-made. He has the aerials that shows when it was farm fields. Fawn Run actually ran down the center of the property at that time and as Bethlehem Steel kept filling and filling, they actually pushed that stream up against Ringhoffer Road. That created steep slopes along the stream and there are things that are part of our

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development to try to protect the man-made steep slope. It doesn't seem to be in the spirit of the ordinance. Another thing, there seems to be a small area where as they were digging and working, they just started to pile debris and rocks up on the corner. We would just like to take that out as it could be one of our power stations for a substation. We're not trying to do anything out of the ordinance where we are trying to cheat or cut corners, but we really need to know if we can meet this timeline as he has to tell his client yes or no. He's not going to tell them to make a decision and know that we just can't pull this together. Mrs. deLeon said isn't it on your back that you have to try to do the best you can and if we're saying this has to be changed and your dragging your feet, we aren't dragging our feet? Mr. Caracciolo said he understands. The plans have to be in tip top shape and have to meet the satisfaction of your Township planner and engineer. It's more of just the timing. The process is to advertise for a variance, sit at a hearing and there's the actual writing period and then an appeal period. To have that process and go through it, there's no way he can meet his schedule. The critical path is for the piece that lies in Lower Saucon and how he can bring an approval to his client to get a building permit. Attorney Treadwell said when we talk about the Zoning Hearing Board items, which is what we discussed at the staff meeting, without seeing the full-blown plans; it's hard to specify what the issues are. As they were saying, there are a lot of man-made features on the site that are open to an interpretation. If you walked out there, you'd say that's a steep slope. Well, it might not have been in 1930 until Bethlehem Steel turned it into a steep slope and the same with some of the other things Bethlehem Steel may or may not have deposited. Those are the issues that he thinks they are looking to Council for tonight and why they are here tonight to try and get some type of feeling that we will cooperate with them along with the City of Bethlehem to try and meet this timetable that particular user may have. Attorney Preston said that is correct and pretty much why they are here as there are issues that are going to be open to interpretation. They are not looking to skirt the spirit of the ordinance at all. They may find themselves, as often is the case, brushing up against the letter of the ordinance, but perhaps the words can be read differently and fairly to the applicants advantage as to what is a rock outcropping, what is a steep slope, what are these types of things in the review process? If they can't, then we have no choice but to challenge them through the process that we are all familiar with, and that is probably not going to get us where we need to be. Mr. Maxfield said the idea of the site calculations, site capacity is natural resource protection and if these are unnatural resources, then the key is in the definition. The finding and history is very important. Wouldn't we really be interested in having the history of that area and knowing what happened on the property? If they could share it with them, that would be fantastic. Attorney Preston said they have aerials now that they could show you. Mr. Caracciolo said Penn State runs aerials and they have them when it was a farm field, how Bethlehem Steel developed it and then where we are today. Mrs. deLeon said she just read somewhere that the village of Shimersville was the oldest inhabited village in the Township and that's where things got started.

Mr. Caracciolo said the first photo shows when the land was all farm field. It was between 1937 and 1942. It shows the actual stream how it comes right through the center at the north side of the Lower Saucon parcel and then runs down through the site. When you go to the 1957 and 1962, photos in those 20 years, you can see on the Bethlehem side, all of the steel buildings are starting to take shape and being built, then there's a haul road and a railroad where they just continuously took their slag product with other waste products and things, dumped them there and then buried them. At that point, the stream is now two-thirds of the way over the property line. When you get into 1967 and 1972, you can see almost the entire Lower Saucon parcel is covered with slag. Mrs. Yerger said the whole sky would glow when they dumped the slag and then move it. Mr. Caracciolo said it went over the property line. The western edge of that steam bank is now slag. Now it's starting to grow back. That's why they want to take the full 50' buffer and 50' building setback of the property as they are going to plant and restore to get it back into shape like it was before. The steep slopes were made by Bethlehem Steel. Mrs. deLeon asked if they still test the groundwater out there? Mr. Caracciolo said yes. On their plans, they show which monitoring wells can be abandoned, which ones have to be replaced and which ones are maintained.

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Attorney Preston said to sum up, it's a good project and good for everyone involved. It's going to require some cooperation to get there, and if they can get that, they can get this thing done.

Mr. Kern asked if there was any comment from anyone in the audience? Mr. Mark Wirth said he's curious if this project is going to be funded and created by local labor or is this going to be built by people out of the state? Is it going to employ construction companies from the area as we are in dire need of work around here? Mr. Bailey said he's a VP for Commerce Construction, a subsidiary of Majestic Realty, and they are the subcontractor and will be hiring local help. Brandenburg just finished doing \$3.5 million worth of work for them. They are talking to all the local subcontractors.

Mr. Kern said if something comes up during this process and you are looking for a variance and it's so blatantly obvious that it's going to put a halt to the process, are you anticipating anything like that occurring? Mr. Caracciolo said 99.9999% sure they are okay there. He's talked to Chris Garges on numerous occasions. The one thing, the wall is 12' high. The maximum wall height is 8' and industrial, but there is a condition in the code that allows the Zoning Officer to make a judgment that the wall height is allowed for security. Talking with Chris and Boucher & James, that was agreeable. That was the one hurdle. The other was site capacity calculations. He can actually meet them, it's just for him to say what part are the man-made steep slopes, there's always some that have to be protected by the ordinance. That's why he wanted the determination that it's all man-made. Chris has already said that, so when we go through the Planning Commission and they agree, that will go away as well. Everything else, they will get their job done. The last one is with the impervious because of the Act 2, the federal permit, there is leeway that it is allowed, but he's not looking for anything else out of the zoning code. Mrs. Yerger said what she is hearing that is in the best interest to remediate this site and that's the overriding issue for her. Mr. Kern said during the process if it's uncovered that it's not in the best interest, then they will take action. Attorney Preston said do him a favor, keep a tape of this meeting. Mr. Caracciolo said he designed the plans and has to make sure public health, safety and welfare is all protected, and also the best use of land. He's not going to cut down a forest or taking out a farm field to build this. Mrs. Yerger said we have a pretty good idea of what's been going on at that site. As long as the overriding principal of this project is it's going to be a benefit in terms of environmental remediation, then she thinks we are all going to be going down the same path. Mr. Bailey said it's jobs, a nice reuse of the property and is tax revenue eventually. Mr. Kern said at what point do you think the client will be revealed? Mr. Bailey said originally it was going to be the first of the year, and that's still there, but they are still getting pretty close to that. He's assuming they will be able to release it in January some time.

B. BAUMER NURSERY – 2521 RINGHOFFER ROAD – SITE PLAN

Mr. Kern said the applicant is proposing to convert the existing residential use to a nursery use which is permitted by right. The site plan has obtained Planning Commission approval.

**STAFF RECOMMENDATION FOR BAUMER NURSERY 2521 RINGHOFFER ROAD,
TAX MAP PARCEL P8-4-1A SITE PLAN APPROVAL FOR DECEMBER 15, 2010
LOWER SAUCON TOWNSHIP COUNCIL MEETING**

The Lower Saucon Township Staff recommends that the Township Council approve the "2521 Ringhoffer Road" Plan, as prepared by Base Engineering, Inc., last revised December 3, 2010, consisting of two (2) sheets.

Subject, however, to the following conditions:

1. The Applicant shall comply with all applicable provisions of the Township Ordinances that may be pertinent to the project, whether specifically enumerated herein or not.

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2. The Applicant shall address, to the satisfaction of the Township, the review comments contained in the letter dated December 10, 2010, from Hanover Engineering Associates, Inc.
3. The Applicant shall address, to the satisfaction of the Township, the review comments contained in the letter dated December 8, 2010, from Boucher & James, Inc.
4. The Applicant shall provide seven (7) prints of the Record Plans with original signatures, notarizations, and seals. Four (4) complete sets of Plans shall also be provided with original signatures, notarizations, and seals. The Applicant shall also provide two (2) CDs of all Plans in an AutoCAD format (jpeg-ROM).
5. The Applicant shall pay any outstanding escrow balance due to the Township in the review of the Plans and the preparation of legal documents.
6. The Applicant shall satisfy all of Conditions 1 through 5 within one (1) year of the date of the conditional approval unless an extension is granted by the Township Council, or this approval shall be considered withdrawn, null and void.
7. Any violation of these conditions shall subject the Applicant to the same penalties set forth in The Code of the Township of Lower Saucon that would be imposed for the violation of a provision of Chapter 180 contained therein, as well as any other legal remedies available to the Township.

If the Council is voting on this matter, it is requested that the Council authorize the Township Manager to notify the Applicant of Council's actions.

Attorney James Preston, was present for the applicant. The applicant was present and Mitt Megurgi with Base Engineering. They have the review letters. The letter from Boucher & James looks clean. The letter from Hanover, where there were two comments, he will let Mitt address. Mr. Megurgi said the first comment in the December 10th Hanover letter, states the plan must be clear whether parking for company vehicles has been considered for the required parking spaces. The answer is yes. He will point to the site data table. The last line which says off-street parking spaces required. One parking per employee, which is eight and two for visitors is ten and that provides for a total of eleven parking spaces. Mr. Kocher said what about any landscaping vehicles or company vehicles? Mr. Megurgi said that is sort of addressed in the first paragraph of the project intent, which is primarily going to be in garages. Mr. Kocher is okay with this. Mr. Megurgi said the second comment was the plan must clarify whether any of the non-vegetated, non-roof cover has been installed since May 20, 1998. Years of installation should be identified. Stormwater management may be required now or in the future dependent on incremental changes since that date. His client acquired the property just recently, so they really don't know what transpired in the time frame 1998 through 2010. He might add that in order to meet the site capacity analysis criteria, the 800 or so square feet that was proposed to be added to meet the road access width criteria, has actually been offset by reducing existing impervious coverage. Therefore, they reverted back to what existed from the time they acquired it. Mr. Kocher said just so you realize, now that we do have it documented, this is baseline just in case you add something in the future.

Mr. Kern said staff has a staff recommendation with seven comments. Mr. Kocher said the first comment is they comply with all the ordinances. No. 2 comply with our letter of December 10th. No 3, December 8th letter from Boucher & James, which there are no issues. No. 4, provide the proper number of plan copies. No. 5, make sure the escrow balance is paid. No. 6 is do all applicable within one year, and No. 7 is if they violate, it's a violation of the Zoning Ordinance.

Mr. Maxfield said he can remember when you came before us before and talked about the usage. We were told about utilizing the property a certain way, putting materials in between existing trees, and he drives past your property every day. He noticed the property is being used for that use already. There's mulch stockpiled there. There's trucks stored there, before the approval is given. He also noted in the last couple of days, there's some small trees cut down and laying aside of the property. Council was told none of that was going to occur. A lot of people come here and tell us a lot of things and he doesn't want to sit up here and be told things just to earn that approval. If we

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make an agreement on things, he wants them to occur. We have people they are going to maintain a landscape buffer on the road and they cut down the buffer. We have people who tell us they are going to build a garage without a driveway and they have no intent of putting in a driveway, and suddenly a driveway appears. He wants to make sure this is going to happen as you state it will happen. That means no more cutting trees. If it's going to be used as a nursery, no residents there, no one living in the house. It's got to happen per the agreements that we make. Mr. Baumer said the first statement as far as the trees go, he did have DCNR looking at the trees and they approved cutting down the trees that were dead and those are the only ones he cut down. He did not cut any of the living trees. Mr. Maxfield said that still needs to go through the Township permitting process. Mr. Baumer said he was under the understanding that the hazardous ones that were dead, and that was only about five of them, and they were under an 8" caliper. Mr. Maxfield said it has to go through Chris Garges. Mr. Baumer said that was his mistake. He did it more for a safety issue for that area there. As far as the mulch, they just brought plants in there because they are going to be landscaping the entire front of the property and that's specifically for plants to be installed on the property, not a nursery use or storing them to sell them down the road. He got that mulch on a good deal. The entire expansion of the driveway on the plan on either side, he wants to do an entrance way where they will do plantings on both sides. It's a significant amount of mulch that they'll need to cover everything. Mr. Maxfield said he appreciates that as he mentioned at one of the meetings, the view of that building has changed and it's not a nice place to live and look out at, so it's great to be used as a business thing. It's got to be used per the conditions. Mr. Baumer said absolutely. Mr. Maxfield said then he's okay. Mr. Baumer said they are a growing company, so it's a step-by-step, as they are not a huge company that has the capital to have everything happen right away. Mr. Maxfield said again he wants to encourage business in Lower Saucon. He wants to make sure it proceeds as stated. Mr. Baumer said absolutely. Mr. Kern asked if there was any comment in the audience? No one raised their hand.

- MOTION BY:** Mr. Horiszny moved for approval as per the staff recommendation.
SECOND BY: Mr. Maxfield
Mr. Kern asked if anyone had any questions or comments? No one raised their hand.
ROLL CALL: 5-0

C. OLD MILL ESTATES – HAWTHORN & SPRINGWOOD RDS. – DEDICATION OF ROADS – RESOLUTION #75-2010 – APPROVAL OF MAINTENANCE PERIOD

Taken off the agenda.

V. TOWNSHIP BUSINESS ITEMS

A. ZONING HEARING BOARD VARIANCES

1. BOB & MICHELLE DABUNDO – 1837 VIOLA LANE – VARIANCE REQUEST FOR REAR YARD SETBACK TO CONSTRUCT PATIO

Mr. Kern said the applicant is proposing to construct a deck which does not meet the required rear setback.

Bob Dabundo was present. He said he's requesting a variance for his rear setback. His impervious space is not an issue. It's just really the setback because of where the house was originally built. It's at its closest point, 41' to 42' from the setback. His plan is to build a screened porch 20'x24' which will take him to about 20' to 21' from his setback.

Mr. Kern asked if Council had any comment? Council said they will take no action.

2. **T-MOBILE NORTHEAST – 1995 LEITHSVILLE ROAD – VARIANCE REQUEST FOR DIMENSIONAL SETBACK FOR CO-LOCATIONS OF ANTENNA**

Mr. Kern said the applicant is proposing to add 11 feet to an existing 149 ft. monopole communications tower and is requesting a variance of 31.5 ft. of relief from the required setback of 241.5 ft.

Mike Grab, Attorney, was present representing T-Mobile. The Council is very familiar with wireless applications. There was one earlier this evening which you had a hearing on. He thinks Council is familiar with this location also. What T-Mobile proposes to do is extend the existing pole by 11' and adding antennas to it. The use is permitted by conditional use, so if the variance is obtained by T-Mobile, they will be back before the Council with this application. They are appearing before the ZHB to request a dimensional variance, not from the height limitation, but from the setback limitation as the President of Council indicated. He has their site engineer present, Mario Calibretta, who was here for the Metro PCS hearing earlier. He'd like to do is place before Council the display version to Council and just have Mario explain exactly what's proposed. Mario said the existing parcel in question fronts PA Route 412, Leithsville Road. It is set back from the road a fair amount behind the existing structure toward the front. It is a very large parcel. The existing site already accommodates several wireless carriers. In terms of location, they are about a third back on the large piece. The existing structure is a conical type support structure. It currently has several carriers on it. There is a fence compound at its base. What T-Mobile proposes is to actually expand that compound slightly. The compound currently configured is very crowded and it won't fit inside of that. They will be expanding that towards the rear of the actual compound itself. Within that expansion area, they will have a 15'x24' fenced area. Inside of that, will be a 10'x20' square concrete pad. On that concrete pad will be proposed four new cabinets, roughly the size of a wide refrigerator up to a total of about six. They immediately will try to install four with room on that pad for an additional two. The cabinets themselves will be attached, via coaxial cables to the antennas at the top of the structure. Currently, the structure itself is 137' tall. They will be extending that to 160'. The overall extension is 22'. T-Mobile's antennas, which will total nine antennas, will be at the top of that structure, and that will be at 160'. The extension itself will add the height to the existing structure and the structure itself will need to be modified. That has been modified in the past to accommodate these new users. The additional height as well as the new additional antennas will also require that it be modified. Right now, the antenna can't be put on even if the extension were to be placed simply because of the structure issues. We don't foresee that to be a problem as we already have a preliminary design and already are in place for that expansion and the extension. Basically, what you will see is very similar except a little taller with additional antennas. Mr. Kern asked if they had any visuals on what it will look like now and what it will look like after? Mario said he has existing photographs. He doesn't have photo simulations of what it would look like. They can provide those very easily. Visually speaking, there are three levels of antennas there now. T-Mobile will be at the top. There is the fifth carrier and the fourth one below that. The arrays themselves are mounted on structures, support platforms that come in standard sizes, usually 9' or 12' on one side. They are triangular in orientation and they are pretty much industry standard. They are similar to what's there now.

Mrs. deLeon asked about the fall zone. Mario said they do show that on the site plan. The current fall zone actually has an existing shed with also a portion of the existing building on the same property. The new fall zone looks like it would still impact the existing structures on the site, but nothing beyond the property line.

Mr. Maxfield said the four cabinets you talked about on the platform, there is capacity for six? Mario said correct. T-Mobile's operation uses, at a maximum, up to six cabinets.

Many installations use two. This particular one initially one will require. Those two may be needed at some time in the future. We allow space for it rather than adding more space later. He's been in many situations where T-Mobile has been on the site for many, many years and has only ever used one or two cabinets. They leave room for it, if and when the possible actuality may come into play, but it's not guaranteed they ever will. Mr. Maxfield said if it were needed, would it require another extension onto the pole? Mario said no, the antennas they are asking for, essentially fill out what T-Mobile requires from an antenna perspective. The additional equipment at base provides more capacity and the ability to handle more calls. In his years of working with T-Mobile, he hasn't ever seen anything beyond nine. Often times they may initially come up with six, with three future, here, the capacity issues are they just want the nine antennas all at once. If they were ever to come back with more antennas, they would get more approvals and may need some modification, but not a new extension. When they lease these areas, they lease an elevation. He can't think of a situation where the same carrier might want multiple levels on the same tower.

Mr. Kern asked if there was any comment from anyone in the audience? No one raised their hand. Council took no action.

3. **L&P HOLDINGS (MEADOWS BANQUET FACILITY) – 1770 MEADOWS ROAD**
– UPDATE ON ZONING HEARING BOARD STATUS

Mr. Kern said Council directed staff to work with the applicant to prepare a baseline of what has been done over the years at the Meadows Banquet Facility and from there develop some type of mitigation agreeable to both parties. The applicant has not submitted any plan of action, therefore the notice of violation should proceed to the Zoning Hearing Board.

Attorney Treadwell said that slide is an old description because they do have a new one and the applicant is here and he can either confirm or not confirm his explanation. They have tried to come up with an agreement that will resolve all of the zoning issues and the environmental issues as best as they possibly can without shutting down the entire business. He will read to you what they have come up with. When the applicant was here last time, he said he was willing to remove various different structures that are located on the property. No. 1 would be that the applicant will remove all structures and uses located to the south of the chalet including the tent, the deck and all impervious surfaces with the exception that there's one existing storage shed that the applicant would like to keep. All those structures would be removed by April 1, 2011. The second issue is that the applicant would obtain and apply to the Township for building permits along with whatever building permit fees would apply for those structures that are going to be allowed on the property. Any of the structures that were put up or modified without getting permits from the Township, they will get those permits and pay the fees that go along with those permits as you would have to do if you had done this correctly the first time. Those building permits include the construction of the renovation of the main hall, the chalet, and any of the remaining decks or ramps that were built after the year 2000. The year 2000 is the last year that the Township has in its files when permits were actually issued. Anything built subsequent to that, they will need to get the permit and pay the fees for. They shall apply for those permits by January 31, 2011. The third issue is the applicant will obtain a building inspection report from a certified building inspector for all the structures that are located on the property. The purpose of this is to have someone certified and familiar with the uniform construction code, the standard building code in the Commonwealth of Pennsylvania go in there and check everything out to make sure it's all up to code and if necessary, to perform all work necessary to bring the structures up to code if the inspection shows there's something that needs to be fixed. The inspections shall be completed by March 1st, and the work, if any, shall be completed by June 1st. The fourth item is that the applicant shall install improved plantings along the side of the Saucon Creek in accordance

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with recommendations developed by the applicant's engineer and approved by the Township to enhance the floodplain area and restore any damage that may have been done by the construction of non-permitted improvements in that area. They'll come up with a plan and give it to the Township. We'll look at it and make sure it's up to what your ordinances require and that shall be done by June 1, 2011. The fifth item is that the applicant will obtain approval of a sewage facility planning module or exemption. The applicant's engineer thinks they may qualify for an exemption, and if so, that's fine. That's a DEP issue, but one of the two will enter into a revised holding tank agreement as there are still holding tanks on this property that are providing some of the sewer service. Those are the items that the applicant, after this has been going on for a year and a half, that we finally agreed to and if they confirm and sign this document agreeing to that, the Township would then allow the applicant to go to the ZHB and present their case for the necessary variances and special exception that they would still need. We will basically take no action and let them go to the ZHB and make their case. If for some reason, they don't get the approval from the ZHB, then we're back to the notice of violation and they would need to comply with the notice of violation and the terms of your zoning ordinance. That's a summary as best as he can explain it as to where we are now. Mr. Lebkuecher said it sounds real fair. Attorney Treadwell said if that is something that Council is agreeable to, you could make a motion to authorize the Council President to sign this document, and we will have Mr. Lebkuecher sign it and go to the Zoning Hearing Board. His understanding is they may not be going this coming Monday as his attorney had some scheduling issues. If they sign this, we're protected to the extent we can be protected.

MOTION BY: Mrs. deLeon moved for approval as stated by the Solicitor.
SECOND BY: Mrs. Yerger

Mr. Kern asked if anyone had any questions or comments? Mr. Mark Wirth said over the years, wasn't there a main sewer line that was run down that area that could be connected to the facility? Mr. Maxfield said it's the Leithsville sewer plan, but that has not been installed. Mr. Wirth said not by his own means, but through some people he knows, there was a lot of illegal things done in that building structurally. There's a wall built between the kitchen and banquet hall that is between floor joists and the floor sags 2" between there. There are 15 chandeliers on one light switch on the left wall as you walk in and the wall is hot when you put your hand on it. There are upstairs offices built in one area and they have storage tanks for soda which they were told by the Township back then, there wasn't supposed to be any structural weight put up in that room, and there is. There is numerous wiring running outside all over the place that is not weather proof wiring plugged into stuck on posts that are exposed above ground levels. He doesn't think the Township wants to have any kind of lawsuit if anything would happen and they would have a big wedding there and they get a snow load on that roof with people dancing and it collapses and they know about it. Mr. Kern said one of the items in the agreement is that a building inspector will be going in and inspecting. Mr. Wirth said they should look at that demising wall. He knows who built it and he didn't want to build it, but they were told to build it, so they built it. Ms. Stephanie Brown said if her memory serves her correct, in the summer of 2000, wasn't there a main sewer line run down Meadows Road to connect the Giant? The sewer line went through the Saucon Creek at some point to put the shopping center there, so she believes there is sewer there. Mr. Kocher said the Giant is served by the pump station. He didn't do any planning back then, but the line that would eventually serve the Meadows is the line which will eventually go to Leithsville. Ms. Browns said she's not sure if this is an issue for this Council or the ZHB, but she was looking at the Morning Call on December 12th and she found this ad in for the Meadows Banquet Hall and they are advertising Breakfast with Santa and buffet and the 20th Annual New Year's Gala, and a New Year's Eve for early birds. Isn't that something a restaurant does? What did the Township ever decide about this facility acting as a restaurant? Has that question ever been answered? When she grew up on Meadows Road, it was a picnic facility and you had picnics there. As far as some of the residents of Meadows Road have been

concerned over the years, it's now more of a restaurant. She's wondering where we are with that issue? Attorney Treadwell said as we've discussed over the past year or so, it's basically a banquet facility although the Township as of eight or ten years ago did allow certain hours of operation for people to come in for buffets and Mr. Lebkuecher knows better the hours of operation are. Mr. Lebkuecher said they were allowed to open Mondays and Tuesdays and a seafood buffet on Wednesday nights and holidays. The only days they opened up the buffet was on Christmas, New Years Eve, Thanksgiving and Easter. We do almost 1,500 to 2,000 people in a day's time and they are mostly senior citizens, who come in by the bus. It keeps him alive. If he wasn't open on Christmas and New Year's Eve, he'd be out of business in December and January. He has 20 to 30 employees who are dependent on those holidays and he doesn't make any of his employees work on Christmas Day. He has two Jehovah's Witness girls who bring in 20 Jehovah's Witness people to work and when people say Merry Christmas, they say thank you and they do a great job and look forward to working those four days. It's created a lot of jobs and is keeping them alive. Ms. Brown said she's not here to fight with him, but you have all the other facilities that you cater in the Township. She knows there is one in Upper Saucon. She just doesn't see from what's advertised in the paper for the last couple of years that they are complying with the Township. She has to question it. Is it something she should be bringing up at a ZHB meeting. Mr. Horiszny said they already investigated it and found out it was approved years ago. Ms. Brown said she's trying to tell you what she sees, they are doing a lot more than what they are allowed to do.

ROLL CALL: 5-0

4. MILLER – 2059 RIVERSIDE DRIVE – VARIANCE REQUEST FOR DIMENSIONAL SETBACK FOR PORCH/DECK

Mr. Kern said the applicant is proposing to construct a deck that does not meet the required rear setback and a porch that does not meet the required front setback.

Mr. and Mrs. Miller were present. He said it's exactly what was just said. They want to put a patio back and are looking to get the variances. The only issue he had was the front porch was constructed when the house was built and they didn't know they had an obvious problem with the setbacks, but it was done as the home was built. Either way, they'll just get the variance for it and let them make it right. It is existing and built with the home. It's 6'x8' and Chris Garges brought up the fact that the front of the home was put right on the setback. He doesn't know why the house was set right there as you need steps to get out of the house. Everything was approved by Base Engineering and they are just waiting for the permits. Council took no action.

5. SAUCON VENTURES – 2200 WASSERGASS ROAD – ZHB REVIEW FOR SPECIAL EXCEPTION

Mr. Kern said the applicant is seeking a special exception to revise the permitted use for the current building.

Attorney Preston said this is a variance request for the old school building. We reviewed this once before. There were some specific questions about medical waste the last time and hours of operation. Just a recap, they are heading to the ZHB for the use. We are going for a special exception for a change of nonconforming use or in the alternative for a variance that deals with the use piece. There is a request for a variance for buffer yard which had to do with the existing trees around the perimeter. The parking was a little different. There's an impervious coverage max which was 25%. They would exceed that if they put the required parking in for the use, so they put in parking and it took us up to the 25%, but not exceeding the 25%. Then a lot of the specific area for reserve parking could be built later, if in fact, we determined there was need for additional parking. There were two requests.

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One was to exceed the impervious coverage allowance that would only come into play if we had to initiate that reserve parking. We wouldn't have to exceed it if we didn't need it, but better to have it than to need it and not have it.

Sue Kandil said the hours of operation are 8:00 AM to 5:00 PM. Mrs. Yerger said she thinks there was some concern from Planning Commission because it's existing in a residential area, they didn't want to see cars coming and going at 9:00 or 10:00 PM. Mrs. deLeon said as a former school, they did have activities there into the night and she's sure there were people there at night for concerts and games and teacher's nights. She's trying to promote business in our community. She thinks to rent it, it would be better if your hours were extended and this is hard times and we need people to promote business as that offsets our taxes. Mr. Maxfield said he would want hours from 8:00 AM to 5:00 PM as it is a special condition. It is in a rural residential area. One of the most offensive things to residents would be to have headlights shining in their house at 8:00 PM or 9:00 PM. If we are going to fit that kind of use into this type of area, we need to accommodate the people who live there already. It hasn't been a school for 20 years or more, so the people are used to this. If we are going to make it offices or have businesses in there that could be receiving deliveries, we need to have hours of operation. Mrs. deLeon said when she supports hours of operation, she's leaning towards extending them past 5:00 PM. Mr. Kern said what types of business would be there? Attorney Preston said it would be office uses. We gave a list to Chris Garges. The only one that caused some concern was a medical office. Ms. Kandil said she talked to DEP regarding medical waste and what they said they normally do is they have a holding tank and each office used for medical use will have a sink that will only be used for medical use and this holding tank will be emptied every two weeks or so. Mrs. Yerger said is that indicated on the plan? Ms. Kandil said we will do that in the land development stage. Attorney Preston said he would suggest it be made a condition of zoning. Mrs. deLeon said if it's rented as a medical office, they would have their own disposal. Attorney Preston said yes, in accordance with DEP regulations. That's where it comes from. Ms. Kandil said DEP and Township regulation too. Mr. Maxfield said he was talking to Attorney Treadwell about the 8 to 5 hours, and someone mentioned a situation where they were going to come and kick people out at 5. He received a UPS delivery at about 6:00 PM the other night, so if we could alter those hours to even 8:00 PM to 6:00 PM, most offices could close and give people time to clean up and the extra delivery, would that be a little bit more reasonable? Attorney Preston said that would be okay. Mrs. deLeon said it depends what kind of offices we have there, a lawyer's office, an engineering office. How many times do they meet a client after hours? Not everyone works those wonderful daytime hours. You have to accommodate people. She's not saying you have to be open late at night. She just wants people accommodated so we can rent these places out. Mrs. Yerger said one of the issues is when you have offices open late into the night, then you start having lighting issues also for security issues. Then you have more than headlights coming and going, you have lights on the entire facility until whatever time and it becomes more than just a few headlights. Mr. Maxfield said there's a difference between security lighting and public access lighting. Public access stops and your lights go off at 6 PM and then your security lights remain on. Mrs. deLeon said is there going to be a difference in the lighting plan? Ms. Kandil said after midnight, it will be down 40% for security lighting only. From 6:00 PM to midnight, it will be the full amount of light. Mrs. deLeon said the lights will be the same up until midnight? Ms. Kandil said correct. Mr. Maxfield said can we work on that? We're out in the country and can't have lights blasting until midnight. Mrs. deLeon said aren't the requirements for lighting not to be off the property line? Ms. Kandil said yes, they will keep it at the minimum, but after midnight, there will hardly be any light. Mr. Maxfield said that's why there is a difference between what is needed for security lighting and for safety and for security guards and what is needed for the public. He would think the lighting should be adjusted to meet the hours of operation. He can't imagine why you would want full blown blasting lights until midnight out in the country. It should be altered. Mrs. deLeon said

you don't want janitors and any other people that are accessing the site to be in danger also as they need light to access the building. Ms. Kandil said they will work with the Township in what kind of lights they will use. They want to make sure to get the variance first before they make any changes with the plan. Mr. Maxfield said this use is tied very much to the impact of the area, and this is part of the impact. Mrs. deLeon said our ordinances are our ordinances if they have to meet for the use. Attorney Preston said we agree that a limitation on the hours is acceptable. He would think that if you define what that open period is when the offices are there, that's when the full lighting and so forth is on, he doesn't know if after that time you need the full lighting. He can't imagine you would, but then he's not an engineer. Maybe there's a reduced amount that you need that's not what you would need to stay open, but more than you would need when the place is shut down. He can tell you that your idea is correct. Mr. Maxfield said think about living next to it. Attorney Preston said he doesn't have a problem with any of it. His only concern is if they'd go from 8:00 AM to 6:00 PM, then after 6:00, it has to drop the security lighting. He doesn't know what security lighting looks like. Ms. Kandil said there's a condition in the plan that they have to meet all the requirements for Section 180-96 and that is a condition in the plan. They will work with the Township to make sure this will happen. Mr. Maxfield said yes, there are those requirements in the ordinance and the neighborhood protection standards, but this is a particular case and we need to look at these issues before we deal with the use. He can say, with some confidence that they will be working on a lighting ordinance very soon, which was already in the plans. Ms. Kandil said we only need it for security. We can reduce it after that like 40% to make it the minimum needed for security and cleaning people. Attorney Treadwell said the confusion is that it's in the plan after midnight it goes down. The question is, can it go to that 40% level after 6:00 PM. Ms. Kandil said yes. Attorney Treadwell said then that's good.

Mrs. Yerger said we've addressed the medical waste. We've addressed the lighting issue, the hours of operation. Mr. Kern said the time of 7:00 PM seems even a little more reasonable for a medical facility or an office where you are coming in. Mr. Horiszny said we agreed 8:00 AM to 6:00 PM. Mr. Kern said he knows, that's why he hesitated on that. Mrs. deLeon said she agrees with Mr. Kern. She thinks 7:00 PM is more reasonable than 6:00 PM. Mr. Maxfield said there's more reasonable for the businesses and there's not more reasonable who live around them. Mr. Kern said he is thinking of the people who live there if it shuts down at 7:00 PM and you turn the lights down at that time, he would be comfortable living next to that. Mr. Maxfield said you will have to convince the Planning Commission of that. Mrs. deLeon said Planning is just a recommending board. Mrs. Yerger said 6 or 7, we have the general idea.

Mrs. Yerger said just to recap, we need to discuss the impervious. By meeting the impervious you don't have the correct number of parking spaces. You do have an auxiliary parking and you are looking for relief in the event you need those additional parking spaces. Attorney Preston said correct, that would require a variance from impervious cover. Attorney Treadwell said it's like a reserve parking area. It will be grass unless and until the Township through the Zoning Office says you need more parking spaces at which time they would go out and construct more parking spaces. Mr. Kochanski said what they discussed last time was the Zoning Officer would go out if there were complaints that there are issues with parking and people are parking in the grass creating a safety issue. At that point, we would notify the applicant to install the reserve parking. Attorney Preston said it's the Township's call. Mrs. deLeon said she also thinks about the lot on the top of the hill with the old gas station that was redone and the parking situation we have there. That met the requirements and yet, it's not a good situation. Attorney Treadwell said when that plan was going through the Planning Commission and various reviews, everybody specifically looked at what square footage we are using to calculate the number of parking spaces. He thinks that was the issue that we have on top of the hill is that, although the building may be x square footage, only y square footage was used to

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calculate the parking because the applicant in that instance had told the Township that not all that space would be used for employees and that's not how it turned out. That issue was specifically look at with that in mind with this application. Mrs. deLeon said the parking spaces, whatever you came up with that number, is that where they are going to put those parking spaces or is that part of the overflow? Attorney Treadwell said the total square footage of the building that was used to calculate how many parking spaces you would need, that was the big question. Make sure they have enough of the area of the building used in the calculation. Their plans do not show the total number of parking spaces being installed immediately that correlates with that square footage because they don't believe they are going to need it, but their plans do show that there is room on the property for that number, if we in fact go back to them and say you have to put them in now. Mrs. Yerger said okay, and since Chris knows already, there is a water issue and if we don't have to use those parking spaces, it's much better for the site and the neighborhood.

Mrs. deLeon said what about sewer? Mr. Kern said sewer is holding tanks for medical waste. Ms. Kandil said it's existing septic systems. Mrs. deLeon said she's talking about the proposed sewer system. Ms. Kandil said it's an in ground septic system and they did some soil tests there and it's working fine and she has that information from Branden Engineering. Even what they need for the office building is 1/10th of what the school was using before. They got the okay from DEP to use that system. Mrs. deLeon said if we take no action and this moves to the ZHB and they approve this new non-conforming use, then your plan still has to meet the existing regulations and that's already defined? Attorney Treadwell said the land development plan has to come back to you for approval. Mrs. Yerger said do we need to put these hours of operation in our motion? Attorney Treadwell said he thinks it would be helpful to the ZHB if we just defined them now. Mr. Maxfield said are you more comfortable with 8:00 AM to 7:00 PM? Mr. Kern said yes.

Mrs. deLeon said with the hours, we are now going back to what she originally wanted? Mr. Maxfield said you said 8:00 AM to 9:00 PM? Mrs. deLeon said she said that earlier tonight when she said the school kids had activities until 9:00 PM? She was just making that as a reference. Mr. Horiszny said we do need a motion if we are going to mention the time.

Mrs. Yerger said we need a motion that will say the hours of operation will be limited from 8:00 AM to 7:00 PM, that should medical offices be included in the occupancy that they be required to have holding tanks for medical wastes and dedicated sinks, as per DEP recommendation and regulations; and to comply with all Township regulations; that the lighting will go to 40% after the 7:00 PM.

MOTION BY: Mrs. Yerger said Council will take no action provided the conditions stated above by Mrs. Yerger are met.
SECOND BY: Mrs. deLeon
ROLL CALL: Mr. Kern asked if anyone had any questions or comments? No one raised their hand.
5-0

B. 2011 BUDGET – FINAL ADOPTION – RESOLUTION #76-2010

Mr. Kern said the 2011 final budget has been prepared and advertised for final adoption. Prior to budget adoption Council will need to approve Resolution #76-2010 based on prior discussions.

Mr. Cahalan said the 2011 budget was advertised for a 20 day public review period and it's before Council this evening for final adoption. The amount of the budget is \$6,475,805.00. There's no tax increase required for this budget. The real estate millage remains at 4.14 mills. He'd ask that Council should make two motions – one motion to approve the 2011 general fund and a second motion for approval of the 2011 special funds budget. Normally, at this time, Council makes the

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decision about salaries for the department heads and salaried employees, and based on the economic conditions that we're undergoing and the stagnating housing market, despite a very good record of performance on the part of department heads and staff this year, Council decided they needed to hold the line in 2011 and they will not be giving raises to department heads and the salaried employees. Mr. Kern said that was a very difficult decision because the quality of personnel working here is top notch. You couldn't ask for a better staff to work for the Township, but the majority of Council felt it was not the appropriate time based on the economic climate and based on what the sacrifices Township residents are going through at this time to adopt an increase in salaries. Mrs. deLeon said based on our discussions in Executive Session, we have to come out here and formally vote on the recommendation for that. Mr. Kern said this is all under Resolution #76-2010? Mr. Cahalan said we have it all in one resolution, so you can make one vote for both funds under this resolution.

MOTION BY: Mr. Horiszny moved for approval of Resolution #76-2010.
SECOND BY: Mr. Maxfield
Mr. Kern asked if anyone had any questions or comments? No one raised their hand.
ROLL CALL: 5-0

Attorney Treadwell said could we go back as there's a question and he doesn't understand all the facts, and if we can clarify the facts, he can make a determination on a vote on the raises. Mrs. deLeon said we had an Executive Session regarding performance evaluations of the salaried employees and we had discussion and we didn't come out here to vote separately. Attorney Treadwell said he needs to know before you vote on it. Does the 2011 budget that you are proposing to adopt have raises in it? Mr. Cahalan said no. Attorney Treadwell said if it doesn't have raises in it, then by voting on that, you've said no raises and you are okay. You don't need a separate vote to say we're not going to give raises because your 2011 budget doesn't have raises in it. If on the other hand your 2011 budget had raises in it and you decided to take it out, you'd need a separate vote.

C. ORDINANCE NO. 2010-10 – FIXING TAX LEVY FOR 2010

Mr. Kern said Ordinance No. 2010-10 has been advertised for adoption to fix the 2011 Tax Levy at 4.14%. Mr. Cahalan said that is what the purpose of this ordinance is for.

MOTION BY: Mrs. Yerger moved for approval of Ordinance No. 2010-10.
SECOND BY: Mr. Horiszny
Mr. Kern asked if anyone had any questions or comments? No one raised their hand.
ROLL CALL: 5-0

D. RESOLUTION #74-2010 – FIXING EIT, REAL ESTATE TAX & LOCAL SERVICES TAX FOR GENERAL PURPOSE

Mr. Kern said Resolution #74-2010 has been prepared setting the Earned Income Tax, the Real Estate Transfer Tax and Local Services Tax for General Purpose.

Mr. Cahalan said this will continue. Those taxes are the same in 2011, the 1.25% earned income tax; the real estate transfer tax which is \$1.00 on every \$100 of total value; and the emergency municipal services tax which is \$25.00.

MOTION BY: Mrs. Yerger moved for approval of Resolution #74-2010.
SECOND BY: Mr. Maxfield
Mr. Kern asked if anyone had any questions or comments? No one raised their hand.
ROLL CALL: 5-0

E. RECOMMENDATION FOR COBRA SERVICES

Mr. Kern said the Manager will provide Council with a recommendation for COBRA services based on the response to the Request for Proposal.

Mr. Cahalan said we had discussed with Council previously that we were looking to outsource the administration of COBRA obligations that we have for our employees, mainly regarding health insurance. Council at the October 20th meeting directed us to prepare an RFP which was done and it was distributed to three firms that specialize in providing administration services for COBRA. We received one proposal from Benecon, our current health care administrator, and we were pleasantly surprised to find out that the costs were much less than we anticipated when we first came to Council. Benecon already services our health care plan and has the census information for our employees, so the cost for these services are only \$9.00 per enrolled employee per year which would only cost the Township approximately \$380.00 annually to keep us in compliance with the federal COBRA laws. He has a proposal from them that the cost will not exceed \$500.00 per year to provide these required COBRA services and he recommends that Council approve an agreement with Benecon to provide these services.

MOTION BY: Mrs. Yerger moved for approval as stated above by Mr. Cahalan regarding COBRA services.
SECOND BY: Mr. Horiszny
Mr. Kern asked if anyone had any questions or comments? No one raised their hand.
ROLL CALL: 5-0

F. ORDINANCE NO. 2011-01 – AMENDMENT TO CHAPTER 170- VEHICLE CODE REGARDING SNOW AND ICE REMOVAL – AUTHORIZE ADVERTISEMENT

Mr. Kern said Ordinance No. 2011-01 has been prepared to restrict parking on various streets and cul-de-sacs during periods of time necessary for the removal of snow/ice.

Mr. Cahalan said the Township has approximately 132 cul-de-sacs that are connected to our roadways. During periods of snowfall and following those periods, they are difficult to clear snow. Most of the cul-de-sacs do not have center bulbs where the snow can be dumped during snow removal operations and our snow plows do not have the ability to lift and carry the snow out of the cul-de-sac area. They have to plow the snow and then push it up and over the curbs and dump it into the open areas between the driveways, fire hydrants and mail boxes. If vehicles are parked in the cul-de-sac, during this removal operation, it makes it very difficult to clear and remove the snow from these roadways, thereby creating a safety issue for the traveling public. We are proposing an ordinance that would restrict parking in cul-de-sacs during period of snow and ice removal and that's before you for advertisement. In any new development, that comes before Council, we have been asking the developer to agree to a snow storage easement which is a document the solicitor prepares that provides us with a definite area in the cul-de-sac where we are permitted to dump the snow during the snow removal operations. Mrs. deLeon said she noticed Saucon Avenue wasn't on the list. They have signs up at the cul-de-sac. Mr. Cahalan said they will have to check that. Leslie worked with the Director of Public Works so we'll check that. Mr. Horiszny said are we going to have signs? Mrs. deLeon said on Saucon Avenue there are signs that during a snow event that you are now allowed to park there. Mr. Kern said that would be a lot of signs. Mr. Cahalan said this would be staged and he'd have to say that overall this is not a major problem. It's only a problem in several areas, and those are the ones we'll focus on first and put the signage up. This will be publicized and we'll get the word out.

MOTION BY: Mr. Horiszny moved for approval of advertisement of Ordinance No. 2011-01.
SECOND BY: Mr. Maxfield
Mr. Kern asked if anyone had any questions or comments? No one raised their hand.
ROLL CALL: 5-0

VI. MISCELLANEOUS BUSINESS ITEMS

A. APPROVAL OF DECEMBER 1, 2010 MINUTES

Mr. Kern said the minutes of the December 1, 2010 Council meeting have been prepared and are ready for Council's review and approval.

MOTION BY: Mrs. Yerger moved for approval December 1, 2010 minutes.
SECOND BY: Mrs. deLeon
ROLL CALL: 4-1 (Mr. Horiszny – No)

B. APPROVAL OF NOVEMBER 2010 FINANCIAL REPORTS

Mr. Kern said the November 2010 Financial Reports have been prepared and are ready for Council's review and approval.

MOTION BY: Mrs. Yerger moved for approval of the November 2010 financial reports.
SECOND BY: Mrs. deLeon
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 – None

VIII. COUNCIL AND STAFF REPORTS

A. TOWNSHIP MANAGER

➤ Mr. Cahalan said he'd like to recommend an appointment to the Planning Commission. Scott Kennedy is a resident and he's an engineering graduate of Lehigh University and has over 25 years of experience in school facilities management and construction. We interviewed Scott recently and his experience and background will be well suited for the Planning Commission. He'll be filling a term that was due to expire on December 31, 2010, so if he's appointed, he'll have to be reappointed at the January reorganization meeting. He's recommending Scott Kennedy be appointed to the Planning Commission to fill the vacancy of the term expiring December 31, 2010. He will be attending the PC meeting tomorrow night.

MOTION BY: Mr. Maxfield moved for the appointment of Scott Kennedy to the Planning Commission to fill the vacancy of the term expiring on December 31, 2010.
SECOND BY: Mrs. Yerger
ROLL CALL: 5-0

➤ Mr. Cahalan said Resolution # 77-2010 which has to do with the sewage facilities planning module planned by Scenic View Garden Apartments. They need to submit this to DEP and he needs approval. Mr. Kocher said they've been working with Jeff Huff, the SEO, for quite some time and it's ready to go. Mr. Cahalan read the resolution from DEP. Mr. Horiszny asked if this has to do with the addition they want to put on? Mr. Kocher said it's the new four unit building that they want to put up. Mrs. deLeon said that hasn't been approved yet. Mr. Kocher said typically we used to do this and every development had a resolution you had to approve, but DEP streamlined that process about seven or eight years ago. This met the criteria for you to actually pass a resolution as it's a community system. Generally, we don't see these that much anymore. It's a standard operating procedure from the state. Mr. Horiszny said passing the resolution doesn't automatically give them permission to do it before? Mr. Kocher said correct, that is you amending your Act 537 plan to allow this, but it is not granting an MPC approval. Mr. Maxfield said they have an

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existing community system? This is just an expansion and a brand new one? Mr. Kocher said yes.

MOTION BY: Mr. Maxfield moved for approval of Resolution No. 77-2010.
SECOND BY: Mrs. Yerger
ROLL CALL: 5-0

- Mr. Cahalan said there's a copy in your packet of the last meeting of the Saucon Valley Partnership on December 8th. It has to do with the Saucon Rail Trail which we are hoping that sections of the rail trail can be opened in spring of 2011. This issue had been discussed at several partnership meetings which was that we lack the approved intergovernmental agreement between the four communities that share the trail. Lower Saucon Township and Hellertown Borough have approved an intergovernmental agreement and by-laws, and that was shared with our partners in Upper Saucon and Coopersburg about a year ago and it's still been going through review according to what we are told. The partnership feels it's critical that we have this agreement so we have some consensus on the operation and maintenance of the trail once it's opened to the general public. This is something that the Saucon Valley Partnership felt strongly about and they put it down in the letter and they sent it to the Upper Saucon Township Supervisors and Council President in Coopersburg Borough.
- Mr. Cahalan said he received a request that came from the SV Youth lacrosse and we took it to Parks and Rec. He had an aerial photo of the multipurpose field behind Lower Saucon Authority. They are requesting permission to put a storage shed in the corner of that property to put their equipment and some of their field maintenance gear. It will be tucked into the corner and it backs up against the LSA property. It will not be on the plateaued area where the playing field is. It's been reviewed by the Director of Public Works and he had no problem with it and the Parks and Rec. Board looked at it and recommended that Council give their approval to lacrosse to locate the shed there.

MOTION BY: Mrs. Yerger moved for approval as stated above by Mr. Cahalan.
SECOND BY: Mrs. deLeon
ROLL CALL: 5-0

- Mr. Cahalan said you may have read the state passed a provision to the Uniform Construction Code that effective January 1, 2011, requires that a sprinkler system be installed on single family dwellings. This has been debated for awhile in the legislature, but it did pass and it will create a significant expense to builders and homeowners of any new homes that are issued a permit after January 1, 2011. If it's an existing dwelling, any additions or alterations to those structures, they will not need to install a sprinkler system. Due to the January 1st deadline, our Zoning Department has experienced a higher volume of questions, applications and requests and the Township policy regarding this submission of building permits is clearly spelled out in Section 4 of our ordinance under grading and earth disturbance. This section states that where a grading and earth disturbance permit is required, a building permit cannot be issued until the grading and earth disturbance permit is issued. It further explains that a building permit application may be submitted in accommodation of that grading permit application. He wanted to make this clear and he'll put it out on the website because Chris Garges has been getting a lot of questions on it from builders. It says the Township will accept complete, permit packages that include a grading permit application and all applicable building permit applications and permits as outlined in the permit checklist. It said complete packages must be submitted by December 31, 2010 or they will be required to comply with the new code regulations outlined above. They will put that out to the public. Some people have been asking if we can expedite and cut some corners on this process and we wanted to make sure that was clear that we could not. Mr. Kern said this applies to any home size? Mr. Cahalan said to single family dwelling. The fire services has been pushing for this and promoting it as

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there's a lot of research that has gone into this that shows sprinklered homes are safer. If you are in an area where fire response is delayed, this will help. Mr. Kern said how do you put a sprinkler system out in the rural countryside? Mr. Kocher said on a well and you have to put a tank in your attic. That's one way. You could have your individual pressure system in the basement. Mr. Maxfield said elevating it to the attic is the only way to get that kind of pressure. Mr. Kocher said and depending on how many stories your house may be, that may not do it either. Attorney Treadwell said the legislature actually adopted this a couple of years ago and said the effective date would be January 1, 2011, so they didn't do it during the time when the economy was bad. There have been many people who have tried to get that timeframe changed, but they have said no. Mr. Kocher said maybe two weeks ago, he thinks a judge may have pushed that date, but it's very, very recent.

- Mr. Cahalan said the Finance Director asked if Council President would like his Council compensation, if he wishes, to be deposited in the Open Space fund, she would like a motion to that effect. Mr. Horiszny said he would like to join him. Mr. Cahalan said there would be a motion for the compensation for 2010 that is due Mr. Kern and it would be for a separate motion for both on 2011.

MOTION BY: Mr. Kern moved that his 2010 compensation for being a Township Council member be directed to the Open Space Fund. Mr. Horiszny said how can that be retroactive? Mr. Cahalan said Cathy just needs the motion to be able to deposit it into the Open Space fund by the end of the year.

SECOND BY: Mrs. Yerger

ROLL CALL: 5-0

Mr. Cahalan said he will come back with Mr. Horiszny and Mr. Kern's request for 2011.

MOTION BY: Mr. Kern moved that Council member Kern and Horiszny's compensation of \$2,500.00 each go directly to the Open Space fund in 2011.

SECOND BY: Mr. Horiszny

ROLL CALL: 5-0

- Mr. Cahalan said you heard the microphones in here tonight are not working. We are going to have to call the people in from Audio Visual to take a look at them. There's a distortion problem and our wired microphones are not working. Mr. Kern came in and tried to diagnose it and was in for a couple of hours, and he said to call in the experts.

B. COUNCIL/JR. COUNCIL MEMBER

Eubin Hahn – Absent

Mr. Maxfield

- He said he ran into someone that the Township has done business with – Chris Cummings Tree Farm. He would like to be some type of sponsor for the Rails to Trails and he said if the Township was in need of trees again for any special projects, to please give him a call. Mrs. deLeon said Chris has been a supporter of the Conservancy for a long time and donates a Christmas tree every year.
- He said this Thursday is the Saucon Creek Watershed's Christmas dinner at the Grist Mill.

Mrs. Yerger

- She said on behalf of the Township, she wants to thank Attorney Treadwell for completing the agreement on conservation easements on the Mease property of 14 acres, which now abuts 46 acres in Bucks County, preserving one of the working farms in our community in perpetuity. She appreciates it and it's a job well done. It's a third generation working farm and they've got a shop right here in Hellertown.

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Mr. Horiszny

- He said Lower Saucon Township Historical Society had their Christmas party last Wednesday and since then, have been picking up papers which have been overflowing in the Abitibi bins, which he noticed were empty today. Happy Holidays.
- He said he did part of the ride along with the access management project that Lehigh Valley Planning Commission is doing for us and Olev from LVPC is gathering data and will be giving another report back to us for commentary.

Mr. Kern – No report

Mrs. deLeon

- She said the Saucon Valley Conservancy held their annual holiday gathering and artist reception for Bernie Tyler on December 6th and it was very successful. They probably had over 100 people who attended over the three hour event. It was very nice and we didn't lose our power and the lights stayed on.
- Last Wednesday, the Conservancy met with Township officials and Ron Rickert of Ron Rickert Masonry reviewed the barn stabilization process. If you recall, we had awarded the bid to another contractor and that was withdrawn, and we awarded the contract to Ron Rickert and the Township met with him and went over everything and on Friday, Ron installed temporary shoring in the doorway because the wood is rotting. In the spring, the masonry work cannot be done unless the temperatures are between 50 degrees and 90 degrees and it has to be that way for two weeks. As soon as that happens, the emergency stabilization will start. They also got a permit.

D. SOLICITOR – No report

E. ENGINEER

- Mr. Kocher did talk to David Harte about his issues on Polk Valley Road. He sent him some additional information today. Mr. Kocher has a call into Roger and they will go out and look at it. He'll be happy to pass something along when they take a look at it. Mr. Cahalan said Mr. Kocher will also be going out with Roger to Springtown Hill Road as there was a gentleman at the last meeting with some concerns. He will come back with a report on both of these items.

F. PLANNER – No report

IX. ADJOURNMENT

MOTION BY: Mrs. Yerger moved for adjournment. The time was 9:52 PM.

SECOND BY: Mr. Maxfield

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

ROLL CALL: 5-0

Submitted by:

Jack Cahalan
Township Manager

Glenn Kern
President of Council