

I. OPENING

CALL TO ORDER: The General Business Meeting of Lower Saucon Township Council was called to order on Wednesday, February 6, 2008 at 7:05 P.M., at 3700 Old Philadelphia Pike, Bethlehem, PA, with Mr. Glenn Kern, Council President, presiding.

ROLL CALL: Present – Glenn Kern, President; Thomas Maxfield, Vice President; Priscilla deLeon, and Ron Horiszny, Sandra Yerger, Council Members; Jack Cahalan, Township Manager; Assistant Township Manager, Leslie Huhn; Brien Kocher, Township Engineer; Township Solicitor, Linc Treadwell; and Township Planner, Rick Tralies. Absent: Georgiana Torrella, Junior Council Member.

PLEDGE OF ALLEGIANCE

ANNOUNCEMENT OF ANY EXECUTIVE SESSION (IF APPLICABLE)

Mr. Kern said Council did not meet in Executive Session between last meeting and this meeting.

II. PUBLIC COMMENT PROCEDURE ANNOUNCEMENT

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 Mortugua Site Plan and Draft ATV Ordinance.

III. PRESENTATIONS/HEARINGS

A. RESOLUTION #27-2008 – HONORING JACK BERKS UPON HIS RETIREMENT AS DIRECTOR OF BETHLEHEM PUBLIC LIBRARY

Mr. Kern said Jack Berk will be retiring this month as the Director of the Bethlehem Area Public Library. A resolution has been prepared for Council’s approval honoring Mr. Berk for his 34 years of dedicated service to the Township. Lynn Koehler, our current Township Library representative and Donna Smith, who previously served as the Township Library representative, will join Council in saluting Mr. Berk. Mr. Berk was present.

**RESOLUTION #27-2008
A RESOLUTION HONORING
JACK BERK FOR HIS SERVICE TO THE COMMUNITY**

WHEREAS, Jack Berk of Hanover Township, has served as Director of the Bethlehem Area Public Library for the past thirty-four (34) years and will be retiring effective February 15, 2008; and

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WHEREAS, Mr. Berk, graduated from Temple University and received a masters of library science degree at Drexel University before working in libraries in Philadelphia, Los Angeles, and in Montgomery County; and

WHEREAS, in 1973, a youthful Mr. Berk was hired as the first male director of the Bethlehem Public Library, becoming the third director of the library since its establishment in 1901; and

WHEREAS, during his career as the Library Director, Mr. Berk introduced the use of paperback books, guided the library through the computerization of its card catalogue system and installed internet services for public use, and saw the library's circulation grow from 527,000 items in 1973 to over 768,000 items in 2007; and

WHEREAS, during Mr. Berk's tenure as Director, the library successfully dealt with state aid cuts and found innovative ways for the library to make money, such as its "gently used book sales" which have raised over \$500,000 for the library since 1977; and

WHEREAS, Mr. Berk is eagerly awaiting his retirement, which will allow him to spend more time with his wife Rita and their grandchildren, travel and follow his love for the game of baseball; and

WHEREAS, Lower Saucon Township salutes Jack Berk on his long, distinguished career as the Executive Director of Bethlehem Area Library and his dedicated public service to area library patrons.

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 Jack Berk for his service and dedication to the residents of the Lower Saucon Township.

ADOPTED and ENACTED this 6th day of February, 2008.

MOTION BY: Mr. Maxfield moved for approval of Resolution #27-2008.
SECOND BY: Mrs. deLeon
Mr. Kern asked if anyone had any questions? No one raised their hand.
ROLL CALL: 5-0

Mr. Berk said thank you and thanked Lower Saucon for their support of the library.

B. PUBLIC HEARING – RESOLUTION #28-2008 – TRANSFER OF LIQUOR LICENSE – TNP, LLC

Mr. Kern said resolution 28-2008 has been prepared to transfer a liquor license from an establishment in Hellertown to a restaurant in Lower Saucon Township at 3750 Old Philadelphia Pike.

**RESOLUTION #28-2008
A RESOLUTION OF LOWER SAUCON TOWNSHIP, NORTHAMPTON COUNTY,
PENNSYLVANIA APPROVING TRANSFER OF LIQUOR LICENSE LID 29159 (R10232)
INTO LOWER SAUCON TOWNSHIP, NORTHAMPTON COUNTY FROM
HELLERTOWN, NORTHAMPTON COUNTY, PENNSYLVANIA**

WHEREAS, TNP, LLC, owner of 3750 Old Philadelphia Pike, Lower Saucon Township, Northampton County, Pennsylvania and has, by application dated December 2, 2007, requested

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Lower Saucon Township Council's approval of an Inter-Municipal Liquor License Transfer pursuant to Act 141 of 2000, Pennsylvania Liquor Code, 47 P.S. § 4-461; and

WHEREAS, pursuant to Section 461(b.3) of the Pennsylvania Liquor Code, as amended by Act 141 of 2000, 47 P.S. § 4-461(b.3), the Council of Lower Saucon Township (Council) conducted a public hearing pursuant to public notice, including notice to nearby property owners and the Chief of Police with respect to the application for the inter-municipal transfer of a Liquor License and/or the issuance of an Economic Development License, on Wednesday, February 6, 2007, at 7:00 p.m., prevailing time, in the Lower Saucon Township Municipal Building, 3700 Old Philadelphia Pike, Bethlehem, PA 18015; and

WHEREAS, TNP, LLC will operate a restaurant at 3750 Old Philadelphia Pike, Lower Saucon Township, Northampton County, Pennsylvania; and

WHEREAS, TNP, LLC will file an application with the Pennsylvania Liquor Control Board for a Liquor License Transfer under the Act, as aforesaid, for use at said restaurant; and

WHEREAS, no evidence was provided at the hearing sufficient to demonstrate that transfer of the Liquor License as requested by TNP, LLC to the aforementioned location would adversely affect the welfare, health, peace and morals of Lower Saucon Township or its residents.

NOW, THEREFORE, BE IT RESOLVED, that the Council of Lower Saucon Township hereby approves TNP, LLC's application for an Inter-Municipal Liquor License Transfer Pursuant to Act 141 of 2000, Pennsylvania Liquor Code, 47 P.S. § 4-461(b.3) for License No. 29159 to be used in conjunction with the operation of said restaurant located at 3750 Old Philadelphia Pike, Lower Saucon Township, Northampton County, Pennsylvania.

ADOPTED and ENACTED this 6th day of February, 2008.

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

The applicant, Ms. Polak, was present. She said they operated the Belmont Inn for eleven years. When 911 came, and to transport \$800 worth of water through Lower Saucon Authority, it cost them a lot of money, \$6,000, so they shut the Belmont down. They tried to reopen it and they couldn't do a fine dining as their Chef went to the Apollo. They were ready to shut it when her husband's partner, Russ, said he could make it go, and he had just closed Kasey Lynn's in Hellertown.

It was a commitment to Ray Matey that they would buy the liquor license from Ray Matey and then put the Belmont up for sale. Russ is doing a fine job there, but they don't want to break their commitment to Ray Matey either. In the nine years, they had only one complaint from Mr. Repyneck who went to the Liquor Control Board and told them the Chef there was the real owner. She had to show checks that she wrote out all the bills, she wasn't getting a pay check and that their Chef was on the payroll. This year when the snow came, the snow plow knocked over the Repyneck's fence and the Chef told them it would be replaced after the snow season. It's a first class operation and everyone is happy where they can have affordable food.

Mr. Cahalan asked who knocked over the fence? Ms. Polak said it wasn't the township.

Mary Repyneck, said she owns the property in back of the back and across the street from the Belmont. In addition to the one complaint, there was another complaint in the nine years, and

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another one in front of the LCB. They were in court in front of the LCB which they won against the Pollock's. Was the fence ever fixed? Ms. Polak said probably not, the snow plow season isn't even over yet. Ms. Repyneck said there were many statements made that were inaccurate. The Belmont business was doing great until 911. Her kitchen windows face directly into their parking lot, and if there were three cars a night in the parking lot, per week, they were lucky. So many people were happy to see them close as their food was so expensive. These comments are unbelievable. This is being transferred from Hellertown, and it was in Hellertown at the Meadows, correct? Ms. Polak said the license was in Lower Saucon and it's still in Lower Saucon. Ms. Repyneck said where is it coming from? Attorney Treadwell said it was coming from Matey's Crossroads to here. That's why it's an inter-municipal transfer. She asked if an orange LCB sticker must be posted for this transfer? Attorney Treadwell said it needs to be approved by the LCB but needs to come to Council first. Ms. Polak said they could not apply for the liquor license until it is approved by the Township. When they do apply, they know they have to post it. Ms. Repyneck said must it be posted in a public area? Ms. Pollock said where people go in and out of the building. Mrs. Repyneck said the last time Mr. & Mrs. Pollock applied, it was not publicly displayed where no one could find it. Attorney Treadwell said that's a liquor control board issue. Ms. Repyneck said it's reported today publicly stated that Tom and Nancy have been refused, their application a for license. She thought it was a very interesting statement. Why one of their employees would publicly state they have been refused permission for their application? Was it a diversionary tactic so people wouldn't come here tonight to state their opinions? Attorney Treadwell said he has no idea what anyone at Kasey Lynn's said, as he wasn't there today.

Mr. Repyneck said they own the property behind and in the front of the Belmont and his Mother owns the property aside of the property. He also owns property on 1322 Seidersville Road. His concern is when they had the license with the Belmont, the Pollock's put a deck on the back of the hotel. They put the application on the back of the window, and they had to go get an attorney, and the LCB turned them down for the deck. He snapped a picture in 1999 of a guy smoking. They replaced a roof and there were cigarette butts on the roof. When they opened in the beginning, people parked on both sides. Police don't seem to give any tickets out. When he talked to one patrolman, he said people are supposed to be 10 feet away from the driveway. It's hard to see when you are coming out of your driveway. He'd ask that the Council do not grant outdoor seating as they found cigarette butts next door, ash trays, beer bottles, silver ware and a small glass vase.

Attorney Treadwell said the deck is a different permitting process. Tonight's hearing is for a liquor license from one transfer from Hellertown to Lower Saucon. Mr. Repyneck said he is here as a concerned citizen as they don't want outdoor seating. Ms. Polak said the Belmont is open as Kasey Lynn's at the Belmont. Mr. Kern said this gentlemen is saying there are beer bottles on her property. Ms. Pollock said Ms. Repyneck said there were only three cars in the parking lot, but then she says cars were parking on both sides of the street. Belmont is a non smoking establishment, they don't have ash trays. We don't serve beer in bottles or cans, nor do we sell soda in cans. The waitresses pour the beer at the table and take the bottle away. They did apply to have seating on the third floor and were denied that. If there were things on the roof, she can't control those things. Before they went to the hearing, they had a good friend at the LCB who said why do you want to have people on a 3rd deck drinking, but the hearing was already set, and all three Repyneck's were there and complaining. She thinks when they bought the Belmont, they offended the Repyneck's. The deck is here as they needed a fire escape off of the third floor. Base Engineering suggested putting a little deck out there and decorate it at Christmas and have something look better than just a wooden steps going down. When they firsts applied for the liquor license, it said a proper view to the public, they put the sign back where the customer's came in. The application was in the proper place for the public. Mr. Repyneck said he's just asking as a matter of public safety that Council would have the police department enforce the parking. When they have music playing, it went to 10:30 or 11:00 PM and that's a liquor code violation.

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Mr. Maxfield said was the construction of the deck permitted by the township? Ms. Polak said yes. Mr. Maxfield said are there apartments there? Mrs. Polak said no. Mr. Maxfield said if the liquor license was to be transferred, that deck would not be permitted to be used. Mrs. Polak said she knows, they have an alarm on the door now as it's only for a fire escape and an alarm will sound. Mr. Repyneck said in the past 30 years, there's been eight fires on that little block between Gus's Crossroads and Ellis Lane. There was a fire at the Belmont caused by smoking. They come out of that deck, his mother's yard gets full of cigarettes

Mr. Raymond Matey, said he is the person selling the liquor license. It's a Northampton County liquor license. It's not directly being transferred from Hellertown to Lower Saucon. It's legal to be transferred to Lower Saucon Township. One of the problems is being personal, and this is about a transfer of a liquor license. The Belmont has been a bar/restaurant ever since he remembers. Apparently, the complainants owned the property for many years, and why would it be okay for them to have a liquor license when they owned it, but why not now. The liquor control board comes in and does an inspection, and you have to go in front of them to apply for the license. You have to abide by their rules.

Mr. Andrews, Morning Call, asked how many liquor licenses are there in Lower Saucon Township? Attorney Treadwell said thirteen different varieties of liquor licenses.

Mrs. deLeon said she wants to make sure the concerns of the Repyneck's are followed up with by Staff. Mrs. Polak said the Repyneck's built their house on a flood plain on a sewer easement and nothing was ever done. Attorney Treadwell said that's not relevant.

MOTION BY: Mr. Horiszny closed the hearing.

SECOND BY: Mrs. Yerger

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

ROLL CALL: 5-0

MOTION BY: Mr. Kern moved to approve Resolution #28-2008.

SECOND BY: Mr. Horiszny

Mr. Kern asked if anyone had any questions? Attorney Treadwell said this resolution is the approval of the transfer of License No. 29159 to be used with the operation of a restaurant at 3750 Old Philadelphia Pike.

ROLL CALL: 5-0

IV. DEVELOPER ITEMS

A. ZONING HEARING BOARD VARIANCES

1. TOLL BROTHERS, INC. – 1860 CLARENCE LANE – REQUEST VARIANCE OF REAR YARD SETBACK FOR DECK

Mr. Kern said the applicant is requesting a variance for approximately 13' of the rear yard setback for a patio installation.

Mike Stanz was present on behalf of Toll Brothers to request a variance for a brick paver patio installed on the rear of their model home in Saucon Meadows. It was installed approximately two years ago with the landscaping, but without a prior plan. They didn't realize it violated the setback requirement of 40 feet. They are in violation of approximately 13 feet. Attorney Treadwell said you just take a position or take no position in front of the Zoning Hearing Board (ZHB).

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Mr. Maxfield said this area has caused us so many problems because of setbacks. Last meeting we expressed the houses were too big for the lots, and the home owners were unaware they could not do expansions. He doesn't understand why Toll Bros. doesn't understand setbacks as they work in many communities. It makes life difficult for people who buy these houses. It's a patio, and he's not in favor of it. If we have a model for homes with patio, we don't want to show them irregularities. Mrs. deLeon said how did this ever happen with not being caught? Mrs. Yerger said it now has been caught. It sets a bad example to future homebuyers. It's not the right thing and it's hard to believe that Toll Bros. has no clue about setbacks. Mrs. deLeon is not happy this happened. Mr. Maxfield said this is a model. Attorney Treadwell said take the patio off since it's the model.

- MOTION BY:** Mrs. Yerger moved to send our staff with recommendations to oppose this variance.
SECOND BY: Mr. Kern
Mr. Kern asked if anyone had any questions? Attorney Treadwell and Brien Kocher will be at the ZHB to present Council's position.
ROLL CALL: 5-0

2. **THOMAS & MARY WASILEWSKI – 1366 STONES THROW ROAD – REQUEST VARIANCE OF SIDE YARD SETBACK FOR DECK AND PATIO**

Mr. Kern said the applicant is proposing to install a new deck and patio and is requesting a variance of approximately 16' of the required side yard setback.

Mr. Mann, was present representing the Wasilewski's. The Wasilewski's have been in the township for since 1992. The lot was purchased in 1987. During that time, the side yard setbacks changed and increased and the zoning ordinance changed. They are ready to put a deck on the property and the way the lot is situated, they are limited on the one side of the property with steep slopes and trees, so they want to stay on the other side of the property. It's 1.8 acres and no impervious issue. It's just a deck and no patio.

Mr. Maxfield said we don't make this judgment, but he always looks at the hardship line, and it refers to a paragraph that the property was purchased in 1987, house constructed in 1992, and the side yard setback was 20 feet, and later the ordinance was amended to increase the setback to 30 feet, which was 16 years ago. Further due to the unique physical features on the property, they didn't create the slopes. When I take 20 from 30, I get 10 feet, and they need 16 feet of relief, which means you still would have needed relief how many years ago to construct this deck. It's really an extensive construction when it comes to decks, and parts are projecting out that may not need to project out. He would think if you are going to use this hardship, you'd ask for 10 feet instead of 16 feet. Mr. Mann said the fact that they need six more feet is because the ordinance was amended to increase the side yard setback. They are limited because the house already sits there and the entrance and exit's of the house, and there are really steep slopes on the property. The closest neighbor is on the bottom of the lot. They are not taking out any trees, but might have to take out just one tree. Mr. Maxfield said there's about 50% of the deck which would legally meet the setback. It's a big deck. Mr. Mann said it's a big house also.

Council took no action.

B. **IESI BETHLEHEM LANDFILL – APPLEBUTTER ROAD – BASIN 7 AND RECYCLING CENTER DISCUSSION**

Mr. Kern said the applicant would like to discuss a proposed alteration of the storm water discharge piping for Basin 7 and relocation of the recycling drop off area.

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Dave Brooman, IESI, Rick Bodner from Martin & Martin Engineering and Sam Donato were present. Mr. Brooman said they are asking for an approval to their land development plan for their relocated recycling center. He said they met extensively with staff and have favorable recommendations at this point. The prior location which was close to the scale house proved not to be safe. They moved it, and there was discussion about getting a wider berth for the road. It seems to be working well and they will certainly follow the Landfill Committee's recommendation to put up appropriate signs. The second is an affirmative letter of support to DEP which would permit them to reroute the current storm water pipe for basin 7 to under the landfill. This is something DEP typically doesn't do, and they think it would be in their interest and the Township's interest to do this to keep those opportunities open. They are asking for an affirmative letter from the Township subject to resolution of the technical issues that remain in HEA's review letter and Lauressa McNemar's review letter of January 29, 2008.

Mr. Kern asked about the width of the road, and if there is any way to widen the road or put a light on both sides until the car passes through and gets to the other side, then the light turns green? Mr. Donato said there are stop signs there, and everybody stops. The traffic heading would be east and they have the right of way. The road has been operating, and they had traffic going both ways and have not had a problem. They've been operating the drop off for ten months now since it's been relocated. Mr. Brooman said they are willing to work with the Township if it becomes a problem. Mr. Kern said what about moving the recycling center to where the mulching area is at Springtown Hill Road? Mr. Brooman said it sort of died. They could look at it again. You'd have to get DEP approval. They'd be happy to look at it. Mrs. deLeon said it's in the Hellertown Borough. Mrs. Yerger said the property is actually owned by Hellertown. Mr. Brooman said as long as they are putting the containers there. He will get a letter to Attorney Treadwell. That was raised by staff, and didn't go anywhere.

Mrs. deLeon said we need a recycling center and she's bothered because IESI moved it without permission from the Township. We just heard a developer leave here and put a deck into without permission. Her concern was if you were a shopping center or another business and you were having people access your facility, you'd have to meet certain requirements in our regulations for ingress and egress. That was never looked at for your driveway going into the paved area. We see letters and we see the reviews you did on the recycling center. She's not even use if you need a variance at this point. She doesn't think it meets the regs. Mr. Brooman said he'll address it. There's a sentence in Mr. Birdsall's letter of 180.98 C (3)(c) where it says applicability to this which would provide for a 25 foot cart way. All of 180.98 C (3)(c) applies to off street parking, this isn't off street parking, it's an internal road in the landfill. We don't need a variance as you don't have a reg. Mrs. deLeon said do we have anything that would apply to that? Mr. Kocher asked if there is parking in the back? Linc hasn't had an opportunity to look at this particular issue. Mr. Brooman said he looked at January 7, 2008 Boucher & James letter, which says it complies with all township ordinances. Based on that letter, they should have come here first, but the reality is it's a better location, and they'd appreciate an approval.

Mrs. deLeon said what action would we have to take for the recycling center? Attorney Treadwell said we'd have to approve the amended land development plan subject to the outstanding review comments from Hanover & Boucher & James. Mr. Brooman said there are no outstanding comments, just the one issue of the driveway entrance width, but there aren't any other review comments. Mrs. deLeon said then the width is an outstanding issue, it doesn't meet the regs. Mr. Brooman that's his opinion said Boucher & James letter resolves the issue. Their role is planning and zoning. Mrs. deLeon said does the width of the driveway meet our regs? Mr. Tralies said what was said a moment ago, they did not look specifically at driveway widths on this project. Usually road widths fall to Hanover. They did have a series of comments a few letters ago, mostly safety issues about some slopes and drop off areas at the recycling area and all of their comments have been addressed. Mrs. deLeon said she'll then turn it to Hanover. Mr. Kocher said they raised it as an issue and they think Attorney Treadwell should offer an opinion. If he believes it doesn't

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apply, it doesn't apply. Attorney Treadwell said we're back to Section 180.98 C (3)(c). He'll take a look at it and you can move on.

Mr. Donato said when they put that road in, in 2004, the road was that way and it didn't change. Mrs. deLeon said it never showed a recycling center and never open to the public. Mr. Donato said it showed truck traffic both directions. It hasn't changed since 2004. Mr. Maxfield said it's okay for a couple of trucks to pass on a road, it should be okay for smaller cars. Mr. Donato said it's not a lot of people who travel up and down the road, the public. They have no problem with moving the containers to your recycling center. Mr. Maxfield said if it was a sub standard non use road, then it should have been identified for the truck drivers that use it also. What we are talking about is access road width. Mrs. deLeon said when we talked about it for the truck drivers, the pad for the recycling center was not there and the little shoot off road wasn't there and it didn't even come into play. MR. Maxfield said we're talking about access road width. That wasn't there before, but the actual road getting the road and the road leaving there is what we're talking about.

Mr. Horiszny said is there a chance you'll stop taking empty trucks down that way, then you'd just have recycler's going down there? Mr. Donato said the problem you run into is the sizes of the vehicles. The incoming traffic making a left turn and traffic coming off of the scale, and this vehicle coming down to make a hard turn would be just too congested. That's why we send them that way, turn them around and send them out. What will happen shortly in April, is all the vehicles will be heading back up top again. As the landfill keeps rising, it will change the roads so that access road heading up to the top will come into play again for all of the traffic. It'll stay in play for several months, then come out of play depending on the landfill activity. This one access is very accessible and very safe.

Attorney Treadwell said are there or are there not off-street parking spaces? Mr. Donato said there is nothing that is shown, but if you get a 40 yard roll off container truck, there's room for two pick up trucks to unload and at the recycling drop-off area, there's room for about six cars. Attorney Treadwell said you don't have any blind parking spaces? Mr. Donato said no body parks there. You go up, unload and leave. Attorney Treadwell said he'd say that section 180.98 C does not apply. Mrs. deLeon said she asked her question and now she got her answer.

Mr. Kern said moving to the second issue about the pipe under the landfill? Mrs. deLeon said the Landfill Committee has been looking at this, and they had some concerns and recommendations where they go over the Basin 7 outlet. The township forwarded the concerns to DEP. Mr. Brooman said they have that letter. They still have to have a sit down with Mr. Birdsall and Laura McNemar to go through some of those issues. That's irrespective of whether this board supports that concept of putting in the pipe. The engineers agree that this can be done. We think you should entertain this and it just makes good sense. We would have to form final application with DEP. We're at the place of DEP right now saying no, and they have to get over that hurdle first. Mrs. deLeon said the committee does not recommend sending a letter to DEP as these concerns aren't addressed and our concerns should be sent to DEP so they know what we are thinking. Mrs. Yerger said he wants us to give a letter of support for the concept providing all the concerns of our consultants are met. Mr. Maxfield said you haven't made any formal submission to DEP? Mr. Brooman said no, the actual submission would have to come here first. Mr. Maxfield said before we'd send the letter to DEP, we would do exactly what you suggested is let our consultants sit down with your engineers. He'd like to see more talk going on before DEP begins to review it. These are issues identified by our committee, but he doesn't want to spend excessive amount of time going back and forth. If we have these as identified concerns, we should let the landfill an opportunity to answer what they are and make their submission to DEP. Mrs. deLeon said we have the issues in the letters and the landfill knows what they are and they need to address them. Mr. Brooman said that is because it's time and money on both sides. DEP is saying we won't permit it under any circumstances. The reason to do it here is to permit options for future expansions, absent this change in philosophy by DEP that becomes foreclosed. Sequence wise, they would prefer to

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not fully engineer it and meet with your engineers and satisfies their concerns. Mr. Maxfield said he wants them to meet with our engineers and give them direction and answer. DEP has a function and he doesn't want to duplicate that review. There needs to be some discussion before the formal application. Mr. Brooman said we don't disagree, but we're not at the formal application stage, we're at the stage where we want you to write a letter that says in concept the Township supports the idea if this and this are addressed. Mrs. deLeon said why do you need a letter, wouldn't DEP know you'd be doing that anyway. Mr. Brooman said from DEP short and to the point, it would be most helpful. Mr. Kern said you don't want to go into a technical expense? Mrs. deLeon said no and no over and over again. Mr. Brooman said we have not had a meeting where they said this board is not going to support going over the north slope and it's their strong preference that you consider going under the landfill so there can be a discussion of future expansion. That's as clear as he can state it. DEP wants us to go over north slope, we don't want to have to cross you, we want to work with you, so you've got to tell them you think it's a good idea. If not, we have to decide if we go after DEP or we go after the Township? DEP wants the pipe going over the north slope. They don't see your issue, it's been very clear. Mr. Horiszny said if we don't write a letter, we're just like Hellertown saying we don't like that 537 plan just because. Don't investigate it, don't check it, just because. Mr. Maxfield said we've got to be prepared in DEP's review, and will identify some of them as non concerns. We have a list of concerns. Mrs. Yerger said she thought our agreement was to send this letter and we'd be in favor if our consultants concerns were addressed. Their solution may not be our consultant's solution for all these concerns. Mr. Brooman said DEP is the state agency. If there's a disagreement among the engineers, DEP gets the final say. Mr. Maxfield said he doesn't see it as a bad thing and he'd support it. He'd give DEP the final say on it. Mr. Brooman said they've made some very significant changes on it with two pipes instead of one. There are other technical issues down the road, but they aren't any where near that point now.

Mrs. deLeon said she thought she heard Council say north slope was not an option. We've been talking about this issue two years back and forth. Mr. Brooman said when you say talk about it, when we're at DEP, we have a five or ten minute conversation. He doesn't know how long they've talked to the Township. Mr. Donato said they'd like to submit something to DEP and say nay or yea. It's a great starting place and, at this point, we can have another round of meetings with the township staff and we still don't know what the answer is going to be. Mr. Maxfield said if need be, in order to make it to be facilitated, we can put all the concerns of the letters into one letter. Mrs. deLeon said we always just attached the letters. Attorney Treadwell said fine. Mr. Maxfield said the EAC had recommendations and Tom McCormick moved that IESI satisfactorily address the concerns of the township engineer as outlined in his most review letter and work with PADEP in order to resolve the issue of the pipe relocation in the most environmentally way possible. Mrs. deLeon said she doesn't mind sending a letter saying these are the township's concern if the options they choose is the pipe under the landfill, but say we approve this concept, a cover letter to DEP with attached, please find the consultant letters, and this is what our review has been. Mr. Maxfield said those letters don't really establish our position. If we are not opposed to it, then we should say so. Mrs. Yerger said would it be better to say this would be preferred as we are trying to get away from the north slope issue. Mr. Horiszny said why don't we have a letter drafted and at least get started on it and bring it back in two weeks. Mr. Maxfield said we either way, we are going to support it if the conditions are addressed or we're not going to support it. Mrs. Yerger said you can put in the last line from the EAC motion where we want the environmental concerns addressed. Mr. Kern said they will direct Jack to draft the letter for the next meeting.

- MOTION BY:** Mr. Maxfield moved to approve the amended land development plan with the relocated recycling facility. He's seen it and used it and has no problem with it and use appropriate signage there.
- SECOND BY:** Mr. Horiszny
- Mr. Kern asked if anyone had any questions? No one raised their hand.
- ROLL CALL:** 5-0

C. MORTAGUA SITE PLAN – 3505 RT. 378 – RECOMMENDATION FOR DENIAL OF SITE PLAN APPLICATION

REMOVED FROM AGENDA

D. WARNER SITE PLAN – ROUTE 378 & COLESVILLE ROAD – PRELIMINARY PLAN REVIEW

Mr. Kern said the applicant is proposing a land development for a bank use including a drive through window.

Present – Greg Feinberg, Rob Hoffman, Traffic Planning and Andy Warner, owner and Paul Szczak from Liberty Engineering.

Mr. Feinberg said they are here to get approval on their preliminary plan. They have addressed all of the material engineering issues on the plan. There may be some minor details on the plan for full compliance, but they are just minor. We have in hand a number of agency permits that are required for beginning work on this site and we'd like to go back to the Planning Commission (PC) and get final and come back to you and get it started.

Mr. Kocher said they have come back with two interim submissions and it didn't meet council's deadline and there are no staff recommendation for action as it's council position if there are changes, you won't act on the plan. They have been extremely cooperative, but he doesn't have a written recommendation – no revision from January 31.

Mr. Feinberg said it's your belief, having looked at the plans, they are substantial or in complete compliance with their requirements. Mr. Kocher said yes, but they have nothing in writing. There are some minor drafting items remaining. Mr. Feinberg said we'd like approval subject to final administrative comments and you'll get another bit at this when we get it cleaned up. We've been before you multiple times and had numerous comments and changes and we are just about there. If we can get this approval tonight, we can then proceed with the other meetings and still be on the agenda. We are substantially there.

Mrs. deLeon said what about Upper Saucon's letter with the traffic study? Mr. Kocher said they don't have to review it as a land development plan, but the applicant submit a traffic study to PennDOT. Mr. Feinberg said that has been done.

Mr. Hoffman said they didn't go back, and the traffic study was done as part of the occupancy permit. PennDOT looks at a ten year projection. That was done for the traffic study. PennDOT has reviewed it and approved it and the HOP is issued for the site. Attorney Treadwell said this issue came up at a staff meeting that the township may want to look at what it looks like when it's opened, not ten years down the road. Mr. Maxfield said at the Planning Commission, the plans must be totally cleaned up before they come here to avoid what we are going through right now. We have plans that aren't cleaned and outstanding conditions. This basically is wasting time and money. Mr. Warner said they worked diligently and want to do everything the right way. They would like to see some more business and low impact business to take over that site. That's why they are trying to move this forward. Mr. Maxfield said we take this seriously, and we need the plans more clean when they get to Council. Mr. Warner said when they left Planning, they still don't have everything done. Materially we have it done, but you just don't have a review letter. We just want to talk about it, from an engineering perspective, so we are in the right direction.

Mr. Kocher said their traffic consultants has been in touch with them and they looked at them, and the most open ended traffic issue with the opening of the bank, the delays at that intersection will increase significantly over the delays today. Is there anything that can be done, short of a light, that

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can be done to help those delays. Mr. Kocher said the PC said that they are recommending that any road frontage along Route 378 be waived and that all the Colesville Road improvements be waived. Some Colesville Road improvements could help that intersection. The PC didn't consider the traffic issue when they discussed that.

Attorney Treadwell said in an effort to move this along, conditional approval based on Mr. Kocher's letter and that they do not go back to the PC until Brien is satisfied that the new plan that is received meets the comments in his letter. Mr. Feinberg said that is acceptable. They will certainly do that. Attorney Treadwell said that's a way to keep it going through the process. Mr. Kocher said the applicant work with the Township staff to try to alleviate as much of that delay as possible. That's not real specific in our letter. Mr. Feinberg said the intersection is in Upper Saucon Township. We tried to be as cooperative as we can, but it becomes interesting as Lower Saucon Township talking about requirements for an Upper Saucon piece of property. Attorney Treadwell said he'd agree it was an interesting situation and Upper Saucon also said if you approve this, make them put in a light. Mr. Feinberg said Upper Saucon does not want a light, and only wanted a study from DEP. We will continue and work with the township. There's a slight widening of the shoulder on Colesville Road which may open up a right turn lane which would allow for a straight or left hand turn and a right turn lane which may not be a directional signal. This would allow for some stacking and they would consider trying to do to alleviate what is a failed intersection today. Attorney Treadwell said that's something we do normally before preliminary plan approval. Mr. Feinberg said if the Council would give us conditional approval subject to our revising the plans and resolving the intersection situation to the township engineer's satisfaction, that would be acceptable to them and they would act expediently to do that. Attorney Treadwell said he's okay to that. Mr. Kocher said would you also say Council will defer their official action on the waiver request until final plan action so if council wants to require widening of Colesville Road, that is shown as a waiver in his letter. Mr. Feinberg said they got that waiver because there's a significant drainage ditch on the north side of Colesville Road which would impeded any significant widening on their side. The widening was not intended and it did not address the traffic at the intersection. Attorney Treadwell said they didn't get the waiver yet. They have a recommendation from the Planning Commission. Mr. Feinberg said the reason it was well received was yes, we don't know what we want to do with Colesville Road yet, so that was premature. They will certainly work with the Townships engineer to do something to mitigate that intersection, if necessary. Mr. Kocher said he doesn't want to restrict us saying it's 10 feet from the intersection, the but the queues are pretty significant way past the driveway, so he doesn't want to restrict us saying you might have to put the shoulder along a longer stretch. He doesn't know the answer right now, and he doesn't want them to come back to Council and say you waived the Colesville Road improvements with preliminary plan so we're not going to do them now. He'd like them to defer that action until the final plan. Mr. Maxfield agreed.

Mr. Kern opened this up to the floor. Mr. Ray Zinas said he lives on the corner of Colesville Road. Is there a sewer line serving this particular site? Mr. Kocher said there is no sewer line at this time.

Attorney Treadwell said it would be a motion to grant the applicant preliminary plan approval subject to the applicant satisfactorily addressing all the comments contained in HEA's January 31, 2008 letter and also that the applicant agrees to defer any action on the 378 and Colesville Road widening waiver request until final approval. Prior to the applicant appearing before the Planning Commission, they will revise the plans to address Mr. Kocher's concerns in his January 31, 2008 letter so there is a clean letter.

MOTION BY: Mrs. deLeon moved for approval as stated above by the Solicitor.
SECOND BY: Mr. Maxfield
Mr. Kern asked if anyone had any questions? No one raised their hand.
ROLL CALL: 5-0

E. PENN'S VIEW – BANKO LANE – REQUEST ONE (1) YEAR EXTENSION TO COMPLETE CONDITIONS OF APPROVAL

Mr. Kern said the developer is requesting a one (1) year extension to complete the conditions of approval for this subdivision.

**STAFF RECOMMENDATION FOR
PENN'S VIEW EXTENSION**

The Lower Saucon Township staff recommends that Township Council approve a one year extension until February 14, 2009 to complete the conditions of approval for this subdivision.

This shall be conditioned upon the applicant paying any outstanding plans and appeals account invoices owed to the Township.

Mr. Horiszny asked if there escrow account was up to date? Mr. Cahalan said yes. Mrs. deLeon said are there any outstanding conditions? Mr. Cahalan said no.

- MOTION BY:** Mr. Horiszny moved for approval for a one year extension to complete conditions of approval for Penn's View – Banko Lane.
- SECOND BY:** Mrs. Yerger
- Mr. Kern asked if anyone had any questions? No one raised their hand.
- ROLL CALL:** 5-0

F. COBBLE CREEK – SKIBO ROAD – REQUEST SIX (6) MONTH EXTENSION TO COMPLETE IMPROVEMENTS

Mr. Kern said the developer has requested a six month extension to complete improvements of their development.

**STAFF RECOMMENDATION FOR
COBBLE CREEK EXTENSION**

The Lower Saucon Township staff recommends that Township Council approve an extension until August 28, 2008 for completion of improvements at this development. 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 be extended to at least September 28, 2008 to the satisfaction of the township solicitor.
3. The owner shall pay an outstanding plans and appeals account invoices owed to the township.

Mr. Cahalan said the escrow is current and there are no outstanding issues.

- MOTION BY:** Mr. Kern moved for approval of Cobble Creek – Skibo Road – request six months extension to complete improvements.
- SECOND BY:** Mr. Maxfield
- Mr. Kern asked if anyone had any questions? No one raised their hand.
- ROLL CALL:** 5-0

G. GREENWOOD COURT – BLACK RIVER ROAD – REQUEST ONE (1) YEAR EXTENSION TO COMPLETE IMPROVEMENTS

Mr. Kern said the developer has requested a one year extension to complete the improvements in this development.

**STAFF RECOMMENDATION FOR
GREENWOOD COURT EXTENSION**

The Lower Saucon Township staff recommends that Township Council approve an extension until February 28, 2009 for completion of improvements at this development. 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 be extended to at least March 28, 2009 to the satisfaction of the township solicitor.
3. The owner shall pay an outstanding plans and appeals account invoices owed to the township.

Mr. Kocher said he'd like to add a condition that they bring their erosion control into compliance within sixty days.

- MOTION BY:** Mr. Maxfield moved for approval of staff recommendations with additional comment from Mr. Kocher as stated above.
- SECOND BY:** Mr. Horiszny
Mr. Kern asked if anyone had any questions? No one raised their hand.
- ROLL CALL:** 5-0

H. ORCHARD VIEW – ROUTE 412 – REQUEST ONE (1) YEAR EXTENSION TO COMPLETE IMPROVEMENTS

Mr. Kern said the developer has requested a one year extension to complete improvements in this subdivision.

**STAFF RECOMMENDATION FOR
ORCHARD VIEW EXTENSION**

The Lower Saucon Township staff recommends that Township Council approve an extension until February 18, 2009 for completion of improvements at this development. 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 be extended to at least March 18, 2009 to the satisfaction of the township solicitor.
3. The owner shall pay any outstanding plans and appeals account invoices owed to the township.

Mr. Cahalan said the escrow is current and no outstanding issues.

- MOTION BY:** Mrs. deLeon moved for approval of Orchard View – Route 412, Request one year extension to complete improvements.
- SECOND BY:** Mrs. Yerger
Mr. Kern asked if anyone had any questions? No one raised their hand.
- ROLL CALL:** 5-0

V. TOWNSHIP BUSINESS ITEMS

A. REVIEW OF REGIONAL POLICE STUDY REPORT

Mr. Kern said a report on the Northampton County Regional Police Study was presented to the Councils of Hellertown Borough and LST by consultants from the Department of Community and Economic Development (DCED) on January 4, 2008. The Township Manager, Police Chief and Finance Director have reviewed the report and will share their comments on the report with Council.

Mr. Cahalan said the night after the study, the Borough Manager and himself, said it was a draft report and they were looking for feedback from the two municipalities. Chief Lesser and the Finance Director have reviewed the report. Cathy Gorman said there needs to be some adjustment in some of the budgeted figures and the Chief indicated there needs to be adjustment on some staff and vehicles, but says the report is very sound. Mr. Cahalan said this report created a consolidated police force using the budgeted figures for the two municipalities and the existing police officers in both municipalities and came up with a recommendation for consolidated police force. It actually came out with it could use the funding we have now to create a consolidated police force. It contains some very valid recommendations. Hellertown Borough had a discussion and the Chief there also found that there were some discrepancies in the information we used. The night the report was given, it was said that one of the tables on crime statistics, there were only three months reported, but the Chief said he provided a whole year. He has some concerns as we do with some of the figures that are used and we were hoping that information could be sent back so we could finalize the study. The Borough Council is not interested in pursuing a consolidated police force as they took a vote at one of their meetings. This study as it stands is in draft form and not finalized and it would really be a loss to the township and the taxpayers to have this process and report being aborted without us sending in our comments and getting a final report. There is some valuable information in here. We need a final report to use those figures and follow some of those recommendations. He'd like to request that we ask Hellertown Borough to submit their comments to DCED so we can await a final report from them. It's something we owe the taxpayers as it's a substantial amount. We should give a final report.

Mrs. deLeon said you keep referring to a draft plan and she can't find anywhere in the book where it says draft. Mr. Cahalan said they talked to Ron Stern at DCED, it was his statement to us was the meeting was to get some feedback and take it back to the state and finalize it. Mr. Maxfield said they would not release it to any Borough or Council members until it was final. Mr. Yerger said Jack hit it on the head when he said taxpayers' money, so at least have the report finalized. We need to solicit Hellertown into completing this study. Mr. Maxfield said he was really surprised and disappointed by the Boroughs vote. He'd like to ask Borough Council to reopen discussion about the consolidation. Each community owes it to the other community. Mr. Kern said he's a little frustrated also to find out if there was a cost savings to this consolidation. When it would come back with the new report, and say there would be a cost savings, he'd want to know that. It's a bit frustrating that our Hellertown brothers and sisters will not release information so the final report can be released. Mrs. Yerger said she would like them to reopen examining it and look at the final report. Mr. Cahalan said it wouldn't hurt to bring it up at the Saucon Valley Partnership meeting either.

MOTION BY: Mr. Maxfield moved to compose and forward a letter regarding our concerns about the police consolidation study and present it to the SVP and Borough Council stating our concerns.

SECOND BY: Mr. Kern
Mr. Kern asked if anyone had any questions? Mr. Andrews, Morning Call, said is there a cost savings versus improved services. Mr. Kern said if we had the same service we are getting now at a cost savings, but if the report said the service was declining and there was a cost

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savings, he would not support it. Mrs. deLeon said we don't know that now as we don't have a final report.

ROLL CALL: 5-0

B. RETIREMENT AND SALE OF POLICE K-9 – RESOLUTION #29-2008

Mr. Kern said due to his age and physical condition, Caezar, the police department K-9 dog cannot be recertified and will be retired from police services. Investigator Christopher Leidy, who was formerly Caezar's K-9 handler, has agreed to purchase Caezar. The solicitor has reviewed and agreement of sale for Caezar to Investigator Leidy for the sum of \$1.00. Resolution 29-2008 has been prepared authorizing the township manager to execute the agreement of sale with Investigator Leidy.

Resolution No. 29-2008

A Resolution of the Council of Lower Saucon Township, Northampton County, Pennsylvania authorizing the Township Manager to Execute the Attached Agreement for the Sale of a K-9 dog named Caezar between the Township and Officer Leidy.

Whereas, Officer Christopher B. Leidy is employed as an Investigator in the Township's Police Department, and was formerly assigned to the Township's K-9 unit; and

Whereas, Officer Leidy's former K-9 Partner, Caezar, a German Shepherd Dog, whose physical condition has been evaluated and determined that he would not pass recertification.

Whereas, it is customary in law enforcement for a retired K-9 animal to be sold to his partner:

Now, Therefore, Be it Resolved by the Council of Lower Saucon Township, Pennsylvania:

Section 1.

That the Township Manager is hereby authorized to execute the attached agreement for the Sale of the K-9 between the Township and Officer/Investigator Leidy attached hereto and made a part of hereof.

Section 2.

That this Resolution shall be in full force and effect immediately upon its adoption.

Adopted this 6th day of February, 2008.

Mrs. Yerger said she was very delighted he was going home with his original owner and receive a loving home.

MOTION BY: Mrs. Yerger moved for approval of Resolution 29-2008.

SECOND BY: Mrs. deLeon

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

ROLL CALL: 5-0

C. FIRE SERVICES TASK FORCE

Mr. Kern said following a presentation by Dean Fernsler from the Dept. of Community and Economic Development (DCED) in August 2007, Council asked the four township fire companies to consider their participation in the Fire Services Task Force concept that has been recommended by Mr. Fernsler and to report back to the Township on their decision by the end of January 2008.

Mrs. Yerger left the meeting. The time was 9:06 PM.

Mr. Cahalan said he has good news and bad news. The good news is he had not received a response from Steel City, but got an email from Chief Snyder and Steel City has joined with the other three companies and will participate in the fire services. The bad news is that Dean Fernsler is retired. They will deal with Mr. Harry Krot now who has been with the government center for many years. He's been working in Dean Fernsler's shadow for some time now. The idea for meeting with the fire companies in December and 2007 was to enlist their participation in a fire services task force which is a body made up of citizens, council members, fire members, and they discuss issues that the fire companies are wrestling with individually and they made recommendations as an advisory body to Council. They can look at different things and cover a whole array of issues the fire companies are looking at. They will come back and talk to the fire companies and start the actual process. The other good thing is not only the four fire companies from the township, but it's also Dewey from Hellertown. They will come back and make a presentation to Township Council. Mr. Andrews asked why Steel City waited? Mr. Cahalan said they were going over the pros and cons and considered it and took a vote and joined in with the other companies.

D. REQUEST FOR APPROVAL OF OFFICIAL BUSINESS AUTO ID

Mr. Kern said the staff has prepared an example of an identification card that we propose to have committee members (Planning Commission and EAC) use while on official Township business. The identification card would be placed in their vehicle in the event they would need to go on private property on official township business. We also plan to provide the committee members with an identification and stating their name and position.

Mr. Cahalan said there is a statement on our permits that when people apply for residence that indicates the township officials are permitted on private property for township business purposes. Mrs. deLeon asked if this could be extended to Council? Mr. Cahalan said sure.

- MOTION BY:** Mr. Horiszny moved for approval of official business Auto ID with Council members included.
- SECOND BY:** Mr. Maxfield
- Mr. Kern asked if anyone had any questions? No one raised their hand.
- ROLL CALL:** 4-0 (Mrs. Yerger – Absent)

E. REQUEST APPROVAL TO EXPEND FUNDS FOR THE PURCHASE OF A LOADER

Mr. Kern said the Director of Public Works is requesting Council approval to purchase a loader. Funds were approved nteh2008 budget for \$100,000 for a new loader. The Director of Public Works is recommending the purchase be made through Power, Inc. who is the DGS contract per the attached quotation.

Mr. Cahalan said Roger gave us some pictures and the quote is attached with a discount for the budgeted amount of \$100,000.00.

- MOTION BY:** Mr. Kern moved for approval to expend funds for the purchase of a loader.
- SECOND BY:** Mr. Horiszny
- Mr. Kern asked if anyone had any questions? No one raised their hand.
- ROLL CALL:** 4-0 (Mrs. Yerger – Absent)

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F. DRAFT ATV ORDINANCE – AUTHORIZE ADVERTISEMENT

TAKEN OFF THE AGENDA

VI. MISCELLANEOUS BUSINESS ITEMS

A. APPROVAL OF JANUARY 7, 2008 AND JANUARY 16, 2008 MINUTES

Mr. Kern said the minutes of January 7 and January 16, 2008 Council meetings have been prepared and are ready for Council's review and approval.

JANUARY 7, 2008

Mr. Cahalan said Ron had some questions about the resolutions in the reorganization meeting. He was viewing them on a screen and it was hard for him to read. He felt some of the numbers and pay scale resolutions were not the same as he had voted for. They went back and looked at them with Cathy. They are correct and the minutes do reflect the resolutions that were voted on at the January 7, 2008 reorganization meeting.

- MOTION BY:** Mr. Kern moved for approval of the January 7, 2008 minutes.
SECOND BY: Mr. Horiszny
Mr. Kern asked if anyone had any questions? No one raised their hand.
ROLL CALL: 4-0 (Mrs. Yerger – Absent)

JANUARY 16, 2008

Mr. Horiszny said on page 1, line 7, we started at 7:10 PM. On page 1, line 18, we did have an Executive Session regarding personnel and real estate. Page 1, line 43, we need to identify Mrs. Barndt and put an "e" in Tracey's name. Also, it wasn't a badge that he had used since 1990, it was one it that was replaced with a Corporal badge that she gave to him. Line 2, page 25, is Warrington, PA. Page 3, line 1 and 3, he thought the motion and second were reversed in that.

- MOTION BY:** Mrs. deLeon moved for approval of the January 16, 2008 minutes with corrections.
SECOND BY: Mr. Kern
Mr. Kern asked if anyone had any questions? No one raised their hand.
ROLL CALL: 3-1 (Mr. Horiszny – No, Mrs. Yerger – Absent)

VII. PUBLIC COMMENT/CITIZEN NON-AGENDA ITEMS

Mr. Ray Zinas and Mr. & Mrs. Haney were present. Mr. Zinas said they'd like to address Council concerning adding sewers along Colesville Road and adding it to your planning cycle. In 1990, when sewers were extended, there were 9 properties that were left out. These properties are currently served by septic systems; they are over 30 years old. He doesn't know what the life of a septic system is, but there could be problems developing. They'd like to ask that Council would initiate a study of the feasibility of adding that sewer extension and what the cost would be to do that into your planning cycle. He discussed it with Gar Davidson. He has some drawings he could show to Council. Mr. Davidson said they looked at it, and basically they are on a slope and they'd have to put in a pump station in there or run a pipe across Black River Road. Mr. Haney said he believes the slope has a lot of reason they were not with the others when the sewers were put in. Mr. Kern said they'll have the Manager talk to someone to see what a price would be to put sewers in. Mr. Haney said they have a petition that was typed up. He gave it to Mr. Cahalan.

VIII. COUNCIL & STAFF REPORTS

A. TOWNSHIP MANAGER

- Mr. Cahalan said the EAC voted to approve to recommend to Council to approve the adoption of the conservation easement procedure, it's a flow chart. They would recommend Council approve this procedure for the open space preservation program. Mrs. deLeon said didn't we discuss this meeting ago and asked for a change? Mr. Cahalan said yes, and it was changed.

MOTION BY: Mr. Kern moved for approval as stated above.

SECOND BY: Mr. Horiszny

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

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

- Mr. Cahalan said we provided you some information on the campaign free zone restrictions from other states. They found some useful information.
- He gave you a first draft of a program for the opening day ceremonies for Polk Valley Park with dates and program items for your review, please give him comments back.
- He said they are working on the rules for the dog park.
- He said he received an email from Bob Wise from Wise Preservations, a proposal, they put together. It is the proposal for the National Register nomination for the Michael and Margaret Heller house. It's pretty lengthy. At the back end, he does say because of the additional work, the price that he quoted is \$6,775. Because you haven't had a chance to look at it, there is no action at this point.
- We had a settlement on the Gibson vs. Lower Saucon Township and the Tim O'Connell lawsuit. Attorney Treadwell said he sent Council the Martha Chase litigation. The Gibson matter, the insurance company settled for \$15,000 where the motorcycle had an accident with the police cruiser. The township was unaware of the settlement. Mrs. deLeon said most of the Council's she sat with, they told them in advance they wanted to be made aware of this. Attorney Treadwell said he didn't look at if our insurance policy has certain provisions in it. Mrs. deLeon said we need to talk to our insurance agent to see what we can do about this. Attorney Treadwell said the T-Mobile was a variance they had applied to build a cell tower on top of 378. The ZHB turned it down and they appealed it to Northampton County, and Northampton County turned it down which means no cell tower going there.

B. COUNCIL/JR. COUNCIL

Mrs. Yerger

Absent

Mr. Maxfield

- Last night the EAC voted to ask Council if we could continue our annual membership in the Green Valley Coalition for \$50. They've been doing a lot of nice things in the valley.

MOTION BY: Mr. Kern moved to approve the \$50 for membership.

SECOND BY: Mr. Horiszny

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

ROLL CALL: 4-0 (Mr. Yerger – Absent)

- He said there is a Land Ethics Symposium in Bowmansville, it will cost \$99 and it has a lot of good information and it's February 21.

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Mr. Kern

- Nothing to report

Mrs. deLeon

- She had a conversation with a resident and portions of Wassergass have no internet or cable service. We keep talking about RCN and Service Electric, and she'd like to direct the Solicitor to look into serious discussions with the two cable companies so we can better serve our residents. Mr. Johnson said he has high speed internet on Martins Lane. That's usually what people want. Wherever Service Electric has a cable, you can get one way, but the gem is to have it two ways. They got it last winter. A portion of Polk Valley Road, Lower Saucon Road and part of Banko Lane have it. As far as DLS goes, they are supplied by the telephone company and they can only go so many feet from their main office in Hellertown. The Solicitor will look into this.
- There is a Dimmick Park master plan meeting on Monday night.
- Meet the Artist night is 7 to 9 PM is tomorrow night.

Mr. Horiszny

- He said he attended the Better Development Workshop at DeSales with Ed McMann and he has additional copies of the books if anyone wants to use them. We ought to find a way to have our PC, Zoning, and EAC see them. They should present it to the SVP also. It's a good program and they had a picture of the mobile station and Old Forge NY.
- He appreciates the campaign free zone information, and he thinks maybe we should do a survey and put it in the next newsletter to see if it warrants really looking into it.

C. SOLICITOR

- Nothing to report

D. ENGINEER

- Nothing to report

E. PLANNER

- Nothing to report

IX. ADJOURNMENT

MOTION BY: Mr. Horiszny moved to adjourn. The time was 9:45 PM.

SECOND BY: Mr. Maxfield

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

ROLL CALL: 4-0 (Mrs. Yerger – Absent)

Submitted by:

Mr. Jack Cahalan
Township Manager

Glenn Kern
President of Council