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- I. OPENING**
- A. Call to Order
 - B. Roll Call
 - C. Pledge of Allegiance
 - D. Announcement of any Executive Session (if applicable)
- II. PUBLIC COMMENT PROCEDURE**
- III. PRESENTATIONS/HEARINGS**
- A. John Bate – Dewey Ambulance – Presentation Regarding ALS Services
 - B. Ordinance No. 2009-13 – Rail Trail Advisory Committee – Public Hearing & Consideration of Adoption
- IV. DEVELOPER ITEMS**
- A. Zoning Hearing Board
 - 1. ~~L & P Holdings/Meadows Banquet – 1770 Meadows Road – Request for Special Exception to Expand~~
TABLED ~~Existing Non-Conforming Use & Several Variances~~
 - B. Warner Site Plan & Conditional Use Decision – Black River Road – To Construct Driveway within Riparian Buffer
- V. TOWNSHIP BUSINESS ITEMS**
- A. Lehigh University Atlss Proposal for Old Mill Bridge
 - B. Ordinance No. 2009-13 – Springtown Hill Rd. & Kohas Drive Stop Signs – Authorize Advertisement
 - C. Saddle Ridge – Flint Hill Road – Update on Street Signs
 - D. 2010 Budget – Final Adoption – Resolution #77-2009
 - E. Ordinance No. 2009-11 – Fixing Tax Levy for 2010
 - F. Resolution #74-2009 – Fixing EIT, Real Estate Transfer Tax & Local Services Tax for General Purpose
 - G. Resolution #78-2009 – Transfer of Monies
- VI. MISCELLANEOUS BUSINESS ITEMS**
- A. Approval of December 2, 2009 Minutes
 - B. Approval of November 2009 Financial Reports
- VII. PUBLIC COMMENT/CITIZEN NON-AGENDA ITEMS**
- VIII. COUNCIL & STAFF REPORTS**
- A. Township Manager
 - B. Council/Jr. Council Person
 - C. Solicitor
 - D. Engineer
 - E. Planner
- IX. ADJOURNMENT**

Next Park & Rec Meeting: January 4, 2010
Next Council Meeting: January 4, 2010
Next Planning Commission Meeting: December 17, 2009
Next Zoning Hearing Board Meeting: December 21, 2009
Next EAC Meeting: January 12, 2010

I. OPENING

CALL TO ORDER: The General Business & Developer meeting of Lower Saucon Township Council was called to order on Wednesday, December 16, 2009 at 7:05 P.M., at 3700 Old Philadelphia Pike, Bethlehem, PA, with Mr. Glenn Kern, Council President, presiding.

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

PLEDGE OF ALLEGIANCE

ANNOUNCEMENT OF ANY EXECUTIVE SESSION (IF APPLICABLE)

Mr. Kern said Council met in Executive Session prior to this meeting to discuss several items. One is in regard to the non-uniformed contract negotiations which were recently completed. Council was informed of the results of the non-uniformed collective bargaining agreement covering June 1, 2009 to May 31, 2011. Apparently they have agreed to the terms of the contract. We just need the Council President to sign the agreement after it has been executed by the United Auto Workers on behalf of their non-uniformed employees and we need a motion to that effect.

MOTION BY: Mr. Maxfield moved for approval for Council President to sign the agreement as stated above.
SECOND BY: Mr. Horiszny
ROLL CALL: 4-0 (Mrs. deLeon – Absent)

Mr. Kern said they also discussed in Executive Session potential property acquisition regarding the Vanscavish property and the Timko property. Another item was the Patullo reassessment tax appeal. Litigation of the Bushkill Valley Motorcycle Club; and property acquisition of the baseball fields at Christ Lutheran Church.

Attorney Treadwell said as a result of that, could we have a motion to join in the Patullo tax assessment appeal.

MOTION BY: Mr. Horiszny moved as stated above by Attorney Treadwell.
SECOND BY: Mr. Maxfield
ROLL CALL: 4-0 (Mrs. deLeon – Absent)

Mr. Cahalan said IV A. Zoning Hearing Board matter, L&P Holdings, Meadows Banquet has been tabled to a meeting in 2010.

II. PUBLIC COMMENT/CITIZEN AGENDA ITEMS

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

III. PRESENTATIONS/HEARINGS

A. JOHN BATE – DEWEY AMBULANCE – PRESENTATION REGARDING ALS SERVICES

Mr. Kern said since 2005 Advanced Life Support (ALS) ambulance services for Lower Saucon Township and Hellertown Borough residents have been provided by the Bethlehem Township Volunteer Fire Company EMS (Medic 1) as a supplement to the Basic Life Support (BLS) services that are provided by Dewey Ambulance. Effective in January 2010, Dewey Ambulance will be licensed to provide both ALS & BLS services to the Township and Borough. Captain John Bate, the head of Dewey Ambulance, is here tonight to provide an overview of the planned transition.

Mr. Bate said he's here today to announce a milestone that they are about to embark on. In 1948, they took on EMS services with one truck. That went on to the 1970's until they got two trucks. In 1982, the Dewey Fire Company, along with Bethlehem Township Medic, joined ranks. They were the first ones in the area to provide Advanced Life Support (ALS). To date, they've been with Bethlehem Township about 28 years. The two companies have served this community together. As the years progressed, you also had Se-Wy-Co Fire Company who had a Basic Life Support (BLS) service during 1998. Se-Wy-Co decided they no longer could provide the BLS portion of the service. Dewey and Bethlehem Township got together and we took on the entire area of all Lower Saucon and Hellertown. They were a volunteer service, 24/7, didn't get a lot of sleep, they were volunteers. During 1998, when we took over this area, we created a Career/Volunteer program, which was five days a week we were careered staffed and they received a paycheck. At night, it went back to the volunteers. As we all heard in the last couple of years was it was important to get volunteers. As they moved forward, they took a look at that and eventually it grew into a 24/7 career staff, meaning we're housed 24/7 and they are all paid for their services. Volunteers provide the same service as well. The building was constructed in 2001 where they house their crews. Up until 2007, they were running with one crew. In 2007, they created a tact crew. What he means by a tact crew, they took a look at their target times. It would surprise you of the hours and days in this community. At 2:00 PM on Wednesday, he can almost assure you that two trucks will be out of the door in the afternoon. They were able to pinpoint their peak time, so they put on a tact truck, an additional crew. That was five days a week in 2007 until 2009. In 2009, they took that truck and made it a seven days a week truck, so now they run two trucks, seven days a week and one at night, all of which would depend on Bethlehem Township. As we move forward, their call volume hasn't changed. They average about 2,000 calls a year and that's without including the fire and some of the other obligations they have with different organizations. They are finding their trucks are taking a longer time, which may only be a ten or twelve minute timeframe, but when you look at your call volume and that's not changing and it's taking the trucks those extra minutes, now they are overlapping calls and are asking their crews to do more in less time. They need to create something to handle the congestion. They've taken a look at creating their own ALS. They are going to put ALS here in the community. They will center it at the Dewey Fire Company for the use of Hellertown, Lower Saucon and the surrounding communities. These trucks will be used outside of the community. Today their management staff has created four highly trained officers, all career staff, all as excited as he is about the program that they are about to take on. Their goal is to put on an ALS truck for 24/7 and bring in the additional heart monitors, the Paramedics, and the additional drug boxes. They are going to continue a tact truck. They are going to continue the two trucks during the day and one on at night. Their plan is on January 4, 2010 they are going to be licensed as an ALS provider. Along with that goes many other concerns such as their insurance companies, their billing agents, etc. January 4 they are licensed. Saturday, January 9th they go live at 6 AM. This isn't something that just came about today or last week. It's something that has been in the works for years.

Mr. Bate would like to introduce you to Chris Urban. He's the ALS Director and the one who will be responsible for the paramedics, their certifications and everything that goes on with the paramedics. If you have any questions about what an ALS program is, you can ask Chris. Mr.

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Urban said as John said, he's officially the paramedic Supervisor. He thanks all of you for your support. One of the biggest advantages of this is they are going to be able to provide a higher level of service at a much quicker time. Mr. Maxfield said what is a basic description of the two services? Mr. Urban said BLS is Basic Life Support and the EMT's are trained in basic care, the use of automatic defibrillation, spinal mobilization. ALS refers to paramedics. Paramedics work under the direction of a medical command physician, a doctor, a hospital and they are trained in the advanced care which includes advanced airway management, breathing tubes. They will be carrying a wide variety of medications. They do carry defibrillators. Mr. Horiszny said will you just be responding with one ambulance then? Mr. Urban said yes, one paramedic and one EMT. Attorney Treadwell said how does the transition work from the Bethlehem Township Volunteer Fire Company to Dewey? Do they just stop the day before and then you pick it up? Mr. Urban said more or less. They have been privied to all of this information. As of January 9th, they'll stop providing the ALS services. Bethlehem Township will still be coming in only as a backup. Mr. Cahalan said John also has a copy of the resolution that Council adopted when they appointed Medic 1 as the ALS provider, so he'll be bringing back a revised resolution to Council. It sounds we might have to do it on January 4, 2010 in order to have it in place before they do the transition. Attorney Treadwell said the reason he's asked the question as he's seen competing ALS providers before who were competing in the Township, not this Township, but who was going to be the primary provider and he was wondering whether you had that situation with Bethlehem or had you worked it out ahead of time. Mr. Bate said they did have an ALS competition in the Saucon Valley area and they opted to go to one and not the other. During this transition, and during this year, Mr. Bate has been in touch with their leadership at Bethlehem Township and they've been along with us all the time. It comes down to financial. What we were paying and what we actually should be bringing into our own station and if we can pay for our own services. The Borough of Hellertown has an ordinance that names Dewey Fire Company as their primary EMS provider. You in Lower Saucon have a resolution that names them us as Basic Life Support provider. When they moved on to Bethlehem Township, they created this new resolution for Bethlehem Township. They need to take a look at the resolution and come back to you with suggestions. We don't have to be your provider or your fire company, but in order for us to provide you these services, we have to be put on the resolution. Mr. Kern said he needs to know about Wednesday's at 2:00 PM in the afternoon? Mr. Bate said they get extremely busy at that time of the day. Why – he doesn't know. Council thanked and congratulated them.

B. ORDINANCE NO. 2009-13 – RAIL TRAIL ADVISORY COMMITTEE – PUBLIC HEARING & CONSIDERATION OF ADOPTION

Mr. Kern said Ordinance No. 2009-13 has been advertised for a public hearing and consideration of adoption which approves participation in a joint Rail Trail Advisory Committee to oversee the initial development of the rail trail connecting four municipalities.

MOTION BY: Mr. Horiszny moved to open the public hearing.
SECOND BY: Mr. Maxfield
Mr. Kern asked if anyone had any questions or comments? No one raised their hand.
ROLL CALL: 4-0 (Mrs. deLeon - Absent)

Mr. Cahalan said this is the ordinance that will allow you to adopt the Intergovernmental Agreement that was put together to form the Joint Rail Trail Advisory Committee between the municipalities of Coopersburg, Upper and Lower Saucon Township and the Borough of Hellertown. That committee has representatives that are appointed by each municipality. They will meet to discuss and to make recommendations, as an advisory body, to Council and Supervisors on the startup issues on the rail trail and also the ongoing operation and maintenance of the trails. This will also adopt by-laws that have been put together. Council previously reviewed them and approved them. It sets meeting schedules in each of the municipalities and other housekeeping issues with the Rail Trail Committee. Tomorrow, they hope SEPTA will approve

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the lease with Lower and Upper Saucon Township. They have put off the approval of Hellertown Borough and Coopersburg until their January meeting. We hope it will be official as of tomorrow and we can move ahead with this project.

Mr. Horiszny said the last WHEREAS where we mention the eight mile link to the trail, is that necessary to put it in there – the trail link should be changed and just say it’s a trail, and leave out the number? The last part, maintain the eight mile long trail. Mrs. Yerger said you are concerned it might get shorter or longer? Mr. Maxfield said our committee would only be advising on the prescribed link. Attorney Treadwell said the eight miles encompasses Coopersburg, Lower and Upper Saucon Township and Hellertown Borough. Mr. Cahalan said the reason it says eight miles is because it’s talking about the committee as a whole and their responsibility is for the eight mile section, not just Lower Saucon Township. Mr. Horiszny said at the end of Section 1, shouldn’t we say Resolution of Lower Saucon Township Council? Mr. Cahalan said they could add that. Mr. Horiszny said Section 5, last word in the first line should be “may” instead of “my”. Mr. Cahalan said correct. Mr. Horiszny said Section 6, should we say spokesmen or spokespeople instead of spokesman as it’s plural. Mr. Horiszny said Tom likes spokespersons. Mr. Cahalan said they can change it to spokespersons.

Mr. Kern asked if there was any public comment regarding this issue? No one raised their hand.

- 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: 4-0 (Mrs. deLeon - Absent)
- MOTION BY:** Mr. Horiszny moved for approval of Ordinance No. 2009-13, with revisions.
SECOND BY: Mr. Maxfield
Mr. Kern asked if anyone had any questions or comments? No one raised their hand.
ROLL CALL: 4-0 (Mrs. deLeon - Absent)

IV. DEVELOPER ITEMS

A. ZONING HEARING BOARD

1. L&P HOLDINGS/MEADOWS BANQUET – 1770 MEADOWS ROAD – REQUEST FOR SPECIAL EXCEPTION TO EXPAND EXISTING NON-CONFORMING USE & SEVERAL VARIANCES

This agenda item was tabled.

B. WARNER SITE PLAN & CONDITIONAL USE DECISION – BLACK RIVER ROAD – PUBLIC HEARING & CONSIDERATION OF ADOPTION

Mr. Kern said the applicant is seeking site plan approval to construct a driveway within a riparian buffer. Council will also need to approve the Conditional Use Decision that has been prepared.

Attorney Treadwell said no one is here representing the Warner Subdivision. He talked to Mr. Warner today and he asked if he needed to come. Attorney Treadwell said he didn’t need to come as we have seen this a couple of times before and it’s a fairly simple procedure.

Mr. Kern asked if there was any comment from Council or anyone in the audience? Attorney Treadwell said we had a conditional use hearing on November 18 and this was for the site plan and the conditional use was for the construction of a limited access driveway across to get from Black River Road. For the driveway only, there was not a proposed use of the property, so you would

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need two motions. One would be to approve the site plan and then the second would be to approve the conditional use decision which is in your packet. Mr. Kern asked if there were any questions regarding that? No one raised their hand.

MOTION BY: Mr. Maxfield moved for approval of the site plan.
SECOND BY: Mr. Horiszny
Mr. Kern asked if anyone had any questions or comments? No one raised their hand.
ROLL CALL: 4-0 (Mrs. deLeon - Absent)

Attorney Treadwell said as he said before, the public hearing was held on November 18 on the conditional use and it would permit a minimal use driveway to access the property. The property is in the R40 zoning district and the driveway will come from Black River Road. There is a letter dated December 17, 2009, which is tomorrow, that he will send out which there are seven conditions: that the project is subject to any municipal and governmental approvals; the applicant shall comply with all provisions of the Township subdivision and zoning ordinance; prior to the commencement of any future use on the property, the applicant is required to obtain the applicable approvals from the Township in accordance with our ordinances; the conditional use is subject to the owner or applicant addressing the comments in the Boucher & James October 7, 2009 review letter and in the Hanover Engineering letter of October 7, 2009 review letter; any expansion of the minimal use driveway is not permitted unless additional conditional use approval is obtained; the construction of the minimal use driveway must conform to the engineering plans prepared by Arthur Swallow Associates dated September 15, 2009 as well as any modifications made to those plans approved by Boucher & James or Hanover Engineering necessary to meet the comments in both of their review letters.

MOTION BY: Mrs. Yerger moved for approval of the conditional use decision.
SECOND BY: Mr. Horiszny
Mr. Kern asked if anyone had any questions or comments? No one raised their hand.
ROLL CALL: 4-0 (Mrs. deLeon - Absent)

V. TOWNSHIP BUSINESS ITEMS

A. LEHIGH UNIVERSITY ATLSS PROPOSAL FOR OLD MILL BRIDGE

Mr. Kern said that the Township owned Old Mill Bridge, located in the Ehrhart's Mill Historic District, is in need of repair and restoration in order to be utilized for pedestrian and bicycle crossings of the Saucon Creek. Repair work to the bridge piers was completed in 2004. The Township asked the Research Center for Advanced Technology of Large Structural Systems (ATLSS) at Lehigh University to submit a proposal that would analyze the bridge superstructure for pedestrian traffic and make recommendations for its rehabilitation.

Mr. Cahalan said back in 2001, Hanover Engineering had done an inspection report on the Old Mill Bridge and they enumerated numerous issues with it that needed to be addressed. This is just to use the bridge for pedestrian use as it's no longer suitable for any vehicle traffic. In 2004, there was a bid put out for repair of the concrete pier and that work was completed successfully. Since that time, they've been trying to move ahead with the repair and rehabilitation of the bridge. Before that can be undertaken, there was some important work that needed to be completed by some experts and it is detailed in the letter that Jim Birdsall send to the ATLSS Center back in July 2003. He indicated there were several possible tasks for ATLSS and Lehigh University graduate students to undertake and move ahead with the repair and rehabilitation of the bridge. Since that time, since he's been here, he's been trying to connect with the ATLSS Center and he was able to connect with Dr. Ben Yen who has been involved with other projects. He was the lead person on the Pony Bridge rehabilitation in Hellertown. They were looking for a similar type of help from ATLSS. Mr. Cahalan asked him to submit a proposal, which is in your packet. He will cover all of

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the bases that were described in Jim's letter. He sent this proposal to Jim Birdsall and wanted them to be satisfied that it meets all of the items that were on the "to do" list and Jim did indicate it did and that the cost proposal was in line and it would be a good value to the Township. This group is nationally known experts in bridge analysis. They list some of the projects that they did work on throughout the country. Their proposal involved using Dr. Yen, one of their research engineers and it would also utilize a graduate engineering student in the Department of Civil Engineering to do the leg work. They will do the analysis we need and put together a report that we can use as a basis to move ahead with the repair and the rehab of this bridge. We've had funding in the line item for this for several years, so this is considered necessary engineering work to move ahead with the project. The total project cost to the Township is \$12,846.00. Mr. Kern said if this were approved, when would they begin the work? Mr. Cahalan said in the beginning of 2010, probably January. They would have a report done sometime by this summer.

Ms. Stephanie Brown, Meadows Road, said when she put this information about this bridge and Meadows Road Bridge up on bridgehunters.com, so that other people could share and enjoy these bridges, she was contacted by several people who attempted to go out to the Old Mill Bridge to see it. She was told they were threatened that the police would be called for being there. Why is this being allowed? Mr. Kern said he has no idea of what she is talking about. Ms. Brown said apparently they were trying to take pictures of the bridge and they were told if they didn't leave, the police would be called. Mr. Kern said who told them that? Ms. Brown said they wouldn't get into it. They just asked her if she knew anything and she said no, as she didn't live in that part of the Township. They were a little upset. This is historic, it's preserved and she wants to know what kind of public access there is for this area. Mr. Kern said you can't walk on private property to view it, so if they were on, let's say, the Katz's property which is adjacent to the bridge, it would not be proper. There is public access on the one side where the property owner has permitted fishermen to fish on his property. There's plenty of access there. There's access on the bridge. The access ramps to the bridge there is access. If you are on someone's private property, then you are trespassing. Ms. Brown said she realizes that, but this should be something that is supposed to be accessible for the public. Mr. Kern said it is totally accessible because if you walk on Old Mill Road to access it, you walk on the bridge and you're in your perfect legal right to walk on it. If you go off the ramp onto Reading Road, you're perfectly legal to do so. You can also walk on the 100 yard property that the landowner has permitted fishermen to have public access to. Ms. Brown said is that marked so people know that? Mr. Kern said it is marked. Ms. Brown said that's a little upsetting. Mr. Kern said it probably has more access than the Meadows Road Bridge. Ms. Brown said it's nice this bridge is being saved, but when the Meadows Bridge isn't being saved, she doesn't want her tax money being used to save this bridge to make it accessible. Mr. Kern said it's on the National Register for a reason. It's the first iron truss bridge in Pennsylvania and possibly the United States, and that's why it's on the register. Ms. Brown said the Meadows Road Bridge is the first bridge in the Township. Mrs. Yerger said the problem with the Meadows Road Bridge is we don't own it. Ms. Brown said she's aware of that. She's saying as a Township resident, she doesn't want to see any more money wasted on the Old Mill Bridge, which is just going to sit there. It isn't even functional. Mr. Cahalan said it's being used by pedestrians and going to be used more heavily by pedestrians once the rail trail is opened up. It's incumbent and it's the responsibility of the Township to make sure that bridge is safe for pedestrian and bicycle use. That's what the purpose of this is to preserve the bridge. Ms. Brown said she is aware of the purpose. She's against this and we don't need to spend the money. The economy is bad. When you have a perfectly good bridge on Meadows Road that you'd rather see torn down, and it's functional, not just restricted to pedestrian use, why are we wasting all this money. She's sorry, but she can't support it.

- MOTION BY:** Mr. Maxfield moved for approval of the proposal for the Old Mill Bridge.
SECOND BY: Mr. Horiszny
Mr. Kern asked if anyone had any questions or comments? No one raised their hand.
ROLL CALL: 4-0 (Mrs. deLeon - Absent)

B. ORDINANCE NO. 2009-13 – SPRINGTOWN HILL ROAD & KOHAS DRIVE STOP SIGNS – AUTHORIZE ADVERTISEMENT

Mr. Kern said the Township-owned Old Mill Bridge, located in the Ehrhart's Mill Historic District, is in need of repair and restoration in order to be utilized for pedestrian and bicycle crossings of the Saucon Creek. Repair work to the bridge piers was completed in 2004. The Township asked the Research Center for Advanced Technology of Large Structural Systems (ATLSS) at Lehigh University to submit a proposal that would analyze the bridge superstructure for pedestrian traffic and make recommendations for its rehabilitation.

Mr. Cahalan said they reported at the last meeting that the Township Engineer and Director of Public Works had gone out to investigate this intersection and made several recommendations. The main one was it would become a three-way stop sign intersection. The stop signs need to have an ordinance to authorize their placement for advertisement.

MOTION BY: Mrs. Yerger moved for approval of Ordinance No. 2009-13 to prepare advertisement for stop signs at the intersection of Springtown Hill Road and Kohas Road.

Mr. Kern said he's just been told it should be Ordinance No. 2009-14.

SECOND BY: Mr. Maxfield

ROLL CALL:

MOTION BY: Mrs. Yerger she will amend her previous motion for approval of Ordinance No. 2009-14 to prepare advertisement for stop signs at the intersection of Springtown Hill Road and Kohas Road.

SECOND BY: Mr. Maxfield amended his second

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

ROLL CALL: 4-0 (Mrs. deLeon - Absent)

C. SADDLE RIDGE – FLINT HILL ROAD – UPDATE ON STREET SIGNS

Mr. Kern said we have requested that the Saddle Ridge Homeowner's Association provide us with an update on the status of the street signs in Saddle Ridge development prior to the Council imposed 12-31-09 deadline for compliance with PennDOT requirements.

Attorney Treadwell said he talked to Attorney Rice today who has been his contact person for the Saddle Ridge Homeowners Association. They were going to send a representative tonight, but after they talked, Attorney Treadwell told him it was not necessary, and he would just report their conversation. Attorney Rice is confident that in the very near future, he will have a letter in his hand on PennDOT letterhead signed by a PennDOT employee that says the posts and signs, although not manufactured by someone on the approved PennDOT list, meet the PennDOT qualifications and regulations. It appears they are making progress and he is confident that he will have that letter. Attorney Treadwell would suggest we wait as we aren't going to put posts in the ground at this time of year anyway.

D. 2010 BUDGET – FINAL ADOPTION – RESOLUTION #77-2009

Mr. Kern said the 2010 final budget has been prepared and advertised for final adoption. Prior to budget adoption, Council will need to approve Resolution #77-2009 based on prior discussions.

Mr. Cahalan said Resolution #77-2009 is regarding the salaries to be included in the 2010 budget. Attorney Treadwell said it should be a motion to approve the 2010 Salaries for Department Heads for inclusion in the 2010 budget. Mr. Maxfield said with the additional note of pension contributions.

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Mr. Kern said the motion would be to approve the following 2010 salaries for department heads and the administrative assistant to be included in the 2010 General Fund budget. The Township Manager's salary at \$82,732.69; Assistant Manger's salary at \$59,030.13; Police Chief salary at \$82,035.53; Director of Public Works salary at \$60,128.47; Zoning Officer salary at \$64,379.12; Director of Finance salary at \$53,412.71; and the Administrative Assistant salary at \$31,827.00. This represents a 3% increase; however, for the first time, there will be a 1% contribution from the staff to their pension fund.

MOTION BY: Mr. Horiszny moved to approve the salaries per the list just read and for inclusion in the budget.
SECOND BY: Mr. Maxfield
Mr. Kern asked if anyone had any questions or comments? No one raised their hand.
ROLL CALL: 4-0 (Mrs. deLeon - Absent)

Mr. Cahalan said the preliminary 2010 Budget was advertised for the required twenty day public review period and it's before Council tonight for final adoption. The amount of the budget is \$6,591,171.00. There's no tax increase required for this budget. The real estate millage in the Township remains at 4.14 mills. In order to adopt the budget, we would need two motions by Council - one for the General Fund and one for the approval of the 2010 Special Funds budget.

MOTION BY: Mrs. Yerger moved for approval of the 2010 General Fund budget, with the inclusion of the rates.
SECOND BY: Mr. Maxfield
Mr. Kern asked if anyone had any questions or comments? No one raised their hand.
ROLL CALL: 4-0 (Mrs. deLeon - Absent)

MOTION BY: Mr. Maxfield moved for approval of the 2010 Special Funds budget.
SECOND BY: Mr. Horiszny
Mr. Kern asked if anyone had any questions or comments? No one raised their hand.
ROLL CALL: 4-0 (Mrs. deLeon - Absent)

MOTION BY: Mr. Maxfield moved for approval Resolution #77-2009.
SECOND BY: Mrs. Yerger
Mr. Kern asked if anyone had any questions or comments? No one raised their hand.
ROLL CALL: 4-0 (Mrs. deLeon - Absent)

E. ORDINANCE NO. 2009-11 – FIXING TAX LEVY FOR 2010

Mr. Kern said Ordinance No. 2009-11 has been advertised for adoption to fix the 2010 Tax Levy at 4.14%.

Mr. Cahalan said that remains the same as it was in 2009. Mr. Horiszny said in Section 1, it seems to him it should be "within the Township". Mr. Cahalan said okay. Mr. Horiszny said after the 4.14, there's got to be something – of each dollar. Mr. Cahalan said okay.

MOTION BY: Mrs. Yerger moved for approval of Ordinance 2009-11 – Fixing Tax Levy for 2010, per corrections from Mr. Horiszny.
SECOND BY: Mr. Maxfield
Mr. Kern asked if anyone had any questions or comments? No one raised their hand.
ROLL CALL: 4-0 (Mrs. deLeon - Absent)

F. **RESOLUTION #74-2009 – FIXING EIT, REAL ESTATE TRANSFER TAX & LOCAL SERVICES TAX FOR GENERAL PURPOSE**

Mr. Kern said Resolution #74-2009 has been prepared setting the Earned Income Tax, the Real Estate Transfer Tax and Local Services Tax for General Purpose.

Resolution #74-2009

WHEREAS, by Ordinance No.98-15 adopted May 20, 1998, as amended by Ordinance 2007-04 adopted January 2, 2007, the Township of Lower Saucon enacted by Ordinance by its Council imposing a one and one-quarter tax on salaries, wages, commissions, compensation and earned income and providing for levying and collection of same and imposing penalties for violation thereof; and

WHEREAS, by Ordinance No 98-16, adopted May 20, 1998, the Township of Lower Saucon enacted an Ordinance by its Council providing revenue for general Township purposes, providing for the levy and assessment of a tax payable by the transferor or the transferee upon transfer by deed of lands, tenements hereditaments or any interest therein, situate wholly or partly within the Township of Lower Saucon, Northampton County, Pennsylvania, prescribing the rate, method and manner of collecting said tax; and providing certain exemptions and imposing penalties, at the rate of \$1.00 on every \$100.00 of the total value; and

WHEREAS, by Ordinance 70-05, adopted June 23, 1970, as amended by Ordinance No. 2005-14, adopted December 21, 2005, and as amended by Ordinance No. 2007-15, adopted December 5, 2007, the Township of Lower Saucon enacted an Ordinance by its Council imposing a \$25.00 Local Services Tax upon the privilege of engaging in an occupation within the boundaries of the Township of Lower Saucon, Northampton County, Pennsylvania for, and for providing for the levying and collection of the same and imposing penalties for the violation thereof; and

WHEREAS, it is the desire of the Council of the Township of Lower Saucon to reenact the said Ordinances, as amended, without substantial change:

NOW THEREFORE, BE IT RESOLVED, that in accordance with the foregoing Ordinance 98-15, as amended by Ordinance No. 2007-04, Ordinance No. 98-16, and Ordinance 70-05, as amended by Ordinance 2005-14 and Ordinance 2006-11, be and the same are hereby reenacted for the year 2010 to be effective January 1, 2010 to December 31, 2010 at the same rate as set forth in said Ordinances.

And that the Secretary be directed to send notice of the reenactment to the Department of Community and Economic Development, Harrisburg, Pennsylvania.

Mr. Cahalan said again, the taxes remain the same as in 2009. Mr. Horiszny said third line, first WHEREAS, it should be “and” instead of “an” and the same thing before earned in that line. The second WHEREAS, fifth line, last word should be “and” instead of “an”. Mr. Maxfield said how many more years do we have until we have to get it renewed? Mr. Cahalan said for the EIT, it’s five years. It was approved in 2007, so you’d have to send it the County by August 9, 2011 of that year for it to get on the balance for that year.

- MOTION BY:** Mr. Maxfield moved for approval of Resolution #74-2009 –fixing EIT, Real Estate Transfer Tax & Local Services Tax for General Purpose.
- SECOND BY:** Mr. Horiszny
Mr. Kern asked if anyone had any questions or comments? No one raised their hand.
- ROLL CALL:** 4-0 (Mrs. deLeon - Absent)

G. RESOLUTION #78-2009 – TRANSFER OF MONIES

Mr. Kern said Resolution #78-2009 has been prepared to transfer money from the contingency account to the Fire Equipment Replacement fund for the contribution that was approved by Council for the Se-Wy-Co Volunteer Fire Co. rescue truck.

**A RESOLUTION AUTHORIZING THE TRANSFER
OF MONIES FROM ONE TOWNSHIP FUND TO ANOTHER**

SECTION 1.

The Council of Lower Saucon Township hereby authorizes the transfer of monies from one Township fund to another in accordance with Article XXXII, Section 3202 (f) of the Second Class Township code as follows:

<u>FROM</u>		<u>TO</u>		
<u>Amount</u>	<u>Account No.</u>	<u>Account Name</u>	<u>Account No.</u>	<u>Account Name</u>
\$307,500.00	30.493.000	Contingencies	30.411.500	Fire Co. Contribution

SECTION 2.

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

Mr. Cahalan said Resolution #78-2009 is a resolution authorizing the transfer of monies from one township fund to another. It would authorize the transfer of \$307,500.00 from the contingency account to the fire company contribution account and this would make up the balance of the amount contributed towards Se-Wy-Co Fire Company for their rescue truck.

MOTION BY: Mr. Horiszny moved for approval of Resolution #78-2009 – transfer of monies.
SECOND BY: Mr. Maxfield
Mr. Kern asked if anyone had any questions or comments? No one raised their hand.
ROLL CALL: 4-0 (Mrs. deLeon - Absent)

VI. MISCELLANEOUS BUSINESS ITEMS

A. APPROVAL OF DECEMBER 2, 2009 MINUTES

Mr. Kern said the minutes of the December 2, 2009 Council meeting have been prepared and are ready for Council's review and approval.

Mr. Horiszny said page 12 of 20, line 51, change it to "Mr. Maxfield moved for authorization of advertisement of Ordinance No. 2009-13".

MOTION BY: Mrs. Yerger moved for approval of the December 2, 2009 minutes, with corrections.
SECOND BY: Mr. Maxfield
Mr. Kern asked if anyone had any questions or comments? No one raised their hand.
ROLL CALL: 3-1 (Mr. Horiszny – No; Mrs. deLeon – Absent)

B. APPROVAL OF NOVEMBER 2009 FINANCIAL REPORTS

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

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MOTION BY: Mrs. Yerger moved for approval of the November 2009 Financial Reports.
SECOND BY: Mr. Horiszny
Mr. Kern asked if anyone had any questions or comments? No one raised their hand.
ROLL CALL: 4-0 (Mrs. deLeon - Absent)

Mr. Maxfield said the financial reports are clearer than ever. Mrs. Yerger said she does a good job.

VII. PUBLIC COMMENT/CITIZEN NON-AGENDA ITEMS

- Ms. Stephanie Brown, Meadows Road, said last week when she was at the Saucon Valley Partnership meeting, she was a little disturbed that she could not find no signs for the meeting and there was nothing on the website what building on the school campus the meeting was in. What really upset her was that she realizes you don't have a lot of people coming to these meetings, but it is a public meeting. Why were the doors locked and no sign was put up? Mr. Kern said the doors were locked because for the first time the janitor at the school district, unbeknown to anyone at the meeting locked the doors. Ms. Brown said he told you he was going to lock them. That's what she didn't understand. Mr. Kern said he came in after he locked the doors and told them they were locked. Ms. Brown said she doesn't understand why there weren't then unlocked. Mr. Cahalan said they will address that and they will indicate the meeting room down at the school district.
- Ms. Brown said it was brought up at that meeting that Hellertown and Lower Saucon Township were going to compile a list of accidents held in the area of Polk Valley Road within 500 feet of that intersection. Does Meadows Road/412 intersection encompass that 500 feet? Mr. Cahalan said he doesn't have a distance measurement. He doesn't know if it was "at" or "near". Ms. Brown said she thought it was 500 feet within that intersection. Mr. Cahalan said if they didn't pick it up, the Borough of Hellertown Chief of Police is also compiling a similar report. They don't have the report yet. He will check on that. Ms. Brown said she was just curious because it's been about a month when she came in and talked about the deteriorating traffic conditions at 412 and Meadows Road. There have been two accidents from what she understands. She doesn't know how serious they were. She really thinks something needs to be done there. She came down the road the other night and she was in a line of traffic and people were turning left onto Meadows Road off of 412. That was really frustrating to her. She had mentioned this at the SVP meeting, and had asked if there was a stop sign coming out of McDonald's? That's the side of 412 she walks every day, and there is no sign there. She knows the Mayor said if you come out of McDonald's, you have to stop, but you don't have to stop as there is no sign there. She's almost been hit by people who speed out from McDonald's and she thinks a stop sign coming out of there would at least help temporarily until the traffic light gets put in. Mr. Kern said that's in Hellertown. Ms. Brown said Lower Saucon could endorse that and say that a stop sign might just help temporarily because from walking 412 for years, she picks up on what businesses have stop signs out of the driveways and which ones don't. It doesn't really matter as she almost always gets hit constantly wherever she walks. It's something that might help that intersection. Mr. Horiszny said couldn't the COG ask McDonalds to do that? We could write a letter and Hellertown could write a letter, but if it's private property, it's got to be McDonald's own sign. Mr. Kocher said it would be a private sign. The vehicle code is the instrument that says you must stop at the driveway so the Mayor or whoever said that is right. If we want them to put a sign up, McDonald's has to put that sign up. Mr. Maxfield said from a legal standpoint the sign doesn't have to make it any more legal as it's going to be a non-standard place for a sign. Mr. Kern said when the light does go in on Polk Valley Road, is there reconfiguration required from the McDonald's parking lot or is that entrance and exit going to remain the same? Mr. Kocher said that was part of some earlier layouts, and the reason for the delay was the property owner is not buying into some of the layouts we had. The latest design does not have reconfigurations outside of the layout. Mr. Cahalan said there is going to be the left hand turning lane onto Polk Valley Road that is going to be delineated is in front of the exit and prevent left turns? Mr. Kocher said there may be striping things, but he doesn't think there are any physical changes to the road. Mr. Cahalan said there would be an apparent conflict with people coming out of there and going left and north on 412. Mr. Horiszny

said does McDonald's have to help pay for that light? Mr. Cahalan said no. They were talking about improvements at the intersection and there are four property owners and they are one of them. They had discussion with all four of them and the Borough was talking to the shopping center about obtaining some of the property to create a turning lane and they are still negotiating with them about that. They were trying to bring the people on the south side, McDonald's and American Family Services, into discussions, but they chose to stick with what they had. We're just going ahead with the traffic light and other requirements out on 412. Mr. Maxfield said people coming out of McDonald's, that's going to be a really important thing because if you think about it, and people are coming out and making a left instead of a right, and then you have people coming from Hellertown that will be accessing the left hand turn on to Polk Valley Road and people coming towards Hellertown turning into McDonald's, it will be a real mess. Maybe it should be a right turn only exit for McDonalds. Mr. Cahalan said he understood they were restricted and no turns were supposed to be allowed there, but he doesn't know how that can be enforced. His understanding was that it was a zoning hearing board decision in Hellertown that limited it – no left turns. Mr. Maxfield said someone has to tell the residents. Mrs. Yerger said she doesn't think anyone knows about it. Mr. Kern said currently in place? Mr. Cahalan said he doesn't think anyone is obeying that. Mr. Maxfield said he doesn't think there was any notification of that.

VIII. COUNCIL AND STAFF REPORTS

A. TOWNSHIP MANAGER

- Mr. Cahalan said the Library Committee met last night, and in your packet, are some recommendations that the Library Committee made for the renegotiation of the Library Services Agreement with the Bethlehem Area Public Library (BAPL). He gave a copy to Attorney Treadwell also. They also had a discussion at the COG about the issues of the regional library services. Not only is the BAPL hurting because of decreased State aid, but also the Hellertown Library and the Southern Lehigh Library. We are exploring a range of opportunities and will come back and make recommendation to Council later on in 2010.

B. COUNCIL/JR. COUNCIL PERSON

Kimberly Kelly - Absent

Mr. Maxfield

- He said he passed out a flyer. There's a Natural Resource Inventory Workshop happening here at the Township on February 10, 2010. They are sponsoring it as they are providing the venue for it. It's slanted towards municipal officials and Dr. Rhoades and Dr. Tim Block will be there. The Township was lucky enough to walk around the Township with Dr. Rhoades and Block when they did our inventory. The reason they asked us to host it was because we had inventory done by them. The purpose of this is to generate interest amongst surrounding communities to have this done. It's a great idea because, as we know, it's the first step towards resource protection. It's a very good idea and resource protection among the community really helps out. It will be interesting as Dr. Rhoades and Dr. Block are really incredible people.
- He said he doesn't know if the Township is aware of this, but they've had some questions about the usage of the Meadows Banquet facility. He got a call from a resident yesterday who had read a newspaper article and that same afternoon they had seen two busses of about 100 school kids at the Meadows. He doesn't know if that fits into what our usage is as what has been stated for the property. Also, the fire problems we had, he hopes that is all okay. Mrs. Yerger said do we have any idea of what they were doing there? Mr. Maxfield said he has no idea and neither did the person. All they said was they identified them from a Catholic skirt as all the girls had plaid skirts. They looked like elementary school kids. Attorney Treadwell said ask Chris Garges to call them and ask them. Mr. Horiszny said the agenda item that was tabled today, it had a notation of "restaurant –

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grove facility”, and the word restaurant in there bothered him as it’s not a restaurant. It’s a banquet facility, and there it was in writing. Attorney Treadwell said he thinks that word came from their application as that is what they are alleging it is. It certainly is not what we think it is. Ms. Brown said she asked a question, why the Meadows Banquet facility was functioning as a restaurant and she was told that was a grey area at the time by the Township Zoning Officer. They do serve lunch three days a week. It’s not a banquet, people come and pay. They have buffets at Christmas and other holidays, but three days a week they serve lunch from 11 AM to 3 PM. It’s a meal you pay for, so yes, they are functioning as a restaurant. Attorney Treadwell said they are not approved to function as a restaurant, and that we don’t agree with them. Ms. Brown said that is what she has seen going on. She did ask the Township several years ago to address it and Chris told her it was a grey area, so it’s been brought to the Township’s attention previously. Attorney Treadwell said there are numerous things going on with the Meadows facility, whatever it actually is, and hopefully those issue will be rectified as part of that process. Ms. Brown said what kind of timeline are we looking at it before they are back before Council? Attorney Treadwell said a Notice of Violation (NOV) was issued by the Zoning Office regarding various things that have occurred including some construction on that property. They have appealed that NOV and it will be on the February Zoning Hearing Board agenda, so it will come back to Council at one of their meetings in February so Council will review it and decide if they want to take a position before the ZHB. Ms. Brown said January or February as the paper reported January. Attorney Treadwell said he thinks it is February. Ms. Brown said she knows it was posted to be vacated. Attorney Treadwell said it may have originally been scheduled for January, but because it’s off tonight’s agenda, it won’t go to the Zoning Hearing Board. Mr. Cahalan said they were going to come here, and then go to a January Hearing Board meeting. They are going to come back to Council meeting on January 20 and then they’ll go to the February Zoning Hearing Board meeting. Ms. Brown said she sees the property has been posted with a notice, but hasn’t had a chance to stop and look at it, what is it currently being posted for? Attorney Treadwell said probably just the notice of the Zoning Hearing Board. It was posted at one point as was reported with some safety building code violations regarding fire safety issues. He doesn’t know if that notice is still up or if they took it down. It’s probably the Zoning Hearing Board notice that gets posted on all properties when the Zoning Hearing meeting is coming up. Ms. Brown said you mentioned violations. Are you referring to the violations that have been fixed? Attorney Treadwell said he’s talking about a notice of zoning violations. The violations that were the subject of the previous Township order were safety and building code violations.

Mrs. Yerger – No report

Mr. Horiszny

- He said he attended a recent County COG meeting, which is a meeting of all the COGs in the County, but not real well attended. At that meeting, Priscilla was there and made some very favorable comments thanking Jack and Charlie about the work with the Saucon Valley Partnership and comments with effect, “without them, it wouldn’t work”. At that meeting, there was a presentation by the Lehigh Valley Health Board as they will become effective next July 2010 and will service all of the Lehigh Valley except Allentown and Bethlehem residents who already have health boards in place. There was also a presentation by David Cohen regarding cable TV regulations and possible income for townships. Mr. Horiszny distributed handouts from that meeting for Council to look at to determine if we want to hear more from him in the future. Last night he attended the Lower Saucon Authority meeting and there is progress being made towards trying to find a route for the gravity feed line and the information should be going back to the Hellertown Borough Authority and Board very soon. Mr. Kern said the gravity feed line going through Leithsville? Mr. Horiszny said yes.

Mr. Kern

- He said there was a meeting that was going to be held in Bethlehem regarding Bethlehem and traffic issues around the casino area and Mountain Drive. Was that meeting held? Mr. Cahalan said yes. The way they labeled it gave you the wrong impression as it said all of South Mountain. They were talking about South Mountain traffic calming. That's what the total was. In actuality, it was dealing with Creek Road and Williams Street and Fire Lane. It's just a small area to the west of our access. One of the roads we did some measurements on prior to the casino opening up as we felt that some people might come off of Friedensville Road and come up Creek Road and go over the top. He did attend that meeting. Everybody from the City of Bethlehem that was there, he asked them about casino traffic and they said none, not at all. All of the residents of Creek Road are not concerned about casino traffic. They are more concerned about Lehigh University events that totally congest that area. The residents of Williams Street were saying they are seeing increased traffic, but it's mostly cut through traffic – people and Fire Lane people who are tired of waiting on 412 are cutting through so there are peak times when their traffic count is way high. They had an engineering firm that is looking into the speed humps and doing other types of traffic calming recommendations. They don't seem to be concerned about casino traffic. It was interesting as they said if you go along Daly Avenue in Bethlehem on the LVIP properties, the traffic is coming across Daly on Lynn Avenue, and using Williams Street as a quick way to get around. That's a concern, but casino traffic, they said most of that is coming from the western part. Mr. Kern said for the record, there are casino busses traveling Black River Road and going up Mountain Drive. He's seen that on several occasions coming down that narrow road, Hayes Street. That road is narrow and beat up as it is, now casino buses are traveling on it. Mr. Maxfield said the portion coming down before Hayes is very narrow. Mr. Horiszny said those busses must be from the south, they wouldn't be from New York. Mr. Maxfield said today he came back, via 412, the traffic was backed up from shortly past the casino before the I-78 interchange at almost a standstill. The vast majority of the people were accessing the western ramp going onto I-78 to travel. He doesn't know if it was casino traffic or not. It was really a mess.

Mrs. deLeon - Absent

E. ENGINEER

- Mr. Kocher said DEP did issue a permit for the Polk Valley Park Road pedestrian bridge.
- Mr. Kocher said regarding the speed limits that he and Jack met with the Chief on, with some tweaking, the Chief can report on Lower Saucon Road. It's fine and we can go ahead and start work to reduce the speed limit on Lower Saucon Road between Wassergass Road and Polk Valley Road to 30 MPH. He doesn't think the report for Easton Road is quite ready to go to PennDOT. Once the Chief's report is finalized, Mr. Kocher will bring it back to get authorization. Mr. Kern said regarding the memo from the Manager on the number of vehicle crashes in and around the vicinity of Polk Valley Road, it looks like the total in a five year period is eight. It might not be a bad idea to include this in a report to PennDOT in addition to the information that will be assembled by Hellertown. Mr. Kocher said they can do that. They are actually a step beyond that. That's used in the first step to get their permission to put a signal there in the first place. They've acknowledged that it is a high accident area. They are allowing us to put a light there, it's just a matter of trying to weed through the bureaucracy to get permission to put the light up. We are beyond that. Mr. Kern said just remind them there's a high amount of incidence and it's a road traveled by many students and younger drivers and busses from the Saucon Valley High School. Does that have any impact? Mr. Kocher said it has much impact? It does have much more impact on step no. 1. They are going to do that and will resubmit on Friday and remind them of the accident situation.

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F. SOLICITOR

- Attorney Treadwell said if you recall, the Bushkill Valley Motorcycle Club had initiated some information regarding a procedural defect they alleged we had with the adoption of our ATV ordinance. That has been settled and the substance of the settlement is basically that Bushkill Valley Motorcycle Club can continue to do what they did on their property in Steel City before the ordinance was adopted which was what we intended all along. He'd need a motion to authorize him to finalize that settlement.

MOTION BY: Mr. Maxfield moved to have Attorney Treadwell finalize the settlement with the Bushkill Valley Motorcycle Club as stated above by Attorney Treadwell.

SECOND BY: Mr. Horiszny

ROLL CALL: 4-0 (Mrs. deLeon – Absent)

- Attorney Treadwell said Hanover has completed the subdivision plan for the Christ Lutheran Church subdivision that will allow the Township to acquire the two ball fields that are there now. It needs to go through our subdivision approval process which means our Planning Commission and Council's approval. Our Planning Commission for tomorrow night was canceled due to lack of interest. It will go to the Planning Commission in January and then will come back to Council. It also needs to go to the Lehigh Valley Planning Commission. Since we are done with what the subdivision will look like, we can now sign the agreement of sale. He needs a motion to authorize the Council President to sign the agreement.

MOTION BY: Mr. Horiszny moved for authorization for the Council President to sign the agreement as stated above by Attorney Treadwell.

SECOND BY: Mr. Maxfield

ROLL CALL: 4-0 (Mrs. deLeon – Absent)

G. PLANNER - No report

IX. ADJOURNMENT

MOTION BY: Mrs. Yerger moved for adjournment. The time was 8:40 PM.

SECOND BY: Mr. Maxfield

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

ROLL CALL: 4-0 (Mrs. deLeon - Absent)

Submitted by:

Jack Cahalan
Township Manager

Glenn Kern
President of Council