

I. OPENING

CALL TO ORDER: The General Business & Developer meeting of Lower Saucon Township Council was called to order on Wednesday, January 17, 2007 at 7:04 P.M., at 3700 Old Philadelphia Pike, Bethlehem, PA, with Mr. Glenn Kern, Council President, presiding.

ROLL CALL: Present – Glenn Kern, President; Thomas Maxfield, Vice President; Priscilla deLeon, Sandra Yerger and Ron Horiszny, Council Members; Jack Cahalan, Township Manager; Brien Kocher, Township Engineer; Township Solicitor, Linc Treadwell; Township Planner, Judy Stern Goldstein; and Jr. Council Member, Vanessa Segaline. Absent - Assistant Township Manager, Leslie Huhn.

PLEDGE OF ALLEGIANCE

ANNOUNCEMENT OF ANY EXECUTIVE SESSION (IF APPLICABLE)

Mr. Kern said Council did meet in Executive Session prior to tonight's meeting to discuss potential litigation.

PUBLIC COMMENT PROCEDURE

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 Diane, Leslie, or Jack or call the Township office. Please state your name and address. If you can't hear, please let us know. Mr. Kern asked if anything was taken off the agenda this evening? Mr. Cahalan said no.

II. PRESENTATIONS/HEARINGS

A. RESOLUTION 28-2007 – RECOGNIZING THE COMMUNITY SERVICE OF CRAIG MEDEI

Mr. Kern said Resolution 28-2007 has been prepared honoring Craig Medei for his dedicated service to the community. He is being honored at the Chamber banquet on January 27, 2007.

**LOWER SAUCON TOWNSHIP
RESOLUTION #28-2007**

A RESOLUTION RECOGNIZING THE COMMUNITY SERVICE OF CRAIG A. MEDEI

WHEREAS, Craig Medei has unselfishly served the residents of the Saucon Valley in various capacities for the past ten (10) years; and

WHEREAS, after graduation from Hellertown-Lower Saucon High School in 1964, Craig attended Moravian College for two (2) years where he played on the baseball team before enlisting in the Navy; and

**General Business Meeting
January 17, 2007**

WHEREAS, Craig served honorably in the Navy for four (4) years during the Vietnam Conflict as a Radar Technician attached to an F-4 Phantom Jet squadron and completed a 2-year tour of duty aboard the aircraft carrier Franklin D. Roosevelt before his discharge from service in 1971; and

WHEREAS, Craig married Linda Halfacre in 1970 and settled down in the Saucon Valley to raise a family which now includes sons Craig Jr. and Eric, who is a Lower Saucon Township Police Officer, and daughter Alyssa and two (2) grandchildren; and

WHEREAS, Craig began working in the insurance field and for the past ten (10) years has been a partner in the Matey-Medei Agency, a locally owned and operated insurance firm that combines quality service with a personal hometown approach to customers; and

WHEREAS, Craig has been active with the Saucon Valley Community Center, serving on the fundraising committee for their annual golf tournament for the past ten (10) years, and for the past five (5) years has chaired the highly successful Hellertown-Lower Saucon Community Day.

WHEREAS, Lower Saucon Township is proud that Craig, a Township native and resident, will be recognized for this outstanding service at the Annual Banquet of the Hellertown-Lower Saucon Chamber of Commerce on January 27, 2007.

NOW, THEREFORE, BE IT RESOLVED, that the Council of Lower Saucon Township, Glenn Kern, President; Thomas Maxfield, Vice President; Priscilla deLeon, Council Member; Sandra Yerger, Council Member; and Ronald Horiszny, Council Member; wishes to commend Craig A. Medei for his community service and dedication to the Saucon Valley.

ADOPTED and ENACTED this 17th day of January, 2007.

Mrs. deLeon said when she moved into the township in 1985, she met Linda and Craig who lived down the street. They were great people and she missed them when they moved from their neighborhood. She will present this resolution to Craig at the Chamber banquet.

MOTION BY: Mrs. deLeon moved for approval of Resolution 28-2007.

SECOND BY: Mrs. Yerger

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

ROLL CALL: 5-0

B. RESOLUTION 29-2007 – RECOGNIZING DEWEY AMBULANCE CO. & THE LOWER SAUCON TOWNSHIP FIRE COMPANIES

Mr. Kern said Resolution 29-2007 has been prepared honoring Dewey Ambulance Co. and the four Lower Saucon Township Fire Companies.

**LOWER SAUCON TOWNSHIP
RESOLUTION #29-2007**

**A RESOLUTION RECOGNIZING THE VOLUNTEER SERVICES OF DEWEY
AMBULANCE COMPANY AND LOWER SAUCON TOWNSHIP FIRE COMPANIES**

WHEREAS, the Dewey Fire Co. Ambulance Squad provides Basic Life Support (BLS) services to residents of Lower Saucon Township utilizing a staff of over 60 full and part-time EMTs and three (3) fully equipped ambulances; and

**General Business Meeting
January 17, 2007**

WHEREAS, the Township is served by four (4) Fire Companies: Se-Wy-Co Fire Company, Leithsville Volunteer Fire Company, Southeastern Volunteer Fire Company and the Steel City Volunteer Fire Department comprised of highly trained volunteer fire fighters who are equipped with state of the art fire fighting apparatus and equipment; and

WHEREAS, these volunteers provide emergency medical and fire protection services to Township residents 24 hours a day, seven days a week at a great personal sacrifice to themselves and their families; and

WHEREAS, during the past year these volunteers responded to over 1,500 emergency calls in Lower Saucon Township and spent many more hours training and maintaining their equipment to keep themselves at a high state of readiness; and

WHEREAS, Lower Saucon Township feels that it is fitting that these emergency services organizations will be recognized for their outstanding service at the Annual Banquet of the Hellertown-Lower Saucon Chamber of Commerce on January 27, 2007.

NOW, THEREFORE, BE IT RESOLVED, that the Council of Lower Saucon Township, Glenn Kern, President; Thomas Maxfield, Vice President; Priscilla deLeon, Council Member; Sandra Yerger, Council Member; and Ronald Horiszny, Council Member; hereby recognize and commend the Dewey Fire Co. Ambulance Squad, Se-Wy-Co Fire Company, Leithsville Volunteer Fire Company, Southeastern Volunteer Fire Company and the Steel City Volunteer Fire Department for their unwavering devotion and service to the residents of Lower Saucon Township.

ADOPTED and ENACTED this 17th day of January, 2007.

Council thanked the fire companies. Mrs. deLeon said the annual banquet at Silver Creek County for the Chamber of Commerce is January 27, and if you need any information, you can call her or Jack Cahalan.

MOTION BY: Mr. Horiszny moved for approval of Resolution 29-2007.

SECOND BY: Mr. Maxfield

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

ROLL CALL: 5-0

C. ORDINANCE 2007-01 – PUBLIC HEARING AND CONSIDERATION OF ADOPTION – GRADING ORDINANCE

Mr. Kern said Ordinance 2007-01 has been prepared and advertised for a public hearing. It repeals previous ordinances and amends regulations and standards to govern and regulate the grading of the land, the modification of natural terrain, the alteration of drainage, the maintenance of drainage necessary to control soil erosion, the issuance of grading permits, and provides for the enforcement and penalties in the event of violations.

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

SECOND BY: Mr. Maxfield

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

ROLL CALL: 5-0

Mr. Cahalan said this has been advertised and there were some previous comments that Council made. They were some minor changes and they were incorporated into the document. Mr. Kocher

**General Business Meeting
January 17, 2007**

said most of the regulations that are in your current grading ordinance have not changed. The main purpose for this ordinance is since the township adopted a stand-alone storm water ordinance, it took a lot of the regulations that were in the grading ordinance and makes reference to that stand-alone storm water ordinance. Most of the permit requirements are still the same. It does clarify some storm water issues for sites less than 10,000 sq. feet. One item on page 9 in the last paragraph of Section K, "the individual on lot volume or rate control shall not be required." The word "not" shall be removed. It was a typo. If you are less than 2500 square feet of impervious cover, you don't have to do any storm water control. If you are between 2500 and 10,000, this section K describes what you need to do – that is to infiltrate 3" of rainfall over the impervious cover or provide for some form of storm water detention.

Mrs. deLeon said is that significant or not, it seems more restrictive? Attorney Treadwell said that was just a typo. Mr. Kocher said the first three paragraphs of Section K set out the regulations and the last paragraph says that if you are a home within part of a subdivision where an overall storm water management plan has been developed, you follow that plan rather than make your own plan. Mr. Kern said there is significant verbiage prior to it to indicate that it is a typo and the minutes will reflect that we had this discussion. Mrs. deLeon said the Solicitor's opinion will be recorded. On page 8 of 14, paragraph E, most of the time we have complaints after somebody builds a house, and then there's always runoff on to their property, so this says that "no person, firm, or corporation shall modify, fill, excavate, or regrade the land to endanger or damage any adjoining public property". This doesn't apply to lots that are in an approved subdivision? Mr. Kocher said the provisions of the ordinance apply to earth moving activities throughout the township. The question is sometimes permits are required, so you have to follow the regulations. Mrs. deLeon said if she owned a piece of property and bought a house in an already approved subdivision, like the Meadow's, and there were concerns or damage to an adjoining property, would this apply to that? Mr. Kocher said that's one of the regulations that applies universally to earth moving activities. Attorney Treadwell said he agrees. Mrs. deLeon said whether or not it's in an approved subdivision or not. Mr. Kocher said that's correct. The only reference to an approved subdivisions is individual on lot control. The designer of the overall subdivision has already thought that out and may very well have picked individual online control, but that's a decision this township makes during the subdivision process. Mrs. deLeon said after it's approved, there are things that go on with that parcel that may impact the neighbor. Mr. Kocher said it still may be a violation of this ordinance. You'd have to look at those on an individual basis. Attorney Treadwell said it depends on that plan.

Mrs. deLeon said on the next page, J, is there any way, it says "the permit shall limit storm water runoff rate and concentration from the subject lots and other lands to a manner that will minimize risk". Is that the strongest we can make that paragraph? Attorney Treadwell said he would say yes.

Mr. Maxfield said back on page 2, Mr. Kocher said it was language that was taken from the original ordinance, he wanted to make sure we were generally consistent with where we are at now since that grading ordinance was compiled before we made some changes. When it talks about earth disturbance, in other words, an unregulated activity would be earth disturbance greater than 20' from the top of a bank, stream or water, which doesn't really jive with any ordinance that we have now. In B2, 3, 4 and even C, he has questions about how it works with the NRP and the setbacks on the stream. Mr. Kocher said what those setbacks represent is whether or not you need a permit. Earth moving is still regulated by the township ordinance. It doesn't mean you can dump dirt into the stream. These exceptions are for when you need to come in and fill out a grading permit. With that in mind, you can still change those and make them 100', but just understand what those exceptions are for. Mr. Maxfield said the way he reads B2, someone could do an analysis of the work they intend to do, and if they have a 1500 sq. foot lot, and as long as they stay 20' from the top of the bank of the water course, they could go ahead and grade. He doesn't think

**General Business Meeting
January 17, 2007**

the rest of the ordinance allows that. Mr. Kocher said if your zoning ordinance prohibits grading within 100' of the stream, the zoning ordinance still applies. The issue is they don't have to come in and fill out a grading permit. That doesn't supersede the zoning ordinance. Mrs. Yerger said her concern was are people going to be aware of that? She knows what it says in the zoning and that they aren't allowed disturbance within the 100', do we need it to be consistent just for understanding sake? Mr. Maxfield said someone that thinks they may need a grading permit will read this and maybe not go to the zoning ordinance and go ahead and do the work and then accuse us of conflict.

Ms. Stern Goldstein said it's actually good the way it's written for one reason. If the applicant comes and receives the variances and/or special exceptions to do some disturbance, within areas that are protected by the zoning ordinance, this still sets up some criteria for when they need also to get a grading permit on top of that. This is another layer, so it's not in conflict with the zoning ordinance. It's just setting up different criteria for the grading permit in addition to what's in the zoning. The zoning is followed for every property within the township whether it's being developed or not. Somebody could just be doing normal maintenance on their yard and eventually depending on their level of what maintenance is, be in violation of the zoning ordinance. Mr. Maxfield said they really couldn't get to this point without the variance process? How could you grade within 21' of a stream without a variance? Ms. Stern Goldstein said you couldn't without a variance unless it was an "oops" and you made a mistake and now you need to get a variance to rectify what you've done, but there are some properties in the township that will, at some time, go to the ZHB and may or may not get variances. It might not be this year, it might not be next year, but it could be a different Council sitting here or a different ZHB and properties and land owners might get variances for certain types of disturbance. When you cross a stream, you are within 20' of the stream. You're in the stream, so this can go hand in hand with that also. Mr. Maxfield said a stream crossing is permitted by zoning? Ms. Stern Goldstein said there are some permitted crossings, but within the crossings there are limits you can follow when you need to get county, state and federal permits for that. Mr. Maxfield said you feel confident with the way it's written that someone will realize they have to reference the zoning ordinance also? Mrs. deLeon said someone in the township would have to make sure that's complied with. Ms. Stern Goldstein said the zoning provision need to be regulated no matter what. The one thing she can't tell you is that Joe Homeowner will know every regulation. She can tell you if they come to the township and talk about earth disturbance, they will be notified of the proper regulations they need to follow. That's the best she can do. Attorney Treadwell said he agrees with that.

Mr. Maxfield said in order for 2, 3, 4 to kick in, should we have language in there that says "in the case that a variance has been granted to allow disturbance within a protected area, the following conditions may apply". You don't really get there without that process or unless you've made a mistake. Ms. Stern Goldstein said the second paragraph tells everyone that all the other ordinances that need to be compiled with. Mr. Kern said it says you have to go back and look at Township Zoning Ordinance Chapter 180. So you would reference that. Ms. Stern Goldstein said if somebody is reading this, and/or coming to the township asking questions, the headline is telling you, follow the zoning ordinance, follow the subdivision land development ordinance, follow the storm water ordinance. If you want to delete those options under 2, 3, and 4, you probably could, it's just more restrictive for your average homeowner. It's your prerogative to do that. Mr. Kocher can explain the ramifications if there are any. Mr. Kocher said someone wants to put a shed within 25' of a stream and they come in here and they say what permits are required, and they talk to Chris. He may be able to report that no, you don't need a grading permit for that because you are exempt under this criteria, but the zoning ordinance doesn't allow you to put it there, so you can't put it there anyway. Mr. Kern said it protects the homeowner from submitting a grading plan for smaller projects.

**General Business Meeting
January 17, 2007**

Mrs. Yerger said on page 9, L, we dealt with this in the past, and her only concern is the second line, "if the developer verifies that they have made reasonable attempts". Is there any way to quantify "reasonable attempts" as she wanted to get something less fuzzy? Mr. Kocher said they have to come in here and get a waiver from Township Council, so you, as the determining body, would have to determine that. Attorney Treadwell said it's up to Council to determine what is reasonable. Mrs. deLeon asked if that is still in our existing ordinances or was that in SALDO? Judy said she believes it was in SALDO and Attorney Treadwell said he thinks so also, because they waived it the last time.

Mrs. Yerger said page 11 under Section 10, inspections, "inspections by the Township may be carried out on a random basis at the option of the township". Who does that include as far as inspections by the township? Mr. Kocher said all the regular inspections are done by the Zoning Officer. If there are issues that he can't handle, he calls HEA to look at them.

Mrs. deLeon said page 8 of 14, E, the last sentence, "such activity without such protection will constitute a nuisance punishable by the provisions of this ordinance". Do we want to use the word "nuisance"? Shouldn't it be "violation"? Attorney Treadwell said he thinks they are fine with nuisance. If you want to change it, you can, but he's okay with nuisance. Council said they would be more comfortable with "violation".

Mrs. deLeon said page 4 of 14, D, it says "The township secretary, which is the Manager, should within ten days of adoption of this ordinance", do we have existing operating procedures or are you implementing new ones? Mr. Kocher said he doesn't think there are any changes to the operating procedure and vision by this new ordinance. Mrs. deLeon said are there existing operating procedures? Mr. Cahalan said they keep track of it. Do they have a written procedure? He can't refer you to a written procedure. Mrs. deLeon said if we approve this, an ordinance is usually effective within five days, so it says, five days after that, which would be ten days, that you are supposed to establish operating procedures, and since Council approves policy, she's just wondering what that is? Mr. Kern said including the required number of copies. Mrs. Yerger said is that in addition to what's under page 11, under inspections, section 10B? Mrs. deLeon said her reading of this would be if she was the applicant coming in, this tells her what she's supposed to do to meet the requirements of this ordinance. Mrs. Yerger said it does say the plans that have to be submitted. Mr. Maxfield said it talks about copies of the application. Mr. Cahalan said they can put together a separate policy. These are kind of scattered around in different procedures, but they can comply with that. Mrs. deLeon asked Mr. Cahalan if he could bring it back to the next Council meeting? He said sure. Mr. Maxfield said for the additional five days when it goes into effect, we'll be okay, with what we have now? Mrs. deLeon said we don't know what we have now. Mr. Kern said don't we already have established operating procedures, number of copies of the grading application? Mr. Cahalan said he doesn't have it in front of him to hand out tonight, but they do have procedures for the number of copies. Mr. Maxfield asked to change the ten days to five days for the adoption.

Mrs. deLeon said it would have to be longer than that if they approved it this evening and we're going to talk about the policy at the next Council meeting. Mr. Maxfield said just the wording where it says "within five days of the adoption". Attorney Treadwell said five days is the minimum, you can make it ten. Mr. Maxfield said the copies of the application and the actual plans for the grading ordinance are not utilized by Council, but are utilized by Staff and Engineers, so he would feel comfortable if the Staff made sure they worked up their parameters within five days of the adoption of the ordinance. He doesn't know enough about what they need to discuss and he would feel comfortable if they came up with their own set of things they need and we just go from there. Mrs. deLeon said she's asking the Manager to come up with their recommendation, but our administrative code is very clear and says the Council approves a policy that are dated procedures, and we aren't doing that. Mr. Kern said we have a policy in place as we've been doing the grading

**General Business Meeting
January 17, 2007**

ordinance applications for years and all we have to know is what that is. Mr. Maxfield said that can be done at the next meeting. If any changes are to be made to it as a result of this new ordinance, and we'd change it to five days to coincide when the ordinance goes into effect, then we're covered as soon as it goes into effect. It would have to be changed on page 14 of 14 from ten to five and page 4 of 14. Mrs. deLeon said how do we get to our next Council meeting which is 14 days? Mrs. Yerger said there have to be existing procedures in place, so are those grandfathered in? Attorney Treadwell said we have them right now. They exist. Mrs. Yerger said what we really need to worry about is the word "establish". Mrs. deLeon said we should just change it to 15 days. We have an extra week till our next meeting, so it's 21 days. Mr. Kern said Jack is going to get a copy of the grading ordinance so we can see what the existing procedures are. Mr. Kocher said he thinks the existing grading ordinance reads the same. If you look at C, that actually answers the question of how many copies you need and where they go. Mr. Cahalan said the language is basically the same in the existing grading ordinance for the application for a permit which is in Section 5, and it says "a separate application shall be required for each earth disturbance operation, three copies of all documents shall be submitted with each application". It goes on to say the same language, "within ten days of the adoption of the ordinance shall establish operating procedures including the required number of copies". The only thing he can't give you is the exact number of copies, but there is a procedure that went along with this ordinance, 2003-03.

Mrs. deLeon asked that they update the existing procedure document and we just change the ten days to within twenty-five days so the procedures would be established? Attorney Treadwell said that's fine, we have them in place now and Molly has them and knows when somebody comes in with an application, this is the number of copies you need. Mr. Kern asked if the procedure should be added to the resolution? Attorney Treadwell said they will clarify that and check tomorrow with Molly. Mr. Horiszny asked if we changed the number in D? Mr. Kern said the procedure, at this point, is what, as far as incorporating that into this resolution? Attorney Treadwell said we have one in place right now, so he'd be okay if you left it like it is. If you want to change it to 25 days so you can see it in writing, then do it. Molly does have the procedure in place. This will be brought back at the next meeting. Mrs. Yerger said it doesn't need to be attached to this ordinance? Mrs. deLeon said no, it has to just be dated a procedure at the township.

Mr. Horiszny said then it doesn't matter when we see it just so it's there and so the days and the procedure here don't really matter as long as we know they are there. If we want to make it five days in D to comply with the five days at the end, we ought to do that. Mrs. deLeon said what if in five days when this becomes effective, a resident comes in and asks for a copy of the written procedure, and we're assuming it exists and it doesn't, it's just in everybody's head. Mrs. Yerger said it will be governed by the ordinance in place, so it won't be any different. Mr. Cahalan said it's the same language that was in - in 2003, but at that point, he didn't think the township wrote down specific operating procedures for that. There is a procedure that is being followed for the number of copies to carry this out. He can, within ten days, comply with this and establish written operating procedures and bring them back to Council. Mrs. Yerger said the ordinance which is in existence now, that's how we are operating, and if we push this back for 25 days, what's automatically going to happen if somebody brings in a request between now and then, it's just going to be covered by the ordinance that is in place already which says the exact same thing that's in here, so it makes no difference. Attorney Treadwell said we have a grading ordinance now. This is updating it a little bit. We have a procedure in place now as to how they come in and file a plan. Unfortunately, we can't tell you tonight what that procedure is, but there is a procedure. Mrs. Yerger said this paragraph D is exactly the same as what's in the grading ordinance in front of Jack now? Attorney Treadwell said yes. Mrs. Yerger said then it doesn't make any difference.

Mr. Kern asked if the public had any questions on the grading ordinance? No one raised their hand.

**General Business Meeting
January 17, 2007**

MOTION BY: Mr. Horiszny moved to close the hearing.

SECOND BY: Mr. Maxfield

Mr. Kern asked if anyone in the audience had any questions or comments? Bill Bakos said he has to agree with Priscilla. You can't pass something and not know how you are going to give everybody the option, two copies, three copies, and in the case of zoning, one builder walks in and he gets one thing and the next builder walks in and he gets another thing. If it's in black and white, there's no question of what's going on. If there's a big issue of pushing the ordinance through, just for the sake of pushing it through, then that's an issue you have to resolve amongst yourselves. If what you are trying to do is say at the end of the day, we're going to have in black and white a clarified ruling on what everybody is going to have to look at and live with according to our new zoning ordinance, then you have to have a typewritten policy. You all sit down and say this is the policy and we're going to vote on it, then it's done, and then you pass the ordinance. You're putting the cart before the horse. Mrs. Yerger said we are directing the Manager to come up with a written policy. Her point was as far as with the days coming in whether we change it to 25 days or 10 days, what's going to happen is if somebody brings that in between now and when this policy goes into effect? The effect is going to be the same which will fall under the old procedure. We can't change that. Mr. Kern said Mr. Bakos and Priscilla would like to see it in writing. Mrs. deLeon said it can be a resolution as it's easier to change a resolution for day to day procedures than it is to go back and advertise an ordinance. It should not be in the ordinance because people change, staff changes, etc.

Attorney Treadwell said we have a policy in place now. If Leslie was here, she could probably tell us what it is. Mr. Maxfield said the reason the wording is in here now is because it was drawn from the old ordinance. It's already established. We should take D, cut out everything except the very last sentence, and just go with the process we have in place. We're not establishing that process anymore. It's already established. If we want to direct the Manager to put it in writing so it's available, let's get it out of this ordinance as it's already established.

Mrs. Yerger agrees with Priscilla that it needs to be done by resolution because of the possible change of procedures if you don't want to put it in the ordinance as it's a lot harder to go through the advertising process if it's a component of the ordinance. Mr. Maxfield said the last sentence deals with fees and that's a changeable thing by resolution also. Mr. Kern said so will be included later by resolution. Mr. Maxfield said you need to delete the whole first sentence. D should read, "The Council of LST shall determine the fees for such permits from time to time by resolution". The procedure is already there. It's simply in there because all was taken was language from the old ordinance. Another version will come back at our February 7 meeting. We need a separate motion saying we need this to go into writing and that we can review.

ROLL CALL: 5-0

MOTION BY: Mrs. deLeon moved for approval of Ordinance 2007-01, deleting the first sentence of Paragraph D under Section 5 on page 4 of 14 on page 8 of 14, change the word "nuisance" to "violation" and eliminating the word "not" on page 9 of 14.

SECOND BY: Mr. Maxfield

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

ROLL CALL: 5-0

MOTION BY: Mrs. deLeon moved to direct the Manager to come back with a written resolution regarding the operating procedures to implement ordinance 2007-01.

SECOND BY: Mr. Maxfield

**General Business Meeting
January 17, 2007**

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

ROLL CALL: 5-0

IV. DEVELOPER ITEMS

A. OBERLY WAIVER OF LAND DEVELOPMENT – 1441 SPRING VALLEY ROAD – UPPER SAUCON TOWNSHIP

Mr. Kern said Upper Saucon Township is requesting a waiver of land development for a minor subdivision of a parcel of land owned by Mr. John Oberly. Upper Saucon Township is proposing to subdivide the property into two parcels, one of which will contain the Oberly residence and Upper Saucon Township plans to purchase the newly created lot to construct a pump station.

Mr. Kern asked if anyone was present representing the Oberly's? Gary Breenza was present. Mr. Kern asked if Council had any questions or comments regarding the HEA letter? Attorney Treadwell said Gary complies with the HEA letter. Mrs. deLeon said she did not have the Boucher & James letter. Gary said when they drafted the conditions, he's not sure if it was forwarded to Boucher & James. Ms. Stern Goldstein said at the last Council meeting, it was discussed since the project was really limited to the sewer issue, there was no need for Boucher & James review. Mrs. Yerger said she's assuming that we are sufficient with a note on the plan. Attorney Treadwell said yes, we are. Mrs. deLeon thanked them for the letter of January 8 because she had a lot of questions and this answered most of them. Mr. Kocher said he looked at all the information they sent in and he's satisfied that most of the questions were answered. Mrs. deLeon asked Gar if he had any issues? Mr. Davidson said he didn't.

MOTION BY: Mr. Horiszny moved for approval of the waiver.

SECOND BY: Mrs. deLeon

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

ROLL CALL: 5-0

B. LONG RIDGE SUBDIVISION – BERGSTRESSER DR. – REQUEST FOR SECURITY REDUCTION

Mr. Kern said the applicant is requesting a release of security for work done to date. Hanover Engineering has completed an inspection and is recommending a reduction of \$1,243,747.91.

Mr. Kern asked if there was any discussion by Council? Mr. Maxfield asked if we were okay with escrow? Mr. Cahalan said yes. Mr. Horiszny said the invoices that are mentioned not paid have been paid? Mr. Cahalan said they are not past due yet.

MOTION BY: Mrs. deLeon moved for approval of the request of security reduction of \$1,243,747.91 and to retain the required security amount of \$686,065.53; however, we would recommend that the reduction of security be conditioned upon providing a plans and appeals account balance acceptable to the Township.

SECOND BY: Mr. Maxfield

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

ROLL CALL: 5-0

C. GREENWOOD COURT – BLACK RIVER ROAD – REQUEST FOR SECURITY REDUCTION

Mr. Kern said the developer has requested a reduction of security for improvements completed to date. HEA has done an inspection and is recommending a reduction in the amount of \$63,736.20.

Mr. Kern asked if there was any discussion by Council? No one raised their hand.

MOTION BY: Mr. Horiszny moved for approval of request for security reduction of \$63,736.20, per the HEA letter of January 11, 2007.

SECOND BY: Mr. Kern
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.

ROLL CALL: 5-0

D. LEHIGH GAS – CAR WASH (RTE. 378) – PRELIMINARY PLAN

Mr. Kern said the time limit for this project expires on February 5, 2007. Council needs to take some type of action prior to this time limit.

**DRAFT – STAFF RECOMMENDATION FOR
LEHIGH GAS, INC., CORPORATE OFFICE**

The Township staff recommends that the Township Council consider rejection of the Lehigh Gas Corporation – Car Wash Additional Land Development Plan Application, dated January 24, 2005 file LD1-05. This Plan involves a proposed car wash bay addition for a property located at 3655 Route 378, Tax Map Q6SW2-4-2.

The Staff recommends that this Plan be rejected based upon noncompliance with Zoning Ordinance provisions, and Subdivision and Land Development Ordinance provision all as specified in a letter from Boucher and James, the Township Planner, dated February 4, 2005 and a letter from Hanover Engineering Associates, Inc., the Township Engineer, dated February 8, 2005. Copies of these letters are hereby incorporated into this motion and made a part of the Township record.

It is recognized that this applicant, by letter of July 28, 2005, submitted a plan drawing 3789 (dated last reviewed July 13, 2005) which addressed some concerns of the Township. The Township Engineer letter has been annotated with “cross-outs” based upon a revision of a Plan with the revision date of July 13, 2005.

This interim Plan did not provide the full resubmission for review and this Plan did not correct the issues of noncompliance identified in the above-referenced Township Engineer and Township Planner letters except as noted.

Also, by this same motion the Township Council directs the Township Manager to notify the applicant of Council’s decision.

Mr. Cahalan said they are recommending rejection. They asked the developer to withdraw it and they did not hear back from them. Mrs. deLeon said HEA talks about Lehigh Gas Corporate Car Wash addition, aren’t they building the corporate office now? Isn’t that a mistake? Mr. Kern said this was an addition to the Mobil station. Mr. Cahalan said it’s the car wash addition, not the corporate office. Mrs. deLeon said should the January 11 letter say “corporate office”? Mr. Kocher said right. The motion is right, Lehigh Gas Corporation Car Wash addition, but that can be taken out of the letter “Corporate Office” and it also should be taken out on the second page. Mrs.

**General Business Meeting
January 17, 2007**

deLeon said things should be spelled more out in the motion. It refers to the two letters. These still are outstanding except the ones that say okay. Mr. Kocher said correct.

- MOTION BY:** Mr. Maxfield moved to reject the preliminary plan for Lehigh Gas Car Wash on Route 378, subject to HEA's letter of January 11, 2007 and the Boucher & James letter, and also take out "Corporate Office" out of the letter.
- SECOND BY:** Mr. Kern
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.
- ROLL CALL:** 5-0

E. ORCHARD VIEW – ROUTE 412 – REQUEST EXTENSION TO COMPLETE IMPROVEMENTS

Mr. Kern said the developer is requesting a one (1) year extension of time to complete the improvements in this subdivision.

**STAFF RECOMMENDATION FOR
ORCHARD VIEW EXTENSION FOR THE JANUARY 17, 2007**

The Lower Saucon Township staff recommends that Township Council approve an extension until January 17, 2008 for completion of improvements at Orchard View Subdivision. This approval is subject to the following conditions:

1. The owner/developer shall enter into an Extension Agreement with the Township satisfactory to the Township Solicitor and Township Council.
2. The Improvements Security shall remain in full force and effect until project completion, to the satisfaction of the Township Solicitor.
3. The owner shall pay any outstanding plans and appeals account invoices owed to the Township.

Mrs. Yerger said this development is on the headwaters of the Cooks Creek? Do we see any issues arising out of granting them a one year extension for these improvements? Will it cause any runoff issues? Mr. Kocher he would like to add a condition no. 4 which says "winter stabilization by January 31, 2007". When they check that, he'll check what Mrs. Yerger just said about the runoff.

- MOTION BY:** Mrs. Yerger moved to approve Orchard View request for extension to complete improvements for one year with the addition of a fourth recommendation from HEA stating "winter stabilization must be completed by January 31, 2007" by the developer.
- SECOND BY:** Mr. Maxfield
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.
- ROLL CALL:** 5-0

F. BRE – APPLEBUTTER ROAD - REQUEST EXTENSION TO COMPLETE CONDITIONS OF APPROVAL

Mr. Kern said the developer is requesting a six (6) month extension of time to complete the conditions of the approval that was granted by Council of July 19, 2006.

**STAFF RECOMMENDATION BETHLEHEM RENEWABLE ENERGY LLC
FOR JANUARY 17, 2007 LOWER SAUCON TOWNSHIP COUNCIL MEETING**

**General Business Meeting
January 17, 2007**

The Lower Saucon Township Staff recommends that Township Council approve the request for a 6-month extension of time to complete the conditions of approval for the above-referenced subdivision as stated in the attached HEA staff recommendation letter dated January 12, 2007. This approval is also conditioned upon the Developer payment any outstanding escrow invoices.

Mrs. deLeon said this extension means it won't be recorded at the Court House for another six months? Attorney Treadwell said correct, until they meet the conditions. Mrs. deLeon said if their plan changes between then and now, it has to be revised? Attorney Treadwell said it has to come back here.

MOTION BY: Mrs. deLeon moved to approve a request for a six month extension for BRE – Applebutter Road.

SECOND BY: Mr. Horiszny
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.

ROLL CALL: 5-0

V. TOWNSHIP BUSINESS ITEMS

A. ORDINANCE 2007-03 – FIREARM ORDINANCE – AUTHORIZE ADVERTISEMENT

Mr. Kern said Ordinance 2007-03 has been revised since it was last before Council. Council should review these revisions and if they wish to proceed should authorize the advertisement for a public hearing and consideration of adoption.

Mr. Cahalan said the ordinance was brought to Council several times and there were a couple of questions. You asked him to add some additional information about bows and arrows. They took it back and the Solicitor worked on it, and came up with another draft. They discussed it with Police Chief Lesser and it's now back before you. They feel they've addressed all of the issues that Council wanted addressed and they think it is a good ordinance which is ready for advertisement.

Mr. Horiszny said at the bottom of page 3, second line from the bottom, it talks about the 150 yard requirement set forth above, it talks about Paragraph 7, shouldn't we also add "and paragraph 11" because that talks about the 150 yard target setback? Attorney Treadwell said that is fine, we can add paragraph 11. Mr. Horiszny said page 5, paragraph 6, it says "all targets shall be located a minimum of 50 yards" and I think we mean 150 yards? Attorney Treadwell said no, 50 for bows and arrows. Mr. Horiszny said he's confused again on Atlatls and Darts. We don't say arrows hardly anywhere when we talk about the bows and crossbows. As soon as we start talking about the Atlatls, we've got darts in there and maybe at the insistence of him last meeting, they kind of separated the darts from the Atlatls, and he's not sure that should have been done because he doesn't think an Atlatl can hurt you, but the dart can. We're talking about them separately like they are hand throwing darts. Mrs. Yerger said are there other propellants of darts, is that why it was made separate? Attorney Treadwell said they tried to cover everything they could possibly cover. Mr. Horiszny said it's in section 2, paragraph 7, 8, 9, 10, Section 8. Mr. Cahalan said so wherever we used the term "bow", you would like to say "bow and arrow"? Mr. Horiszny said he doesn't know if that is necessary, but he thinks we should probably say Atlatl darts and not have "and darts". Attorney Treadwell said they have projectiles in here, maybe they need to make it clearer. Mr. Horiszny said if they don't talk about arrows with bows, or bolts with crossbows, we don't have to talk about darts with Atlatls, and it would be clearer. Mr. Maxfield said projectiles would be okay, just say "associated projectiles" wherever it says darts.

Mrs. deLeon said on page 2 of 7, where it says firearm defined, in the middle of that definition, it says "the ordinance should be left to the discretion of the law enforcement officer". She has a lot

**General Business Meeting
January 17, 2007**

of respect for law enforcement officers, but she also can see where that is subjective. It says "whether or not the weapon is dangerous enough to be encompassed by this ordinance is left to the discretion of the law enforcement officer". Mr. Maxfield said he thinks they'd know better than anybody. Mrs. deLeon said she's not saying they don't, but there could be issues. Mr. Kern said he doesn't have a problem with that, some things are self evident and that's one of them. Attorney Treadwell said the reason that's in there is because we can't possibly name every single thing that possibly can be used as a weapon at some time in the future depending what it might possibly be fired with by, for. Chief Lesser said he was okay with that. That's how he saw it, as just not to define what is a dangerous weapon solely by an officer, but in conjunction with the other language in that definition. It's impossible to define all the types of weapons an individual may use. Our officers use discretion every day. He would agree Linc had their support and they strongly encouraged clarifying the ordinance, not just on the singular issue that we dealt with for the past several months, but to move ahead and define other areas, and that's what Linc has done, and less is left for discretion.

Mrs. deLeon asked for someone to give a synopsis for the residents who are here tonight. Attorney Treadwell said obviously we've had, as everybody has seen in the paper, some issues in the past. Mrs. deLeon said we have an ordinance that dates back to the 1980's and we need it to be updated. Attorney Treadwell said they have attempted, and Jack and himself worked with the Chief and Leslie for the last month or so to try to get as comprehensive an ordinance as they could to protect the health, safety and welfare of the residents of the township, but still allowing for people to hunt and target practice within a reasonable degree of safety.

Mrs. deLeon said page 3 of 7, No. 9, "it is unlawful for any person to shoot a firearm in a manner that allows the projectile to leave the property on which it is being shot". Should it say parcel? Do you need the property owner's permission if you are talking about ten acres of land? Attorney Treadwell said that was the impression he got from the last time they talked about it that Council wanted it to be restricted to having the permission of that person. Mrs. deLeon said if there was a dwelling occupied? Not every parcel of property of land has a dwelling on it and if she was hunting on acres of land, are we restricting hunting on these properties? Mrs. Yerger said you should have permission from the property owners if you are hunting on their property. She allows people to hunt on her land, but she wants the comfort that she can go on her property and walk her dogs when she wants to walk her dogs. Mrs. deLeon said what she's saying is, does the township have the authority to regulate hunting on somebody else's land? Mr. Maxfield said this isn't regulating hunting on someone's property with permission. This is regulating the projectile leaving and going to another property where they don't have permission to hunt. He doesn't see anything in this where the township is interjecting itself with "I have permission to hunt on this property process". We're saying if you don't have permission, then you're bullet shouldn't be leaving that property and going onto somebody else's. Mr. Horiszny said you are indicating that somebody 300 yards away can go ahead and shoot into your house. Mrs. deLeon said no, she's not saying that. Mr. Horiszny said it's leaving that property that they are own and they can shoot into your house, you said they could. It doesn't matter if they had your permission or not. That's what we're trying to regulate. They are not supposed to go just helter skelter shooting. These things will go a half mile or a mile. Mrs. deLeon said if you're on 10 acres of land, we're not regulating that. Mr. Horiszny said we are if they are shooting into their neighbor's lot. Mrs. Yerger said if they are standing on the edge of that 10 acres and shooting into somebody else's yard, yes, we are. Mrs. deLeon said 150 yards. Attorney Treadwell said that section 9 you are talking about regulates if the bullet or whatever the projectile is leaves the property, and goes on to somebody else's property without their permission. Mrs. deLeon said how does everybody know everyone else's property lines? Mr. Kern said it's the responsibility of the hunter to know that. Mr. Maxfield agreed.

Al Hoffert, resident, said the game law does not prevent you from standing on the edge of a property and shooting into someone's property. The township can prevent you from going into get

**General Business Meeting
January 17, 2007**

that deer, but if a deer stand is right on the property line, the Game commission cannot stop them from shooting into your property. That's the law. Mr. Maxfield said you are saying the Game Commission does not regulate you shooting into someone else's property? The resident said that's right. Mr. Maxfield said he doesn't know that he agrees with that. Mrs. Yerger said it's a pretty scary law. Mr. Horiszny said do they really say that or do they just not say anything about it? The resident said a parcel where they hunt has a lot of woodlands and the neighbor's property has a cornfield. In the middle of the cornfield he puts up a deer stand. He's not allowed to shoot beyond that cornfield, but they go down and walk on this other property and chase the deer to the edge of the woods, then they shoot into the woods and they shoot the deer. We tried to have the Game Commission stop them, and they refused to do it because that is not breaking the law. Mrs. deLeon said she doesn't have an issue from regulating the 150 yards from an occupied house and shooting towards that or the 50 yards for the bow targets, but she's nervous about inadvertently doing something that would affect hunting in the township. We have deer population, we have people concerned with that, and she's uncomfortable. Mr. Maxfield said isn't the idea behind this, citizen's safety? We had better say to our citizens that you can't shoot on someone else's property or into that property without their permission. If they don't get permission, they shouldn't be hunting there. Mrs. deLeon said permission from the property owner, we're still talking about shooting off the property. That's one step further and she's uncomfortable. Mr. Hoffert said he understands. Your wall is your property. He's over here on his property. Mr. Maxfield said we're talking about a bullet going onto someone else's property. Are we saying if a hunter puts a target up on a property line and it misses the target, are we saying it's okay to miss that target and go into someone else's property, especially if that other property owner doesn't want it? He doesn't want to say that. Does anyone else up here want to say that? Mrs. deLeon said she wants to regulate the target shooting and the 150 yards. What she is talking about is someone who has a large area to hunt where hunters in the township go, and the area around that, this thing says, the projectile can't leave the property on which it's being shot. She doesn't want bullets flying all over the place either.

Mrs. Yerger said have you ever been afraid to walk out of your house or walk your dogs during hunting season? Mrs. deLeon said she lives on the edge of the woods and on the first day of hunting, she was always aware it was the first day of hunting. Mrs. Yerger said she doesn't walk her property for months and certainly doesn't take her dogs up there because she's concerned about hunters not being respectful of property lines. She understands when you have 100 plus acres of woods behind you, they don't know where my property line ends, but between her neighbor and herself, they have worked out an agreement, hopefully, that if he has someone hunting on his property, they get permission from him and vice versa. Unfortunately, she had someone drag a deer almost off her front yard as they shot it on her mother's property and he came in from the other way. She's not trying to give hunters a hard time, but she really, really, thinks we need to make them aware of it and it needs to be in this ordinance only because it will make people step up to the plate and be a little more careful. Once you're dead, once you're neighbor's child is dead, you dog is dead, that's going to be too late.

Mr. Horiszny said would you be more comfortable in it saying you could shoot onto another property if you had permission to hunt that property to or words to that effect? Mrs. deLeon said she kind of not sure, she just wants to hear what the hunters say.

Chief Lesser said your initial question specifically noted No. 9 in the ordinance is written very strongly and it has its good points. However, No. 9 itself does not mention permission from a neighboring property. Perhaps that, in part, may address what her concern is. He would agree with Ron that it probably would be more wisely written with that in. Attorney Treadwell said they did that with the bow and arrow section when they revised it, where it says unless you have permission.

**General Business Meeting
January 17, 2007**

Mrs. Yerger said she doesn't have a problem with that. That means they talked to the property owners. She just wants hunters to make sure they are making their presence known and know where they are walking and where the potential shooting can be taking place. That's all she really is trying to establish.

Mr. Kern asked what wording Council wanted for No. 9? Chief Lesser said they can put in without the permission of the neighboring property. Attorney Treadwell said they have that language in here in other sections unless you have continuing permission from the neighboring property owner where the projectile might land. If your neighbor says please don't shoot onto my property, then you don't. Chief Lesser said he would agree with Linc that if a property owner does not grant permission, we strongly agree we want to support that right and to establish that is a violation. Mrs. Yerger said especially with the new people moving into the area. They just aren't as quite aware, so they need to know. Chief Lesser said particularly for safety and to respect the rights of that property owner. He's hunted since he was 12, so he has a lot of respect for hunters. It's not their intent to restrict them, but it is their intent to do all we can do to protect the rights of the property owner.

Mrs. deLeon said on January 2, when we had our last meeting, she asked the question, the township can't be more restrictive than DEP. Here we have the hunting laws that are set by the State, and can the Township regulate over and above what the gaming laws say? Attorney Treadwell said they followed the State game laws as best they could throughout this ordinance. That's where the 150 yards come from for firearms and the 50 yards came from for bow and arrows, crossbows. Mrs. deLeon said her other part of the question is can we be more restrictive than the State game laws? Attorney Treadwell said if it's a public safety issue, yes, we can. Do we want to? That's a policy issue. Mrs. deLeon said she thinks we would want to with target practicing in the occupied dwelling, but then that opens up the other part, and then you want to get property owners permission. Fine, she could see with being the 150 yards, but can we even require or police that? Attorney Treadwell said can we enforce it? Again, it will be the PD that is looking. They did everything they could to protect the safety of the township residents and also allow reasonable use of firearms, crossbows, hunting, etc. They worked on this for two months. Mrs. deLeon said now we are getting into an area of hunting that she has issues with. Mr. Kern said we've addressed the one issue, No. 9, adding the language with getting the permission of the landowner. Did that not address that issue for you? Mrs. deLeon said she's not sure yet. She wants to hear from the residents yet.

Chief Lesser said there was a question relative to enforcement. They do very similar enforcement and have been, and relative to the 450 feet, that's appeared in the game laws as far back as he can remember. Their officer's are frequently called during hunting season to residents who complain there is a hunter stand, what have you, within 450 feet of their house. Our officer's routinely do enforce that. We don't have the proper authority to limit game laws, per se, but he as a property owner, certainly have the right to post their property and restrict hunting, and if someone is hunting on your property then, it would be criminal trespass violation. We're addressing safety and clarifying a property owner has certain rights.

William Books, from Lower Saucon Road was present. His comment is on Section 82-4. It says federal laws, and any ethical hunter would have permission to go on someone else's property. Mrs. deLeon said yes, any ethical hunter would, and does the township want to regulate that then? Mr. Books said under 82-1, No. 6, it says minor discharge of firearms, but when you go down to No. 8 where it defines authorized persons to discharge a firearms, "minors" seemed to be left out of that. He would like to see this particular paragraph says that minors are okay to shoot here. Mrs. Yerger said we could say with adult supervision. Mr. Books said sure. He said there is no permission in paragraph 8 to shoot, and looks like it was scratched out under e. He would again respectfully request some verbage in there. Attorney Treadwell said in paragraph 8, they can put an exception

**General Business Meeting
January 17, 2007**

in, except as permitted in paragraph 6 with supervision. Mr. Books said you did a good job in putting this ordinance together.

A resident who did not give his name said he would be in favor of having the police come in and check people shooting down on other properties. You'll be getting a call from him as there are people who have property on top and the deer stand is on the fencerow, and the shots were going down to the neighbor's house. The Game Commission can do nothing about it, but Chief Lesser can. Chief Lesser said if you have any concern from any resident in your area of a discharge of a firearm in an unsafe matter, regardless of hunting or not, you absolutely should be phoning the police department. Chief Lesser said he would encourage you to phone.

Mr. Breisch said are you talking about this ordinance for hunting or plinking on your own property. If you're plinking on your own property, you're going to have to need a piece of property 900 feet wide to shoot legally on your property because if you have a neighbor along side of you, and one on the other side of your property, you going to shut down the whole township with shooting. It should be if you put up a barrier so the bullet cannot leave your property, you should be allowed to shoot regardless of what the footage is. Attorney Treadwell said what if you miss the barrier? Chief Lesser said as you know the hunting regulations require 450 feet long before his time. Our ordinance has established 450 feet for a number of years and created that restriction. We have been enforcing that for a number of years. We ran into an issue within the last six months relative to enforcing that. As we know, there are individuals still hunting in the township today and we've been dealing with that 450 feet before his time and been dealing with the 450 feet relative to target practice for a number of years. We respond to complaints, but they are not that numerous, so we are not stopping all target practice in the township by any means. We're not adding to the intent of the former ordinance that has been in existence for a number of years. The intent of that ordinance was to require permission within 450 feet. That has not been changed one bit, it's simply been clarified.

Mr. Robert Rogers, resident, said just to clarify the hunting versus the target practicing – with hunting you often don't know where your target is going to be and how it's going to present itself. The Game Commission has done the 150 yards because they don't know if something is going to be here or there. When you are target practicing, you have a backstop, you have set up a specific alley that you are going to be shooting in. You are cognizant of what is on both sides of you and you are going straight ahead. That's where he has some concerns with the 150 yards. What if there is a neighbor on the one side or the other of you and they oppose your shooting? What if there was a house across the street and he's in his backyard, meanwhile he has these houses in-between where he's shooting and his house, and Mr. Rogers is shooting in the opposite direction into a safe, secure backstop, which there would be no way feasibly the bullet would go over to his house - yet, he won't permit me to shoot. I am not allowed to shoot under the ordinance in my backyard, no matter whether he has a half mile on either side of him. That's his main concern. He wants the safety part of it addressed, but he had concerns with the 150 yards and the permission. Mr. Kern said it was brought up and Mr. Rogers even brought up a clearer picture of it, but they'll be thinking about it.

Mr. Al Hoffert, resident, said when this was coming up, they knew about it this morning. They all read it and all agree with the part you have in there with the Sportsman's Clubs. You did a good job on that, and overall, 90% they think the ordinance is good and it's not going to affect them and not hurt the legal abiding person at all.

Mr. Allan Johnson, resident, said he had an experience when he was walking in the woods where he had permission and bullets were flying and hitting in the trees as he was walking. There was a person on their own property shooting at a target and they were missing. He wants the law to prevent that from happening. The second point is with all the gun clubs we have around here,

**General Business Meeting
January 17, 2007**

where people can go and practice with their firearms, and with archery, he doesn't see any need for anybody to target practice in their backyard unless they have 450 feet of space in all directions.

Edward Adams, resident, said he is a member of Hellertown Sportsman's Association. They were upset in the beginning until they read the ordinance. They thought it was a very well thought plan. Anybody who can't shoot in their yard, they would welcome them to come to the Sportsman's Club to a safe, clean, environment where there are proper backstops and there is archery and indoor shooting. It's just a fantastic facility. They do orientations on safety also. He wants to thank the Committee for their great work on this.

Chief Lesser said the original firearms ordinance was adopted in October of 1980. With amendments in 1982, and that 450 feet has existed for quite some time. It is not their intent to stop target practicing. It's just to add some safety to it. It has been existence for quite some time.

Mrs. deLeon said that adding "with permission of the property owner" would be appropriate in No. 9. This is being considered for advertisement. Attorney Treadwell said No. 9 there was a change, No. 8 there a change, so he'll bring it back again before advertisement.

MOTION BY: Mr. Maxfield moved to table this agenda item.

SECOND BY: Mrs. Yerger

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

ROLL CALL: 5-0

B. ORDINANCE 2007-06 – SEVERABILITY CLAUSE ORDINANCE – AUTHORIZE ADVERTISEMENT

Mr. Kern said Ordinance 2007-06 has been prepared to correct a minor defect regarding the Severability Clause in ordinances adopted during 2004, 2005, and 2006.

Attorney Treadwell said they noticed over the last couple of years that there are some ordinances that have different language in their severability clause. All this does is make them all the same. Mrs. deLeon asked for a sample of some of the wording. Attorney Treadwell said one of them had a misprint that said "not" instead of "permissible". All it does is clean it up. It will be codified when they sent it to the codification people. It will be in the code, in the green book. Mr. Cahalan said it will be done soon. Mr. Horiszny said they are not in numerical order. Attorney Treadwell said that doesn't matter. Mr. Horiszny said if we are just authorizing advertisement, he thinks it would be clearer if we used a semicolon after "invalid" and before "such unconstitutionality" just to separate it more if we have time to do that.

MOTION BY: Mr. Kern moved for approval to advertisement, with revision that Mr. Horiszny mentioned above.

SECOND BY: Mr. Maxfield

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

ROLL CALL: 5-0

C. ORDINANCE 2007-07 – CROSSING GUARD SERVICES ORDINANCE – AUTHORIZE ADVERTISEMENT

Mr. Kern said this ordinance has been prepared to enter into a joint agreement with Hellertown Borough and the Saucon Valley School District to provide for crossing guard services for the students in the school district.

**General Business Meeting
January 17, 2007**

Mrs. deLeon said on page 2 of 3, is the severability language okay? Attorney Treadwell said yes, it's okay. Mr. Horiszny said in that one letter, why couldn't we pay it? Mr. Cahalan said the issue that we brought it here before was could we pay for employees of Hellertown Borough. We kicked that back for further research. Attorney Treadwell said we need to have an inter-municipal agreement that says we'll agree to pay what our fair share is. Mr. Horiszny said on page 4 he noticed that item 2, line 2, Borough of Hellertown shall render crossing guard services by duly qualified and trained crossing guards who are Borough residents. They do not hire non-residents, so a LST resident couldn't get a job there? Mr. Maxfield said it should be Saucon Valley residents or residents of the school district that reside here. Mr. Cahalan said the school district is the only one that passed it so far. Mr. Kern said this was traditionally in Hellertown. Mr. Horiszny said it seems strange that someone from Bangor couldn't apply for that job. Attorney Treadwell said put a period right after crossing guards. We're going to have to get Hellertown to agree with that.

Mrs. deLeon said if we are amending the articles of agreement, then under LST on page 5 of 7, it should say President of Council, not Chairman, Board of Supervisors. Mr. Cahalan said they caught that and it's going to be changed.

MOTION BY: Mr. Horiszny moved for advertisement.

SECOND BY: Mr. Maxfield

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

ROLL CALL: 5-0

V. MISCELLANEOUS BUSINESS ITEMS

A. APPROVAL OF JANUARY 2, 2007 MINUTES

Mr. Kern said the minutes of January 2, 2007 Council meeting have been prepared and are ready for Council's review and approval.

Mr. Horiszny said on page 7, line 18, Heitzman is misspelled and there should be a c in his name. Page 16, line 5, he thinks "Tom Maxfield would like to be an alternate if they allow two liaisons", not unless. Page 20, line 21, that was supposed to say April 7, 2004, not 2007. Page 24, line 26, Spelling on Mr. Schantzenbach's name. Strike the "t" in his name. Mr. Horiszny asked if we do separate minutes for the two meetings. Mrs. deLeon said it's always been done different over the years. Mr. Horiszny said on page 33, line 4, he thinks he moved for no action, but make sure the ZHB is advised. Line 19 on the same page, he thought that when Mr. Stoll was here, there was a landscaper and it's not mentioned here. Should it be? Mr. Cahalan said he didn't say anything, so he wasn't in the minutes. Mr. Horiszny said page 35, line 33, "sufficient backstop – firearm doesn't have the backstop". Line 36, the "d" was dropped off of Crossbow Defined. Page 36, line 2, add for Auditing Services. Page 37, line 21, we moved for Priscilla to be voting delegate at the PSATS convention and to authorize Council and staff who will be going to the PSATS. Mrs. deLeon said the second class code says we have to do not only the people going, but also the expenses.

MOTION BY: Mrs. Yerger moved for approval of the January 2, 2007 minutes, with corrections.

SECOND BY: Mr. Kern

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

ROLL CALL: 4-1 (Mr. Horiszny – No)

B. APPROVAL OF DECEMBER 2006 FINANCIAL REPORTS

Mr. Kern said the December 2006 financial reports have been prepared and area ready for Council's review and approval.

MOTION BY: Mr. Horiszny moved for approval of the December 2006 financial reports.

SECOND BY: Mr. Kern

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

ROLL CALL: 5-0

VII. PUBLIC COMMENT/CITIZEN NON-AGENDA ITEMS

- Mr. Bill Bakos said he is here to speak about the article that was in the Morning Call relating the billboard out on 378 over on the Colesville intersection. He's not opposed to billboards, he owns a billboard company. He does believe with the township ordinances, that you have, there's enough space to build billboards. The size of the billboards you allow are fine. He used to own the company that is now applying to rip down those two billboards. Those two billboards, if you approve that variance, will increase in size almost 50%. By the advertising space that's available right now today, compared to what you are asking them to do, which is put a back to back 14' x 48' in. The problem is he came to Council several years ago to put a 14' x 48' right across the street from 378, and he was denied. The amount of light coming off the billboard is probably not going to be that great unless you are above it in a plane or off to the side of it. What you have off to the side of it is that housing development to the left of Colesville Road. There are a number of reasons they should be granted the option to take down the two billboard locations and put a single billboard location in there. He doesn't think there is need other than a purely monetary one for them to erect a 60' high pole. Mr. Kern said what they presented to Council was the main argument they gave was the one billboard on Route 78 that would display would not be visible anywhere else in the township, just on 78. They claimed it is a PennDOT requirement that it cannot be visible. Mr. Bakos said that same PennDOT requirement, you talked earlier about the Mobil station on 378, think back. For years, there was no advertisement on the one side of that billboard, why? Mr. Kern said this was for billboards being erected on I-78. Mr. Bakos said the same ordinance applies to billboards on 378. That billboard on 378 is not allowed to have advertising on the north facing. Mr. Kern said it can't display to 78. Mr. Bakos said after two or three years, there's now advertising on that face, isn't there? Sometimes rules just slip into the cracks if you're not looking, you don't see something. Mrs. deLeon said if the Manager looks in the records for the approval of that billboard, it's only one side. Mr. Bakos said you'll probably find out it was two sided approved, but PennDOT wouldn't allow it. You allowed it. The PennDOT manager left advertisement on the board. It should be in your records and the PennDOT records. Mrs. deLeon said the ordinance requires state approval. Mr. Bakos said yes it does. Mrs. deLeon said it used to be all on one page, but now it's on whatever letter it's on. You have to make sure that letter is attached, and then it would have to be PennDOT approval and then we should have a file from PennDOT. Mr. Bakos said the PennDOT people will have your approval, you won't have theirs. Mrs. deLeon said if it's an outstanding state permit and that was a condition that you'd have to have that as a permit, in order for you to have in your hand the building permit, the checklist would have had to say that about PennDOT. Mr. Bakos said he wants you to recollect when it was built, it had no publicity on the north traveling side, only south bound. If it's above 78, and you're traveling south bound on Black River Road and you're looking down and that's 60' in the air, and the overpass is 35' in the air, why wouldn't you see something that's 25' higher than an overpass? Kind of unlikely that you would miss it, especially if it's illuminated. There's enough space to allow for them to what they want to do and still accommodate the landowner who is trying to build the bank. Mr. Horiszny said so you are saying they don't need to be 55' high? Mr. Bakos said they are going to ask you to allow them to exceed your height barrier, why? Money. Mr. Kern

**General Business Meeting
January 17, 2007**

said the other argument was it would eliminate two ugly billboards and consolidate it into one ugly billboard. Mr. Bakos said they have an easement on that property, without their accommodations, that bank doesn't go. Mr. Kern said we get it. Mr. Bakos said he believes your ordinance is fair.

VIII. COUNCIL AND STAFF REPORTS

A. TOWNSHIP MANAGER

➤ He said there was an issue about digging at the Heller Homestead. He received an email on January 3, from Barbara Ryan, President of the SV Conservancy, who questioned the digging that took place at the Heller Homestead during the previous week. Barbara raised the following issues in the email. She said she understood the township dug down to a level of 3'. She stated that digging that goes deeper than 8" is considered a site disturbance and must be approved by the PA Historic and Museum Commission in writing. She understood the digging uncovered artifacts dating back to the 18th century. She also understood that one artifact was described by an antique expert as having native American origin. He wanted to provide Council with a report and a response on the issues she raised. The Township Public Works department was out at the Heller Homestead property after Christmas to complete the maintenance work on the main house and the widow's house that they had been working on for the past several months. The last item remaining on their list was to bury the drains from the roof gutters and the leaders, and this is on the main house and also the Widow's house, that carries storm water away from those two houses. This was a recommendation that was made to the Township by consultant, Christine Ussler in 2005, who stated in her report that currently there are roof drainage problems around the building. There are down spouts that dump water at the base of the building in a low area without surface drainage. There's a long freeze prone drain running along the building on the west and she recommended installing underground heavy gauge PVC drain pipes to collect water from all the rain leaders and direct water away from the building to the drive of the adjacent street. The PW crew, in order to bury these, dug to a depth of 12" to bury the majority of the drain pipes and only in the area between the two buildings. They had to go down to 18" to maintain the pitch. They did not dig down to a depth of 3' as Barbara said she was advised. The only articles that were uncovered in this digging were the bottom of a glass soda bottle, some bricks that had been used to level the previous septic line, and several large rocks. Tom Maxfield, said he walked around the area, and he advised that he saw the soda bottle, some plastic buttons, a rusted shutter hinge, pieces of aluminum from the gutters and several pieces of pottery that were all glazed indicating they were of recent origin. Regarding the PA Historic and Museum requirements that Barbara is referring to, she's referencing a deed covenant that the township was required to execute in May 2002 with the PA Historic and Museum Commission in return for our acceptance of a \$4,800 Keystone Historic Preservation Grant for the historic preservation of the Widow's House on the Heller Homestead property. Priscilla has stated at previous meetings, that based on contacts with the PHMC, it is her understanding that this covenant covers the entire Heller Homestead property. He gave Council a packet that has copies of the covenant. You can see it clearly refers to the Widow's House in part of the covenant that's been filled in by the Township. He asked Linc to look at the documents and he prepared a legal opinion that is in front of you that it's his opinion that this covenant that the township executed in 2002, only covers the Widow's House and does not cover the entire property. Therefore, if we follow this opinion, under the deed covenant, the Township is only required to notify the PHMC of any work which "might affect safety or the historical architecture character or integrity of the structure". One of the issues is we are not required to get written permission from the PHMC before doing work. The covenants says we must notify them. Burying the roof drains per the recommendations of Christine Ussler would fall under the deed covenant requirement for the Widow's house of maintaining the ground around said property in the landscape environment consistent with

**General Business Meeting
January 17, 2007**

the historical and architectural character of the property. He has some pictures of the digging that was done. Mrs. deLeon said when she contracted PHMC this past fall, she specifically asked the person in charge of the covenants and he said the whole site is considered eligible for listing and when we give money, the covenant is with the whole site. She strongly disagrees with Attorney Treadwell's opinion. She feels someone else needs to call PHMC, but it was stated very clearly to her when they give out Keystone grants, it goes to the site, not the building. You have to preserve the integrity of the entire site. She understands the digging part of it. We have to be mindful of the Secretary of the Interior standards when it comes to whatever we do to the Heller Homestead which includes the ruins of the barn, the main house, the Widow's House, and the root cellar. There are ruins next to it of the saw mill. She'd like the record to reflect that she strongly disagrees. Mr. Kern said under the declaration of covenants, the third paragraph where it lists historical integrity of and it's typed in "Heller Homestead Widow's House more fully described in the attached property description". What's the attached property description? Attorney Treadwell said the property description is the entire site. Mrs. deLeon said need I say more? Attorney Treadwell said the interpretation he made was we could not subdivide that property, so you could only have the entire site included in the property description. The rest of the documents only refer to the Widow's House. There are certain sections that talk about the premises, the property and the structure. All the stuff about the grant refers to the structure, not the premises. He doesn't mind talking to PHMC and clarifying it. Mrs. deLeon said we weren't getting money to do anything with the site. We were doing it specifically for the building. We would have not gotten the money had it not been the whole site been eligible for listing on the register. You need to call PHMC. Mr. Kern asked Attorney Treadwell to give them a call. Mr. Maxfield said if we're talking site, then we really need to include, even though it's not historic, the cement block garage too. Mrs. deLeon said absolutely. When she submitted the historic research survey, they did not include the cinder garage. Attorney Treadwell said it's included in the property description that you just referred to. Mrs. deLeon said absolutely. Mrs. Yerger said where exactly do you feel the township has erred? You think they did what or didn't do what with this? Mrs. deLeon said it is her opinion based on the relevant documents that the previous use of the grant money that the covenant restriction only applies to the Widow's House and not the entire property. She disagrees. Mrs. Yerger said back to the work that was done that Barbara appears to be objecting to. Mrs. deLeon said Jack, when you called about the schoolhouse, they said 8". Mr. Cahalan said what he said was they were going to dig down 8" and the response was that 8" does not fall into the archeological area of concern. He did not get a measurement of how deep they could dig. It's just that 8" wasn't a problem. Mrs. Yerger said her concern what we seem to be having is we have a historic consultant who's telling us to do something, and now we're concerned that by following her direction...Mrs. deLeon said she's not having a problem with following her direction. That definitely is going to help the site, but PHMC needs to be verbally asked if prior to any construction work, they want to know what's going on. The Township should have said Christine is highly respected at PHMC, and they need to be notified just like the agreement says. Mrs. Yerger said they need to be consulted because of the grant or the designation? Mrs. deLeon said don't you work for a historic organization and you're not familiar with grant money? Mrs. Yerger said she is, but everybody has a slightly different interpretation, so she's trying to understand. Mrs. deLeon said that's why she called PHMC. Mrs. Yerger said you just want to make sure PHMC is notified? Mrs. deLeon said yes, those are the rules, she wants them followed. That's why we had the report done by Christine Ussler so we'd have a direction on how to take care of that site, so now we have the direction and now because it's eligible for listing, we have to do certain procedures with the state. Mrs. Yerger said you are saying two different things. Are you concerned with the criteria that's been laid down for the eligibility or are you concerned with the criteria that was laid down in the covenant? Those are two different things. Mrs. deLeon said when she asked them

**General Business Meeting
January 17, 2007**

about the declaration of covenants with the Heller Homestead, and she said does it apply to the 2.2 acre site or does it apply to the Widow's House which is what we specifically received the money for. He said it goes to the 2.2 acre site because the entire site is the Heller Homestead. In the future, whenever the township did anything to that site, they needed to run it past PHMC, and depending on what it is, they would direct the township on what to do. This applied to the 2.2 acre track. Anytime we did work on the 2.2 acre track, just like with the schoolhouse, whatever is on their survey. Mr. Maxfield said the possible problem is that as our Solicitor reviewed the document, then we have a verbal confirmation from PHMC that that they want to deal with the whole site, but while it seems that from legal standpoint, the document only deals with the Widow's House, which is situated on the property that can't be subdivided, so how do we proceed? Mrs. deLeon we need to call PHMC and talk to them first and then talk about it. Mr. Kern said in reading the declaration of covenants, it appears to him that it applies only to the structure, but it would be good to clarify that. Attorney Treadwell said he will call them.

- He gave Council a copy of a memo from Chris Garges. He has a recommendation in there that has to do with the 3rd party inspection agencies. The recent history on this is he had informed you about an audit that was done by the Department of Labor and Industry of some 3rd party commercial inspections that were done and we were found that the township was really responsible because one or two of the eight different agencies that we employ, either didn't have certified people doing the inspections or there were some other issues that happened. The problem with this is that it's very difficult to monitor the performance of eight different agencies to make sure they have the correct staff and so on. In order to keep a tighter reign on this, Chris is recommending instead of having eight, we narrow it down to two third party agencies. One who would do the commercial inspections and residential and a second one who would do residential. One of the things that he attached in that memo is an indication there are bigger firms that do the most of the bulk of the inspections. It wouldn't be a problem as far as limiting the service. It could be done by the two agencies. He did an RFP to all the agencies to see who could comply with our requirements and he came back with two recommendations. The two recommendations is to narrow the list of eight firms to a Code Master, run by Boyle Construction for commercial and residential inspections and Base Engineering for just residential inspections. We feel this will get the job done and keep a tighter handle on the work they are performing.

MOTION BY: Mr. Horiszny moved for Council approval as stated above by the Manager..

SECOND BY: Mr. Maxfield

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

ROLL CALL: 5-0

- He said the issue with the liaison to the LST Historical Society, Glenn was appointed at reorganization and we're asking because of some conflicts that he has with his schedule, and he will not be able to attend all the meetings, to appoint Ron Horiszny as alternate.

MOTION BY: Mr. Maxfield moved for approval as stated above to appoint Ron Horiszny as alternate to the LST Historical Society.

SECOND BY: Mr. Kern

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

ROLL CALL: 5-0

**General Business Meeting
January 17, 2007**

B. COUNCIL/JR. COUNCIL

Mrs. Yerger

- We circulated this brochure about the land ethics symposium done by Bowman's Hill on February 15, 2007 and she and Tom would like to attend so she'll give the form to Jack to sign them up as part of the continuing education for the EAC and anyone else who is interested to go.

MOTION BY: Mr. Maxfield moved to have Sandy Yerger and himself attend the Bowman's Hill February 15, 2007 seminar.

SECOND BY: Mr. Horiszny
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.

ROLL CALL: 5-0

- As liaison to the Cooks Creek Watershed Association, Scott Douglas, Chairman of the Springfield Township EAC sent her a request. They were talking about doing the regional storm water management plan for the Cook's Creek area, and all they are asking is for us to give them approval to send out four RFP's for grants and they can't fill out the grant information until they get some idea of what this is going to cost. It won't cost the township anything. They just wasn't our permission and blessing to send out four RFP's.

MOTION BY: Mr. Horiszny moved for approval for proposals for the regional storm water management plan between Springfield, Durham and LST in regard to the Cooks Creek Watershed project.

SECOND BY: Mr. Maxfield
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.

ROLL CALL: 5-0

- She received a letter from a resident in the township including pictures – there seems to be a trash issue at one of the developments and she wanted Jack to look at this. This person lives at 415 Saucon View Drive. Her name is Mrs. Sassaman. The trash is just building up. Mr. Horiszny said it's in Bethlehem. Mrs. Yerger said that's right, it's across from them. She said Jack should notify the City of Bethlehem about the dumping.
- She wanted to inform you, and she doesn't know if they need official appointment, but the EAC at their reorganizational meeting appointed, through volunteers, their open space sub committee. The three members are Allan Johnson, Tom McCormick and Ted Beardsley.

Mr. Maxfield

- He had a question of Meadow's Road bridge, he was wondering about the status of the one way and decided to go with a one way, why hasn't it occurred yet? Mr. Cahalan said the one way designation was a recommendation from HEA, but it wasn't adopted by Council yet. What we realized in the discussion was that diverting the traffic up there and down Skibo would impact on the Walnut Street intersection in Hellertown and that improvements are being held up by litigation. They decided that we would defer that action until that intersection was worked on. It is moving along. With the deterioration of the bridge, they spoke to Hellertown and said we need to move ahead. Hopefully the situation on Walnut Street will clear up in the next couple of months.
- He got a complaint tonight from a resident on that road about incredibly fast traffic, way too fast. They lost a dog on the road. It was because a car was going too fast. He was going to ask if we could try an interim thing to slow the traffic down – either post some lower speed limit sign on both approaches to the bridge, and/or a stop sign at either side of the bridge. We need people to take it easy going down there and on the bridge also. He

**General Business Meeting
January 17, 2007**

almost saw a car plow into two kids who were walking on the other side of the bridge. Mrs. Yerger said she was told that the SV Conservancy has formed a bridge subcommittee, is this true? Mrs. deLeon said yes, Ted Beardsley is on the committee. You would have to check with Ted to see with what's going on. She would like Mrs. deLeon to report back to Council on that. Stephanie Brown said she has been complaining for a long time about problems on Meadows Road for speeding and every time she goes to the Police or goes to Council, she gets nothing. Why is it one incident with another resident that's finally making you look at this? It is 25 MPH, and 35 by where she lives. Down further, it changes back to 25. How much lower are you anticipating it? Mr. Maxfield said he wouldn't care if it went to 15. Obviously, 25 is not working. He's sorry that it just came to a head and it bothers him when an innocent life is lost of any kind. Ms. Brown said you are talking about putting stop signs up. Are you talking about taking the yield signs down? Mr. Maxfield said yes. It might be an interim and not workable, but whatever we can do. Attorney Treadwell said we don't know that until Mr. Kocher takes a look at that. Mrs. deLeon said in regard to the Meadows Road Bridge, what's going on the Route 412 PennDOT signs for weight limits? Mr. Cahalan said Jim Birdsall was directed to contact PennDOT and make requests for signage. Talking about the bridge, Mrs. Yerger said we could put the bridge up for eligibility and fill out an application for it. Does it guarantee the future of the bridge? Absolutely not. If the County decides to use its own funding to replace that bridge, they can demo it anytime they want. The other thing that needs to be thought about is if the Meadow's Road Bridge is preserved through the township or the county, then what's the alternative. Is the County going to build a bridge, demo houses - we need to look at the full parameters. Ms. Brown said when she talked to Mr. Stoffa about this, he said he doubted regarding eminent domain or putting up the other bridge. He also said one of the concerns of putting the bridges side by side in case of damage from something happening to the old bridge. Mrs. Yerger said they are not considering saving the bridge at all? They absolutely see the need for a new bridge? Ms. Brown said she spoke with Mr. Stoffa before Jack, so she doesn't know how they changed. She believes they are looking for solutions as Mr. Stoffa is a bridge person. Mr. Cahalan said the bridge engineers, Keller Consulting Engineers, and bridge superintendents, said one of the issues that struck Mr. Stoffa was the description, which was concurred by all the engineers, is that the construction of that bridge is such with the rubble on the arches, the bridge will not give you any signs that it's deteriorated over a span of time. It's just going to collapse one day and that's a real safety concern. Even the best maintenance of it, it can deteriorated from within. They would be willing to go ahead and do a survey and look for a location next to the bridge to erect a new bridge and keep the old one. The only issue with that is that with the two bridges, you increase the hydraulic issue. One of the suggestions Jim Birdsall was to modify the current bridge and open up the arches so you could lessen the problems of the current backing up of debris. That's the impression they got from the County that's what their plans are. Ms. Brown asked how they plan to keep the debris out from the bridge without changing the structural integrity of the four arch bridge. Mr. Cahalan said it would probably change some of the arches and lose one or two arches. Mrs. Yerger said what about the width of it? Mr. Cahalan said there wouldn't be traffic going over it. Mrs. Yerger said what would happen with the ownership of the old bridge? Would it fall to the township? Mr. Cahalan said it could. They asked if we would be willing to accept the bridge? He didn't give them a response. Mrs. Yerger said what might be helpful if we look at the probable cost of maintenance and repair of that bridge. Mrs. deLeon said in the interim, the county has responsibilities with the bridge. Ms. Brown found a archeology professor who is interesting in getting involved with this and she'd like someone to get in contact with him and get his opinion. Mrs. Yerger said her concern was she wanted to make sure that Council had some interest in pursuing preservation of the bridge before she goes ahead and asks for information. Mr. Allan Johnson said Jack just got finished saying this bridge is of such a design that you really can't tell when it's going to fall apart.

General Business Meeting
January 17, 2007

Wouldn't you kind of be afraid to take ownership of that bridge because people are going to want to take pictures on it and want to climb over it, and if it just might fall down? Mr. Cahalan said he thinks they mean vehicle traffic.

- He said as his last duty of the EAC, he stepped down and Sandy Yerger became President. The EAC President needs Council approval.

MOTION BY: Mr. Maxfield moved for approval of Sandy Yerger as Chair Person of the EAC.

SECOND BY: Mr. Kern

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

ROLL CALL: 5-0

Mr. Kern

- Nothing to report

Mrs. deLeon

- The SV partnership is continuing their multi municipal plan meetings. It's pretty informative. Next meeting they will be talking about Hellertown's down town area.
- She told you about the banquet which is January 27.
- Hazem Hijazi has joined them on the Landfill Committee. They had their quarterly meeting on Tuesday and tomorrow we have our monthly meeting and we miss Ron. In the past, Haz used to be Liaison from the EAC to the Landfill Committee, then he had to resign his EAC appointment. Would you bring that to your board and ask them to make him the liaison from the EAC to the Landfill Committee.
- We did talk about when they expanded Phase IV, two of the abatement wells, 11 and 12, were going to be in the way of their dumping area. The permit said at the appropriate time they would decommission the wells. They did that. We, as a committee were reviewing this and Rich Sichler is involved in this. Mr. Kocher said they'd like Council to support Jack writing a transmittal letter transmitting Rich's report to the department and encouraging DEP to require at least one abatement well to replace the two they are removing. Mrs. deLeon said Rich did come up with a draft. She needs a motion to authorize sending this letter with his recommendations.

MOTION BY: Mrs. deLeon moved for approval to authorize sending Rich Sichler's letter with his recommendations to DEP.

SECOND BY: Mr. Horiszny

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

ROLL CALL: 5-0

Mr. Horiszny

- Last night at the LSA meeting, they learned the City of Bethlehem Authority changed the rate. Last time he said they were going to see an 86% increase. They've dropped it to 32% which would mean our increase in the township would probably be \$95 from \$110 per quarter; however, we don't have the written confirmation of that yet.

Jr. Council Member

- She spoke with Lorraine Torella about the recycling program. In all, they've collected over 10,000 lbs. of paper.
- They officially started a paper recycling contest between the three campuses at SV. The winning school will receive \$200 for the most paper and the contest ends March 31. They are getting the \$200 from the recycling company.

**General Business Meeting
January 17, 2007**

- The animal bank is having its first shot clinic in February located at Trinity Episcopal Church on Market Street in Bethlehem. Their services will be provided by the Northampton County SPCA.
- She met with the Principal of SV high school and he would like her to inform you that this Friday and Monday are finals at SV for the end of the first semester. The students will be allowed off of school property for a two hour break between finals. She will be taking finals, so wish her luck.

C. SOLICITOR
Nothing to report.

D. ENGINEER
Nothing to report.

E. PLANNER
➤ Ms. Stern Goldstein said she just authorized and signed for Rick Tralies to go to the Ethics Symposium, so you'll see him there.

III. ADJOURNMENT

MOTION BY: Mr. deLeon moved to adjourn. The time was 10:17 PM.

SECOND BY: Mr. Horiszny
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.

ROLL CALL: 5-0

Submitted by:

Mr. Jack Cahalan
Township Manager

Glenn Kern
President of Council