

I. OPENING

CALL TO ORDER: The General Business & Developer meeting of Lower Saucon Township Council was called to order on Wednesday, December 17, 2008 at 7:09 P.M., at 3700 Old Philadelphia Pike, Bethlehem, PA, with Mr. Glenn Kern, Council President, presiding.

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

PLEDGE OF ALLEGIANCE

ANNOUNCEMENT OF ANY EXECUTIVE SESSION (IF APPLICABLE)

Mr. Kern said Council did meet in Executive Session this evening to discuss personnel issues and potential property acquisition.

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 lowsaucontownship.org. Mr. Kern asked if anything was taken off the agenda this evening? Mr. Cahalan said no.

III. PRESENTATIONS/HEARINGS

A. ORDINANCE #2008-11 – AMENDMENT TO WEED ORDINANCE – PUBLIC HEARING & CONSIDERATION OF ADOPTION

Mr. Kern said Ordinance #2008-11 has been advertised for a public hearing to amend Ordinance #2003-08 to reduce the minimum distance for weed removal from 50 ft. from a property line or roadway to 25 ft.

MOTION BY: Mr. Maxfield moved to open the hearing.

SECOND BY: Mrs. Yerger

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

ROLL CALL: 4-0 (Mr. Horiszny – Absent)

Attorney Treadwell said the only thing this amendment does is reduce the distance. It used to say you had to cut from 50 feet, measure from the property line 50 feet in, now it’s just 25 feet. Mr. Maxfield said the justification why this is being changed is because there were already so many

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properties in the township that had established fields that were within the 50 foot boundary, most of them were about 25 feet, so in order to be consistent, plus there wasn't any proven need for it to be 50 feet.

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

MOTION BY: Mr. Maxfield moved for approval of Ordinance 2008-11.
SECOND BY: Mrs. Yerger
Mr. Kern asked if anyone had any questions? No one raised their hand.
ROLL CALL: 4-0 (Mr. Horiszny – Absent)

IV. DEVELOPER ITEMS

**A. IESI – BETHLEHEM LANDFILL – APPLEBUTTER ROAD – DISCUSSION REGARDING
DETENTION BASIN & GAS PLANT PAYMENTS**

Mr. Kern said representatives from the IESI Bethlehem Landfill would like to discuss with Council a proposal to re-shape Basin #7 and re-direct storm water to other collection points.

Present: Sam Donato, District Manager for IESI; Vito Galante, Engineering Manager; and Rick Bodnar, Consultant from Martin and Martin. Mr. Donato said he wanted to thank everyone from Lower Saucon who attended their open house. They really appreciated it. It was a fun day and it's good when you can get a project like the gas plant up and running. Environmentally, it's a good thing as you are burning landfill gas to make electricity and not fossil fuels. Thank you for attending that day.

Mr. Donato said they will discuss their proposal to re-direct the flow out of Basin 7. This discussion will focus on a minor modification for grading in that area and the discharge for Basin 7. A year and a half ago, they had discussions with Council about discharging Basin 7 over the North Slope towards the Lehigh River. There were many meetings with the Council and the Landfill Committee. No one was really in great support of that project, going that way. PADEP supported the project, but Council didn't. During those conversations, we discussed going under Cell 4D. We had conversations again with Staff and Council members, and Council supported that concept, but DEP opposed it. This year, in July, we had another meeting with Bill Tomayko from DEP and we talked about the new disposal area to accommodate the regrading of Basin 7 and the elimination of Basin 7. During those conversations with Bill, we talked about how we were going to go about it. It's just a concept at this point. We don't have a lot of details or drawings at this point, but we wanted to introduce it to the Township this evening. During that meeting, Bill thought it was a very good idea. We then had a meeting with the Landfill Committee and Rick Bodnar and Sam Donato put the subject on the table and there was conversation going back and forth and the Landfill Committee was receptive to the concept. That led us to where we are today. Today we wanted to introduce it to all the Council members to let them know where we are headed with this project. He showed an aerial photograph showing the entire landfill, 224 acres, and he showed where the Basin 7. The slide shows what is approved and permitted, basically the discharge follows the blue track and it discharges down into Basin 6 and into the wetland. He showed the area approved by DEP and the land development plan. This aerial shows what is approved and how the basin is designed, the discharge today. The next slide shows the basin has been eliminated and the area that is highlighted is where they are proposing to extend their liner. This area will now become an additional disposal area and they are going to regrade this area so they will be able to drain the surface water again from this area, and it will still drain down to Basin

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6. Basin 6 will be enlarged temporarily and it will still discharge at its original NPDES point. The purpose of this area is to basically just capture the surface water and send it, via gravity, through raising the existing contours up and channeling it up down to its original discharge point. This concept was introduced to DEP and the Landfill Committee and IESI wanted to bring it out in the open today before they really get involved in any detailed drawings and get some feedback from Council. Mr. Bodnar has spent some time on it and they feel it will work. They can build it, they can design it. The minor permit modification that they will be proposing, this will hopefully have something together sometime in January, and they will reconfigure the final landfill contours. There's no increase in permitted landfill capacity, simply because they will have to reduce what is currently approved in order to put this application forward. There's no net increase. The reconfigured disposal is there to accommodate the drainage and move the drainage around. If you remember, we originally, on the initial land development approval, had a pipe that was proposed to go 30 to 40 to 50 feet in the ground to drain that basin. It just doesn't make a lot of sense. By working on this regrading application, it will work for them and they'll be able to move forward. It's a conceptual design and they just wanted to bring it to Council. Bill Tomayko liked the idea that they came up with a workable solution to drain that basin and he said present it to Lower Saucon and see what they say.

Mr. Kern said the reconfiguration eliminated the basin at the top but created a culvert around down it. Mr. Donato said a drainage channel. Mr. Kern said that will expand the size of the lower basin somewhat. Mr. Donato said yes, temporarily, to take care of that. Mr. Kern said temporarily, why not permanently? Mr. Bodnar said depending on what the future holds or doesn't hold, it may be permanent, it may be temporary. It's being designed to be temporary. Mrs. deLeon said you would be enlarging Basin 6, but sometime in the future, you may make it smaller? Mr. Bodnar said depending on what the future of the facility is. Mr. Donato said it will be made larger, and if anything changes, it's permanently that size.

Mrs. deLeon said when she attended the meeting with IESI to go over the concept, they liked the idea better than going down the North Slope and the concept made sense. There didn't seem to be any issues, but they did have a concern. She asked if they figured out how high that wall is going to be yet? Mr. Bodnar said they are still not done with the engineering. It will be a berm along the North side of the yellow area, closest to the Lehigh River. The question of how high is not finalized yet as they have to work on the grading contour. It's high enough to get the water around to the west and then south. Mrs. deLeon said you were talking about possibly a 30 foot high wall. Mr. Bodnar said it'll be in the range of tens of feet high like the berm when you are down on the scale today by the office. Mr. Donato said when you travel to the facility, if you go on the scale, where you enter, that's probably 30 feet and it will be similar. Mrs. deLeon said one of their concerns were the height of this berm and with the run off going down the hill, you were going to correct that and catch that in the channel going to the basin, but it's getting close to the North Slope. The other thing was when we approved Phase IV, we were concerned about the view shed from the Delaware and Lehigh Heritage corridor, we were concerned whether or not we could see it as now you are putting possibly a 30 foot high berm in there and we didn't want to see any landfill. Mr. Donato said the final contours are higher than that berm. Mrs. deLeon said the other issue they had, you are changing the contours so you are going to have water running off and it would be diverted to the East and the West. Mr. Bodnar said correct. There will be water diverted both to Basin 6 and there will also be water diverted to the East. Mrs. deLeon said that raised the concern and we all know there is the leachate detection zones and there are high numbers of water being detected in those zones, and we didn't know if that would affect them or not. Mr. Bodnar said they did hear concerns at the Landfill Committee and they are looking at all of those things. Mrs. deLeon said she wanted Council to be aware of what the concerns were. Mr. Bodnar said he knows their minor modification package will address all of those concerns when it's put together.

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Mr. Maxfield said where currently now does the North Slope start, next to the blue line, and where's the high point of that ridge currently? Mr. Bodnar said the crest of the North Slope is probably pretty close to the red line. Mr. Maxfield said you are going to expand beyond that? Mr. Bodnar said further to the North and build a berm and divert everything to the South. Mr. Maxfield said now it looks nice and pretty with the trees there, but how much disturbance is going to be necessary to construct that berm? Mr. Bodnar said not much. It's about a three acre footprint effectively. There will be very little disturbance down from the slope. Mrs. deLeon said you have to stay within the red line as that's the footprint of the permitted area. Mr. Bodnar said the red line is the area of the disposal area. Mr. Maxfield said the yellow area, if it's completed, will that be basically flattened, will there be a peak on it? Mr. Bodnar said it will have a berm on the North side. From there, it will slope South. That's the whole goal. There's about three acres of drainage that currently drains down the North Slope today that won't drain down the North Slope when this is done. Mr. Galante said there will be less water going over the North Slope than is currently going now. Mrs. deLeon said now we're going to Basin 6. Did you mention about swapping the disposal? Mr. Bodnar said maybe not clearly, but there can be no increase in capacity in cubic yards. Mr. Galante said on the last slide, no increase in permitted landfill capacity. Mr. Maxfield said the water you are currently talking about that is going down over the North Slope, is that water just starting to go down that slope, from clearing at the top of the landfill, or is it a natural condition? Is anything going to be affected negatively by cutting off that amount of water going down over the North Slope? Mr. Bodnar said it's only good for conditions on the North Slope. There will be less water going down. He thinks that's a positive.

Mrs. deLeon said what about additional fill for this? Mr. Donato said we have plenty of onsite material to build the berm. Mrs. deLeon said what about your closure bond? Mr. Bodnar said he doubts it, but they will have to look at it as part of the modification. Mrs. deLeon said you say it's a minor and not a major? Mr. Bodnar said correct.

Mrs. deLeon said what is this going to do to the Township's land development plan that is existing? Mr. Donato said we would have to modify the existing land development plan because it currently shows that basin and the way it's permitted to discharge. They would modify the land development plan and talk to Jack. There's no zoning change as they are still in the same footprint that is currently zoned, it's just that they are eliminating a sedimentation basin and extending a lined area. Mrs. deLeon said is this a substantial change? Attorney Treadwell said it's got to go through the process because Hanover has to go through and check if Basin 6 can handle what's now proposed to go to Basin 7. Mrs. deLeon said we have to wait for the design to come in and see if it makes sense. DEP seems to like it better than the other options and we like it because it's not going down the North Slope. Mrs. Yerger said it sounds as its fixing some things that were going down the North Slope and that's a good thing.

Mrs. deLeon said we are looking into the leachate detection things, we have a meeting tomorrow? Mr. Donato said yes. He won't be at the meeting, but Al will be there.

Mr. Cahalan said there is one other issue that Mr. Donato brought up and that's the gas plant payments. You have a letter dated December 8, 2008 and Mr. Donato points out that the host agreement states that IESI shall pay the Township a fee equal to 3% for any gross proceeds from the sale of methane gas generated from the landfill and the agreement also states that the payments will be made monthly. He's proposing that it be changed so the payments could be made quarterly when they pay the host municipal fees. On his end, it would reduce paperwork and increase productivity. They have no problem with that. Mrs. deLeon said she has no problem with that. The only thing, does that mean we have to do an addendum to our host agreement because it is a recorded plan. Attorney Treadwell said we can resolve that without going through the whole process. We'll have to put something in writing.

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Mr. Cahalan said a question came up from Ron Horiszny, where is the tax applied? We have copies of the host agreement. Is it the sale of the electricity or the sale of gas? Mr. Galante said we sell the gas. Mr. Donato said it was part of the 98 host agreement. Mr. Maxfield said the confusion was it was the sale of the electricity, but it's not, it's the sale of the gas. Mr. Donato said it's Section 15, page 6 of the agreement. Mr. Cahalan said "Eastern shall pay the township a fee equal to 3% of any gross proceeds received from sales of methane gas generated at the landfill." Mrs. deLeon said that wasn't even a concept back then, we just put the words together.

Mr. Donato said if Mr. Cahalan sends him a letter, he'll put it in the file and they'll just start paying quarterly.

B. ADAMS OUTDOOR ADVERTISING – ROUTE 378 – SITE PLAN

Mr. Kern said Adams Outdoor is seeking Site Plan approval to remove three existing billboards and install one larger billboard on Rt. 378 that will be read from Route 78.

**STAFF RECOMMENDATION FOR ROUTE 378/ROUTE 78
BILLBOARD SITE PLAN EDWARD STREET and ROUTE 378 TAX MAP PARCEL
Q6SW3-7-1 FINAL PLAN APPROVAL FOR DECEMBER 17, 2008
LOWER SAUCON TOWNSHIP COUNCIL MEETING**

The Lower Saucon Township Staff recommends that the Township Council approve the "Billboard Location for Adams Outdoor Advertising" Site Plan as prepared by Barry Isett & Associates, Inc., dated September 16, 2008, last revised November 12, 2008, consisting of two (2) sheets.

Subject, however, to the following conditions:

1. The Applicant shall address the review comments contained in the letter dated December 12, 2008, from Hanover Engineering Associates, Inc., to the satisfaction of the Township Council.
2. The Applicant shall address the review comments contained in the letter dated December 9, 2008, from Boucher and James, Inc., to the satisfaction of the Township Council.
3. The Applicant shall provide four (4) complete sets of Plans with original signatures, notarizations and seals. The Applicant shall also provide two (2) CDs of all Plans in an AutoCAD format (jpeg-ROM).
4. The Applicant shall pay any outstanding escrow balance due to the Township in the review of the Plans and the preparation of legal documents.
5. The Applicant shall satisfy all these conditions within one (1) year of the date of the conditional approval unless an extension is granted by the Township Council.
6. The Applicant must receive a favorable review by the Planning Commission. The Applicant shall address any conditions imposed by the Planning Commission, or must receive Council's approval to waive any such conditions.

Victor Cavacini said he represents Adams Outdoor and you'll remember that Lois Arciszewski, who works for Adams is the person who has been here in the past. He nor Andy are not going to be able to do as well this evening as she does. They did go the Zoning Hearing Board in 2008 and were granted special exception relief and a variance to certain provisions that were applicable. He thinks they are now at the point where Mr. Cahalan has sent to you, a staff recommendation that requires some review this evening and what is incorporated in the staff recommendations is a letter

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from Hanover Engineering dated December 12, 2008 that he thinks it presents some issues they'd like to talk to Council about this evening. Item No.3 is acceptable to both the owner and to Adams. He's going to presume to say things this evening, but he doesn't have any authority to sign anything or enter into any agreement. Lois will have to do that. Mr. Kern said Item No. 3 is applicant must obtain PennDOT approvals. Mr. Cavacini said that is fine, you can't build a project without PennDOT approval anyway.

Mr. Cavacini said No. 5 is not a problem. No. 9 is impossible from Adams perspective insofar as PennDOT is concerned. It says "The identified fall zone for the proposed sign includes adjoining properties owned by PennDOT, as well as by Andrew and Jonathan Warner. Adjoiner acceptance of the fall zone on their property must be provided to the satisfaction of the Township Solicitor." He said Jonathan and Andrew Warner, he's sure, are prepared to execute something appropriate. As far as PennDOT, you aren't going to get anything out of PennDOT and as a practicable matter, the signs that are along the interstates and federal primary roads, under the PennDOT regulations, they can observe a zero yard setback, so all those signs you see along the highways are in close proximity to the right-of-way. Frankly, we've never been asked to do this ever previously and trying to get PennDOT to sign off on something like this is near impossible. Mrs. deLeon said this reminds her of a similar situation they had with the railroad, and they said just send a letter and if they don't respond, we assume they weren't going to respond, but you fulfilled your obligation to notify them and ask them. Mr. Miller said you are actually applying for the permit. The main concern is to get your signoff. Mrs. deLeon said the other people are willing and if you have your documentation that you sent them the letter, she understands your dilemma. Attorney Treadwell said just add something in with your PennDOT permit application. They know it's going there anyway. We're not asking you to get something back from PennDOT that they approve. Mr. Cavacini said you are asking that we notify PennDOT. Attorney Treadwell said it's basically in your PennDOT application where it is. They are being notified as it is under No. 3 of that letter. Mr. Warner said he has no problem. Mr. Cavacini said with respect to No. 11, they presented, Dean Battan, who is a professional engineer employed by Lehigh Valley Engineering, before the Zoning Hearing Board, and Adams is not requesting any variance to the provision of the ordinance dealing with lighting and glare. In order to meet your ordinance, typically Adams uses luminaries that are 400 watt. They are reducing these lights to 175 watts. He has a letter from Dean Battan dated December 16, 2008, that he'll give your staff. It says "the design is compliant with Section 180-96.C and 180-99.B3 of the ordinance". It goes on to indicate that there is going to be this reduction in lights. We really haven't asked for any relief under your zoning ordinance with regard to the lighting requirements. Mr. Maxfield said our current ordinance says there shall be no lights pointing in skyward. If the lighting plans entail lights to point skyward, then you're not in compliance with our ordinance. If there's a lighting design for this, the township should see it. There should be a lighting plan and there should be isopleths. Mr. Cavacini said he's not familiar with that, but should that be given to the Township Engineer? Council said yes. Mr. Maxfield said it's probably in SALDO or Zoning, but the light pointing up should be addressed somehow. Mr. Kern said because of the height of the structure, it may be more beneficial to have the lights pointing upward, but that would be a violation. Mr. Cavacini said to be clear, we asked the lighting engineer to address the zoning provisions. The sign is not subject to your SALDO requirements. In any event, let them see what they can provide to make it satisfactory. Mr. Maxfield said he'd rather see a technical explanation. Mr. Cavacini said he'll leave a copy of the letter with the Township Engineer and they'll supplement it. Mr. Maxfield said that's fine.

Mr. Cavacini said the rest of No. 11 is fine. No. 12 is fine. No. 16, we talked about this before. Mr. Warner is willing to provide a letter as owner of the property. Adams has the deed of easement. Attorney Treadwell said that's fine.

Mr. Cavacini said lastly, as the ground level screening, what they would ask for is that it now says to the satisfaction of the Township, he'd like to add "not to exceed standards set forth in current

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municipal regulations”. Attorney Treadwell said you just said you aren’t subject to our subdivision ordinance, so that means we’re not bound by it either, so we could ask you foot as much as we want. Mr. Cavacini said yes, and that’s the concern. Mr. Maxfield said we’d like to see as much obscuring as we could get, without not obstructing the sign in any way, shape or form...the actual function of the sign. Mr. Cavacini said he doesn’t know how they approach you from the standpoint of some standards. Attorney Treadwell said is there anything on the plan now? Mr. Miller said no, not really. Attorney Treadwell said is that hard to do, put together some sketch that shows a couple of bushes or trees? Mr. Warner said if you drive down that road, we own the property next to where this is located, just look, there are lots of trees there and we would be happy to plant some more, but he doesn’t know what else would fit there. Attorney Treadwell said it might be okay the way it is then. Mr. Warner said the good news is some of those evergreens are huge. They are going to hide the formage of the entire structure. With the height and the age of some of the evergreens and the oaks, they really hide it a lot. If there’s a good location of a billboard, that’s a good location because of the maturity of the trees that are obscuring it currently. Mrs. Yerger said there’s very little to be disturbed when the sign goes in? Mr. Warner said yes, correct. Mr. Maxfield said he’d assume some of those trees would have to be pruned. Mr. Warner said yes, and they are certainly open to it. If he feels it appropriate to put some additional evergreens around there to hide it, he’s all for it. Mr. Maxfield said Ms. Stern Goldstein knows plants and she could recommend plants that have limited height. Mrs. Yerger said can we ask that the plants be recommended by our Planner? It would be a mutual benefit. What Judy will recommend would be plants that aren’t going to get 90 feet tall and become an interference or a problem for you over time. Mr. Warner said from Adam’s perspective, what is enough or what is too much. Do you have a recommendation? Mr. Cavacini said we have to get a hold of Judy tomorrow. Mr. Warner said not until we get the billboard up will we know what is disturbed and what would be the best based on what it actually looks like once its up there. There’s limited land to put something. Mr. Maxfield said it may be very minimal or be nothing. Mrs. deLeon said can we defer that until the billboard goes up? Attorney Treadwell said we can work with you and you can work with us. We’re not going to say you have to plant 100 trees and it might be that you don’t have to plant any. We can’t resolve it tonight. It shouldn’t hold up the approval, but as long as we have an agreement, we’ll work on it. Mr. Cavacini said it says to the satisfaction of the Township, can we say to the satisfaction of the Township and the applicant? Attorney Treadwell said that’s fine.

Mr. Kern said is there anything in the Boucher & James letter that has to be addressed? Ms. Ogur said their letter just requested that the plans be revised to include notes regarding the variances that were approved at the Zoning Hearing Board meeting and notes that demonstrate compliance to the lighting. Mr. Cavacini said that’s not a problem.

Mr. Kern said what is the desire of Council?

Mrs. deLeon said for the staff recommendation, are we going to add “and applicant”. Attorney Treadwell said it’s in the actual letter from Hanover of December 12. Mrs. deLeon said we can’t change the engineer’s letter, so it has to be put into the draft staff recommendation. Mr. Miller said comment 17 of the Hanover Engineering letter shall be met to the satisfaction of the applicant and the Township. Attorney Treadwell said under No. 1, we’ll add comment 17 shall be addressed to the satisfaction of the Township and the applicant.

Mrs. Yerger said she’s looking at the recommendations from the Planning Commission and it says demonstrate minimal site disturbance. Do you want that incorporated and does the Planning Commission feel strongly about that or is that something that is understood. Mr. Maxfield said he thinks it had to do with tree disturbance. They wanted to have as little tree disturbance as possible to be disturbed so we maintained it. Mrs. Yerger said do you want to include that? Mr. Maxfield said it’s important. Mr. Warner said it’s certainly understood, that’s our goal also. Mrs. Yerger said do we need to list it? Attorney Treadwell said if you would feel more comfortable, from a practical

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standpoint, the more they disturb, the more we might tell them to replant. Mr. Maxfield said there are some mature trees there and it would be a shame to disturb them. The minimal disturbance necessary to install the sign, that's where we should stand. He would go along with the recommendation from the Planning Commission. Mrs. deLeon said doesn't the draft motion No. 6 say that? Attorney Treadwell said it does say shall address conditions imposed by the Planning Condition. Mrs. Yerger said okay. Mr. Cavacini said then a modification of No. 9 that there's not actually an acceptance of the fall zone required by a PennDOT, that it's something that's already covered by the PennDOT permit. Attorney Treadwell said you don't need to modify that as it says to the satisfaction of the Township Solicitor and as long as we have the letter from Mr. Warner, he's not going to ask for anything from PennDOT. Mr. Cavacini said okay. No. 11 says that we submit further information to your Township Engineer detailing the design of the proposed lights and the isopleths. Mr. Cavacini, No. 16, the owner will supply a letter to the Township and that should be part of the motion. Attorney Treadwell said you are going to do the motion for the staff recommendation items 1 through 6 and that again says to the satisfaction of the Township Solicitor and he's telling you tonight that the letter is okay, you don't need to change it.

- MOTION BY:** Mrs. deLeon moved for approval of the staff recommendation of December 17, 2008 for Route 378 – Site Plan with modifications.
SECOND BY: Mr. Maxfield
Mr. Kern asked if anyone had any questions? No one raised their hand.
ROLL CALL: 4-0 (Mr. Horiszny – Absent)

V. TOWNSHIP BUSINESS ITEMS

Mr. Kern said before we move onto Township Business Item A, we had discussion in Executive Session which included salaries for the Department heads and based on that, we have a draft motion prior to adoption, which is to approve the following 2009 salaries for Department Heads and the Administrative Assistant to be included in the 2009 General Fund Budget:

Township Manager	\$80,332.86
Assistant Manager	\$57,321.39
Police Chief	\$79,696.69
Director of Public Works	\$58,399.31
Zoning Officer	\$62,503.98
Director of Finance	\$51,856.79
Administrative Assistant	\$30,900.00

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

A. 2009 BUDGET – FINAL ADOPTION – RESOLUTION #63-2008

Mr. Kern said the 2009 final budget has been prepared and advertised for final adoption. Prior to budget adoption Council will need to approve Resolution #63-2008 based on prior discussions.

**RESOLUTION #63-2008
A Resolution Adopting the 2009 Budget**

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Mr. Cahalan said the 2009 budget has been put out for public review. It's in the amount of \$6,485,170.00. There's no tax increase. The real estate tax millage remains at 4.14 mills. We would request two separate motions. One motion is to approve the adoption of the 2009 General Fund and a second motion for approval of the 2009 Special Funds Budget.

MOTION BY: Mrs. Yerger moved for approval of the 2009 General Fund budget balanced at \$6,485,170.

SECOND BY: Mr. Maxfield

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

ROLL CALL: 4-0 (Mr. Horiszny – Absent)

MOTION BY: Mr. Maxfield moved for approval of the 2009 Special Funds budget.

SECOND BY: Mrs. Yerger

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

ROLL CALL: 4-0 (Mr. Horiszny – Absent)

B. ORDINANCE #2008-10 – FIXING TAX LEVY FOR 2009

Mr. Kern said Ordinance #2008-10 has been advertised for adoption to fix the 2009 Tax Levy at 4.14%. Mr. Cahalan said we do this annually and the millage remains the same at 4.14 mills for 2009.

MOTION BY: Mrs. deLeon moved for approval of Ordinance 2008-10 – fixing tax levy for 2009.

SECOND BY: Mrs. Yerger

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

ROLL CALL: 4-0 (Mr. Horiszny – Absent)

C. RESOLUTION #59-2008 – FIXING EIT, REAL ESTATE TRANSFER TAX & LOCAL SERVICES TAX FOR GENERAL PURPOSE

Mr. Kern said Resolution #59-2008 has been prepared setting the Earned Income Tax, the Real Estate Transfer Tax and Local Services Tax for General Purpose

LOWER SAUCON TOWNSHIP

RESOLUTION #59-2008

A Resolution Setting the Tax Rates for 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 an one-quarter tax on salaries, wages, commissions, compensation an 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 an 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

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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; Ordinance 2006-11; and Ordinance 2007-15; be and the same are hereby reenacted for the year 2009 to be effective January 1, 2009 to December 31, 2009 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. Kern said those remain the same and we must adopt a resolution to set those tax rates for 2009.

MOTION BY: Mrs. Yerger moved for approval of Resolution 59-2008 setting the tax rates for 2009.
SECOND BY: Mr. Kern
Mr. Kern asked if anyone had any questions? No one raised their hand.
ROLL CALL: 4-0 (Mr. Horiszny – Absent)

D. REVIEW OF DRAFT ROAD MAINTENANCE POLICY

Mr. Kern said Township staff has prepared a draft Road Maintenance Policy with the assistance of the Township Engineer and Director of Public Works. The document was reviewed by the EAC who is recommending several additions/clarifications.

Mr. Cahalan said this is something that we've been putting together with the Township Engineer and the Public Works Director. It sets the policies that would describe how the Public Works Department maintains township roads. We tried to put everything in here that we thought was important that sets down what they are doing now, and it would be a tool used for guidance and for public information. It's been reviewed by the EAC and some recommendations have been made and we'll incorporate them into the policy, so it's here for Council's review and we can bring this up at a later meeting for any action on it.

Mrs. Yerger said you have a copy of the recommendations from the EAC and one of the things we felt very strongly about is a.) there should be a statement in the beginning of the document reinforcing the desire to maintain the rural character of the Township. We appreciate that consideration being addressed. One thing we seemed to see a lack of, there was a section about treating and what methods were being currently used for winter weather treatments of the roads. Mr. Cahalan said you adopted a separate policy for winter road maintenance. Mrs. Yerger said it's not going to be incorporated into this? Mr. Cahalan said it can, but we did that one first, it was last year and had to do with the snow plowing and mail boxes. Mrs. Yerger said did we specify what was going to be used on the road surfaces? Mr. Cahalan said we talked about several of the things being used, the anti skid and some of the other things. If you wanted to look at that, please do and give us a recommendation. Mrs. Yerger said there seemed to be a little confliction on some of the sections with the treatment of the vegetated road swales. One section they talked about keep them and the other section it was cut them down. She's pretty sure the Road Master knew what he was talking about, maybe you could look at that and clarify it a little bit, tone it down a little bit. The EAC is in favor of the vegetated swales. Mrs. deLeon said this concept goes back before the EAC was ever created, it's been a long time coming. Mr. Cahalan said it had to do with cleaning out the

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gutters. Mr. Miller said we want to keep most of that vegetation, unless it banks down to the road. Mr. Maxfield said that goes back to the rural character of the township. He said another thing that was not mentioned was he had concern about is we want to make sure we're not following a policy where our roads, over time, are not getting wider and wider and becoming boulevards. We've paved the swales now and it increases the drivable area on the road, where we filled in ditches, we've increased the width of the road. As we pave, it goes a little further each time and we don't want to end up with non rural roads in a rural Township over the years. Mr. Cahalan said this would be the opportunity to get that in here. That's what we're looking for – that type of guidance. Mr. Maxfield said he doesn't know what we need to do than be vigilant and make sure the berms keep traveling and the pavement keeps traveling. Mrs. Yerger said they talk about under the safety section, they have these issues because they are rural roads. Yes, they do have rural roads, and even they admit it, improving road safety conditions often results in increased traffic speeds, but she doesn't know that paving the shoulders is necessarily a safety issue. It can be, but it doesn't always have to be. Mr. Maxfield said there isn't a ditch to drive into anymore, but it's just like when PennDOT went on Easton Road and paved the shoulders, there's now a sizeable area added on to the road and people use it, they drive all over the road and don't stay in their lane and that road will progressively get wider also. Mrs. Yerger said we started going down that road when we were talking about maintaining and felt it was important to maintain the rural characteristic of the township. Mr. Maxfield said the thing he noticed that we do not have a single one in the township that other rural communities have is a gravel road. We don't have one anywhere in this Township. If we are going to have paved roads, we need to maintain them in a certain way so they stay rural.

Mrs. deLeon said this is a long time coming. Mrs. Yerger said it's a great start. Mr. Cahalan said it will be the guidance from Council on how the policies will be carried out. It will also be on the website. Every year when we do paving, we have questions about the paving process that we go through. This was another reason we wanted to get that down, and if you want to change something, we'll pull the policy out and make whatever changes you want. Mrs. deLeon said under Personnel, the Township Public Works is staffed by nine full time employees under the supervision of a Road Master and a Public Works Director. That just hit her wrong as supervision should be one person and that should be the Public Works Director as the Road Master still answers to the Director. Could that be reworded different? Mr. Cahalan said yes. Mrs. deLeon said the signage, this is because of the meeting we just had, what we talked about that night is reflected, is there any additions from the discussion that night as we don't want to repeat that again. Mr. Cahalan said the policy we wanted to put in here was the one on private property. Mrs. deLeon said the subdivision that was before us, the street signs were on private property. Mr. Cahalan said that was a special circumstance. Now if someone would approach us for signs on private property, and its not in the right of way, it's an optional type of sign. We have to work on adding a little bit more information. That was one of the recommendations. We are not approving this tonight. This has a way to go. Mrs. deLeon said it refers to places, the second township code, what about our administrative code. Are there any helpful sections in our administrative code we could refer to? Mr. Cahalan said he'll check but he doesn't think any jumped out that we could put in here.

E. RESOLUTION #64-2008 – RIGHT-TO-KNOW POLICY

Mr. Kern said Resolution #64-2008 has been prepared amending our current Open Records Policy to appoint and Open Records Officer by motion at a regular Council meeting in accordance with the Pennsylvania Right-to-Know Law, Act 3 of 2008. The information will be posted within the Township and on the Township website as required.

**Lower Saucon Township
Northampton County, Pennsylvania
Resolution #64-2008
Right-to-Know Policy**

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Open Record Officer

The Township hereby designates Jack Cahalan, Township Manager, as the Township Open Records Officer. The Open Records Officer may be reached at: Lower Saucon Township, 3700 Old Philadelphia Pike, Bethlehem, PA 18015. Phone – 610-865-3291, Fax – 610-867-3580, email – info@lowersaucontownship.org.

Requests

All documents deemed public records shall be available for inspection, retrieval, and duplication at the Municipal Building during established business hours, Monday through Friday, 8:30 a.m. to 4:30 p.m. with the exception of weekends and holidays.

Requests shall be made in writing and directed to the Township Open Records Officer on a form provided by the Township and shall include the date of the request, name and address of requester and a clear description of the records sought.

Fees

Paper copies shall be \$0.25 per page per side. If mailing is requested, the cost of postage will be charged. If a disk is requested, it will be provided by the Township at the cost of \$1 per disk. A new disk will be necessary each time records are provided. Fax copies will be available at the cost of \$0.50 per page. If “True and Correct Certification: is requested, an additional charge of \$2.00 will be added. Specialized documents including, but not limited to blue prints, color copies, and non-standard sized documents shall be charged the actual cost of production. The Township will require prepayment if the total cost exceeds \$100.

Response

The Township will make a good faith effort to provide the requested public record(s) as promptly as feasible. The Open Records Officer shall cooperate with those requesting records to review and/or duplicate original Township documents while taking reasonable measure to protect Township documents from the possibility of theft, damage, and/or modification.

The Open Records Officer shall review all written requests for access to public records. As soon as possible, but no later than five (5) business days after receiving a written request to access public records, the Open Records Officer shall respond to all such requests in writing consistent with Act 2 of 2008, the Right-to-Know Law. The Open Records Officer may, upon written notification within five (5) days to the requester, notify that the request is delayed if the Open Records Officer determines that one of the exceptions contained in Section 902 (a) of the Pennsylvania Right-to-Know Law is applicable to the specific request.

Contact Information for Appeals

If a written request is denied or deemed denied, the requester may file an appeal in writing to Terry Mutchler, Executive Director, Office of Open Records, Commonwealth Keystone Building, 400 North Street, Plaza Level, Harrisburg, PA 17120-0225.

Appeals of criminal records shall be made to the District Attorney of Northampton County, John Morganelli, 669 Washington Street, Easton, PA, Phone – 610-559-3000.

Appeals Process

The appeal shall be filed within fifteen (15) business days of the mailing date of the Township’s response or within fifteen (15) business days of a deemed denial. The appeal shall state the grounds upon which the requester asserts the record(s) is public record and shall address any grounds stated by the Township for delaying or denying the request.

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RESOLVED AND ENACTED this 17th day of December, 2008 by the Lower Saucon Township Council.

Mr. Cahalan said there were some recent amendments to this policy and it was reviewed by Leslie and the Solicitor and the only change we had to make was to appoint an open records officer and that's what we're doing with this resolution. The officer would be Mr. Cahalan.

MOTION BY: Mrs. Yerger moved for approval of Resolution 64-2008 – Right-to-Know Policy.
SECOND BY: Mr. Maxfield
Mr. Kern asked if anyone had any questions? No one raised their hand.
ROLL CALL: 4-0 (Mr. Horiszny – Absent)

VI. MISCELLANEOUS BUSINESS ITEMS

A. APPROVAL OF MINUTES – DECEMBER 3, 2008 COUNCIL MEETING

Mr. Kern said the minutes of the December 3, 2008 Council meeting have been prepared and are ready for Council's review and approval.

MOTION BY: Mrs. deLeon moved for approval of the December 3, 2008 Council meeting.
SECOND BY: Mr. Kern
Mr. Kern asked if anyone had any questions? No one raised their hand.
ROLL CALL: 4-0 (Mr. Horiszny – Absent)

B. APPROVAL NOVEMBER 2008 FINANCIAL REPORTS

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

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

VII. PUBLIC COMMENT/CITIZEN NON-AGENDA ITEMS

- Mr. Robert Hero said Council did an excellent job in 2008. Have a Happy Holiday.

VI. COUNCIL AND STAFF REPORTS

A. TOWNSHIP MANAGER

- Mr. Cahalan said to follow up on the Heller Homestead window painting, at our last meeting on December 3, 2008, we had a discussion on some items that Sobrinksi Painting had missed on the exterior portion of the painting that was authorized for the Heller House. We did send them a detailed set of pictures with all of the items that were missed, mostly painting, caulking, and so on. They contacted him shortly after receiving that and said they would take care of all those items. This week they were able to get out there and they called him today and were able to get 95% of the items done that were on the list. All the painting, the touch up, the glazing, and they did add additional epoxy material to the sills that was soft and they had hardened but they needed to be repainted. He ran out there this afternoon and did observe that they took care of the areas that needed additional painting and glazing. There's still some additional paint spots on the wall and the paints still on the wire – minor type things. They did apply the epoxy on the sills so that needs to be painted

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over. They had hardened up in the spots that were soft. He asked the Supervisor for a response about the question whether a coat of primer or two top coats were used and he stated the primer was used on any bare spots and then they applied the two top coats. Council members can go out and take a look, but he anticipates they will be finished with all the items by the end of this week. If you are satisfied with that, he would like approval to pay the remaining \$6,600 that is owed to them. Glenn Kern said he will go out and take a look at it. He asked if Mr. Cahalan could call Sobrinski and have them come out when he takes a look at it. Mr. Cahalan said they painted the attic windows. Mr. Cahalan said he will set that up.

- Mr. Cahalan said they had a problem with the hot water heater in the upper floor of the administration building. It started leaking and water was coming down into the police wing. It had to be replaced. He asked Roger to get three estimates and they range from \$10,854 from H. T. Lyons to the middle range of \$8,400 from Elec's Plumbing and the lowest estimate was \$8,097 from Tru Comfort. Because this was an emergency, he had to have it repaired immediately and he called Tru Comfort to do the work and it is finished. He wanted to bring it to Council for your ratification. He needs approval to pay Tru Comfort \$8,097 for replacement of a hot water heater in Town Hall.

MOTION BY: Mr. Kern moved for approval to pay Tru Comfort \$8,097 for replacement of a hot water heater in Town Hall.

SECOND BY: Mrs. Yerger

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

ROLL CALL: 4-0 (Mr. Horiszny – Absent)

- Mr. Cahalan said the Police Department hired a new officer and his name is Eric Marth. He's from Whitehall, PA and will be starting work on December 29, 2008 and he will be brought to a meeting to be sworn in and you will meet him.

B. COUNCIL/JR. COUNCIL

Mr. Maxfield

- None

Mrs. Yerger

- She said she would like to put Meadows Road Bridge sign to rest. There are three versions. Take a look at it, and pick a version, 1 through 3. She asked if we found a place to put it. Mr. Cahalan said Brien Kocher is working on it and it's going to require an easement. Mrs. Yerger said the words are the same, it's strictly layout. Mrs. deLeon said she liked No. 1. Mr. Maxfield said he liked No. 2 because it has the upper and lower case and it doesn't look as crunched as the all upper case one. It looks a little bit homier. Mrs. Yerger said so we are going to do No. 1 body and No. 2 sign head title. Mr. Maxfield said check out your height. This is going to require a slightly higher sign. The recommendation is No. 1 body with No. 2 title because it has the upper and lower cases.

Mr. Horiszny

Absent

Mr. Kern

None

Mrs. deLeon

- She said when you go out to the Heller Homestead, could you look at the garage to the left, looking at it. It seems like there's a gap and she doesn't remember it ever being that big.

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- She said she got a complaint from a resident on Seidersville Road. Seidersville Road is experiencing a lot of truck traffic and there is a 10 ton weight limit on that road. They think a lot of these trucks are taking short cuts and they are actually coming up 378 and turning right on Seidersville they can't make the turn. She had pictures with and showed Council. There was a little bit of an incident there. You can see the tire tracks. Mr. Maxfield said what would be their benefit going this way. Mrs. deLeon said most of them are coming from 412. Mr. Maxfield said all the vehicles are going towards Hellertown. It's a much easier route to go Black River Road. All these trucks could be making local deliveries. Mr. Kern said the big truck was a tanker truck with gas in it. Mrs. deLeon said we need to look into these as they are legitimate concerns. Mrs. Yerger said these pictures were over a year ago. Mrs. deLeon said he said the police were contacted and nothing was done, that's why he contacted her. She'd appreciate it if you could see if the departments addressed it. Mr. Cahalan said Seidersville Road is PennDOT from Hickory Hill Road to Salisbury. Mrs. deLeon said the street signs are being damaged and excess noise in the neighborhood. The houses are very close to the road.
- She said we talked about the Jr. Council position being on the internet. Mr. Cahalan said we turned that over and it will be under Council and there will be a drop down and it will explain the program.
- She asked what is going on with the fueling facility proposed at Giant? Attorney Treadwell said currently Chris Garges, Zoning Officer, is working on an interpretation of one of the sections of the zoning ordinance regarding whether it's a principal use or not to put a gas station in there and whether they have to go to the Zoning Hearing Board on that.
- She said she read the Hanover letter and the Meadows Subdivision that they proceeded to install the gate without you guys being there. Mr. Miller said that is correct. Mrs. deLeon said she's not happy about that. Mr. Miller said they were there when the posts were put in, not when the gate was put on the post or when the sleeves were put in that would hold the gate open. Mrs. deLeon said this is very important if there was a fire to make sure it was installed properly. What can we do the developer? Mr. Miller said there were no issues and they don't know if the sleeves line up with it holding open and they have suspicions the sleeves weren't constructed properly. The construction of the posts was done better because HEA was out there watching them. He personally did not inspect the gate. Bob Grim from their office went out and took some pictures. It looked like it was done correctly, but without being there, he doesn't know if it was done correctly. Mr. Kern said it's an inspection, just go out there and take a look. Mr. Miller said there's not anything reasonable he could do, just inspect the operation of it. Mrs. deLeon said they should know better, this is not the first time. She said what can we do about it. Mr. Kern said send HEA out, if there's a problem, then it will be addressed. Mrs. deLeon said she sees two prongs to this issue. There's that and then there's a letter to the developer saying you violated the provision of the ordinances. Why do we have laws if they can just get away with it. Where's the incentive the next time they have to inspect something. Mr. Kern said HEA was supposed to be on site when the installation occurred? Mr. Miller said yes, it was just verbal. Attorney Treadwell said he doesn't think it's an ordinance requirement either. It's just what we normally do.
- She was reading the ZHB minutes dated November 20, 2008, it was the minutes of the meeting of December 17, 2008 and on page 6, we need to contact the ZHB. They were referring to the application of Scenic View Apartments and then at the end of page 6, it says the Secretary took a roll call vote and was about to record a vote of 3-1 in favor of the motion when Mr. Griggs stated that he had a No rather than a Yes, and this made the motion 2-2, hence the motion did not pass the requested relief was denied. We don't know who the two "No" and the two "Yes" votes were. Please ask them to fix that.

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D. SOLICITOR

- Attorney Treadwell said he has been in contact with Society Hill with the HOA and he will be meeting with them at some point about the potential property swap, and that's in the works.

D. ENGINEER

None

E. PLANNER

None

F. ADJOURNMENT

MOTION BY: Mr. Maxfield moved for adjournment. The time was 8:36 PM.

SECOND BY: Mrs. Yerger

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

ROLL CALL: 4-0 (Mr. Horiszny - Absent)

Submitted by:

Jack Cahalan
Township Manager

Glenn Kern
President of Council