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

 - II. PUBLIC COMMENT PROCEDURE**

 - III. PRESENTATIONS/HEARINGS**
 - A. Proclamation from Representative Justin Simmons Recognizing Sandra Yerger
 - B. Resolution #34-2012 – Recognizing the Dedication and Service of Sandra Yerger

 - IV. DEVELOPER ITEMS**
 - A. IESI Bethlehem Landfill Expansion Plans
 - B. IESI – Township Comments on IESI Minor Permit Modification

 - V. TOWNSHIP BUSINESS ITEMS**
 - A. Saucon Valley Community Center Senior Art Program
 - B. Resolution #33-2012 – Reappointing Lower Saucon Delegates to the Northampton County Tax Collection Committee
 - C. Appointment of Council Liaison to the Saucon Valley Recreation Partnership
 - D. Review of Calpine Title V Operating Permit Renewal Application
 - E. Discussion and Direction for Township Representative to the Northampton County Gaming Revenue and Economic Redevelopment Authority

 - VI. MISCELLANEOUS BUSINESS ITEMS**
 - A. Approval of January 3, 2012 Minutes
 - B. Approval of December 2011 Financial Reports

 - VII. PUBLIC COMMENT/CITIZEN NON-AGENDA ITEMS**

 - VIII. COUNCIL & STAFF REPORTS**
 - A. Township Manager
 - B. Council/Jr. Council Member
 - C. Solicitor
 - D. Engineer
 - E. Planner

 - IX. ADJOURNMENT**

Next Planning Commission Meeting: January 19, 2012
Next Council Meeting: February 1, 2012
Next Park & Rec Meeting: February 6, 2012
Saucon Valley Partnership: February 8, 2012 @ LST
Next EAC Meeting: February 14, 2012
Next Zoning Hearing Board Meeting: February 20, 2012

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I. OPENING

CALL TO ORDER: The General Business & Developer meeting of Lower Saucon Township Council was called to order on Wednesday, January 18, 2012 at 7:06 P.M., at 3700 Old Philadelphia Pike, Bethlehem, PA, with Mr. Glenn Kern, President, presiding.

ROLL CALL: Present: Glenn Kern, President; Tom Maxfield, Vice President; Ron Horiszny, David Willard and Priscilla deLeon, Council members; Jack Cahalan, Township Manager; Leslie Huhn, Assistant Township Manager; Linc Treadwell, Township Solicitor; Brien Kocher, Township Engineer; Karen Mallo, Township Planner; and Jr. Council Member, Jameson Packer.

PLEDGE OF ALLEGIANCE

ANNOUNCEMENT OF ANY EXECUTIVE SESSION (IF APPLICABLE)

Mr. Kern said Council did meet in Executive Session prior to the beginning of this meeting for some very enjoyable business. It involved potential land acquisition. As a result of that meeting, we have a motion.

MOTION BY: Mr. Maxfield moved for approval of a conservation easement, with changes, on the Whitmore/Prime Development property.

SECOND BY: Mr. Horiszny

ROLL CALL: 5-0

Mr. Kern said this is a beautiful property. Mr. Maxfield said it's on the eastern side of the Township. It's in the area below the Woodland Hills Golf Course. Mr. Kern said it has a tributary of the East Branch of the Saucon Creek running through it. It has steep slopes, wooded areas and prime farmlands in the flat areas of it. It's quite a special piece of property. We were able to conserve it this evening, which is a good thing. Also, as a result of our Executive session, there is another motion of Hanover Engineering creating a conservation plan, legal description, and survey on that property.

MOTION BY: Mr. Maxfield moved for approval for Hanover Engineering to create a conservation plan, legal description, and survey on the Whitmore/Prime Development property.

SECOND BY: Mr. Horiszny

ROLL CALL: 5-0

II. PUBLIC COMMENT/CITIZEN AGENDA ITEMS

Mr. Kern said if you are on the agenda, you have Council and staff's undivided attention for the discussion period. At the conclusion of the discussion period, we do open it up to the public at each and every agenda item, so you have an opportunity to comment. If you do choose to comment, we ask that you use one of the three microphones that you see here as the minutes are transcribed verbatim. We want to make sure we get every word into the record. We also ask that you state your name for the record so the transcriptionist can duly note that.

III. PRESENTATION/HEARINGS

A. PROCLAMATION FROM REPRESENTATIVE JUSTIN SIMMONS RECOGNIZING SANDRA YERGER

Mr. Kern said Representative Justin Simmons' office will present a proclamation to Sandra Yerger.

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Mr. Dan Paschke, assistant to Justin Simmons, was present. Mr. Paschke said unfortunately, Representative Simmons could not be here today as he was detained in Harrisburg. He wishes everyone his best. He did send a proclamation for former Councilwoman, Sandra Yerger. In summary, it says thank you so much for all your hard work and that she did a really, really awesome job. Representative Simmons wanted Mr. Paschke to pass on that if she ever needed anything, please let them know, and he'll help anyway he can. To the new board, if there's anything you need, please don't hesitate to ask. Thank you so much for all your hard work, and good luck in your future endeavors.

B. RESOLUTION #34-2012 – RECOGNIZING THE DEDICATION AND SERVICE OF SANDRA YERGER

Mr. Kern said Resolution #34-2012 has been prepared recognizing Sandra Yerger who has served the residents of Lower Saucon as a volunteer and elected official.

A RESOLUTION RECOGNIZING THE DEDICATION AND SERVICE OF SANDRA YERGER

WHEREAS, Sandra (Sandy) Yerger has faithfully served the residents of Lower Saucon Township as a volunteer and elected official; and

WHEREAS, Sandy was an original member of the Township Environmental Core Committee when it formed in 2001, which later became the Environmental Advisory Council and is currently serving as the Chair of this body; and

WHEREAS, Sandy has served as the Township Historian and the Chair of the Township Historic Committee, in addition to her participation as a member of the Lower Saucon Township Historical Society; and

WHEREAS, Sandy was elected to serve as Township Council member and held that position from January 1, 2004 to December 31, 2011; and

WHEREAS, as a member of the Council, Sandy served as the liaison to the Saucon Creek Watershed, Cook's Creek Watershed, PA Highland Trails Network, LVPC Greenways Outreach, Saucon Valley Partnership, and various other community organizations; and

WHEREAS, during her service as a volunteer and Council member, Sandy gave unselfishly of her time to listen to resident concerns and worked diligently to preserve the historical and environmental resources of Lower Saucon Township.

NOW, THEREFORE, the Council of Lower Saucon Township, Glenn Kern, President; Thomas Maxfield, Vice President; Priscilla deLeon; Ronald Horiszny; and David Willard do hereby commend and recognize Sandy for her service and dedication to the citizens of Lower Saucon Township.

MOTION BY: Mr. Maxfield moved for approval of Resolution #34-2012.

SECOND BY: Mr. Horiszny

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

ROLL CALL: 5-0

Mrs. Yerger said thank you all. Mr. Maxfield said he and Mrs. Yerger go way back. They ran for the first time together. Every good thing that's happened in the Township in the last eight to ten years, Mrs. Yerger's hands have been in it. She walked the walk, she got her hands dirty doing the real thing, she just didn't vote on things. He's very happy she got involved and the Township was served well. He realizes the by-laws of the EAC say that Council is supposed to approve the

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appointment of the EAC Chairman. Mrs. Yerger was elected unanimously by the members of the EAC and we need to make that vote to affirm that.

- MOTION BY:** Mr. Maxfield moved for approval of the appointment of Sandra Yerger as the Chairman of the EAC.
SECOND BY: Mr. Horiszny
Mr. Kern asked if anyone had any questions or comments? No one raised their hand.
ROLL CALL: 5-0

IV. DEVELOPER ITEMS

A. IESI – BETHLEHEM LANDFILL EXPANSION PLANS

Mr. Kern said Representatives from the IESI Bethlehem Landfill will be appearing before the Planning Commission on January 19, 2012 and before the Township Council on February 15, 2012 to discuss their plans for an expansion of the landfill area. Staff would like to review the schedule, notifications, and agenda issues for these future presentations with Council.

Attorney Treadwell said the Planning Commission meeting is tomorrow evening. Along with Mr. Cahalan and Ms. Huhn, he prepared a one-page brief outline. There are a couple questions in here that we need answers for. No. 1 is the procedural layers of what the IESI potential expansion would entail. One being the possibility of an amendment to the zoning map which would be an expansion of the light industrial district; the second being the zoning use approval, which currently is a special exception use which would go to the Zoning Hearing Board; however, Council could amend the ordinance to require it to be a conditional use approval which would come directly to Council after a Planning Commission recommendation. Mr. Kern said No. 1 and 2 would be an either/or? Attorney Treadwell said no. They both need to be done if the landfill is going to be expanded. The zoning map needs to be changed and they need to obtain either a special exception or a conditional use approval. The third layer is the host agreement, which everyone is fairly familiar with, which we went through at the Phase IV expansion. The fourth is the land development approval, which would require the Lower Saucon Township Planning Commission and LVPC recommendations along with Council approval. The fifth layer is the DEP approval process, which includes the harms benefit analysis, the form D environmental assessment, among many other issues. The asterisk you see, are if in fact the Township does amend its zoning map, items 2, 3, 4 and 5 could be processed concurrently. The special exception or conditional use host agreement changes, land development approval, and DEP approval process could all be run at the same time. Item No. 2 is the notification of property owners. We've discussed in the past that the February 15, 2012 Council meeting will be the first Council meeting that IESI attends to present these proposed expansion plans. We had discussed notifying the neighbors, specifically and over the fact that it will be on your website and listed on the agenda, and it's an advertised public meeting. The first is how far of a radius does Council want to go with this notification process? The note under No. 2, the Zoning Officer, using the County GIS and Township GIS maps, has determined that there are 540 properties within a one-mile radius of the landfill. There are 220 within a half-mile radius and there are 80 within a quarter of a mile. Mr. Cahalan said when the Zoning Officer did that search, he eliminated addresses that were in Bethlehem Township and the City of Bethlehem. These are strictly Lower Saucon Township addresses. Attorney Treadwell said out of the 540 properties within a one-mile radius, approximately 50 of those can be eliminated if you remove IESI, Lower Saucon Township, LVIP and Conectiv along with duplicate ownership; in other words, people who own more than one property. In addition, the 220 under the half-mile radius could be reduced by the same or similar 50. Within a quarter of a mile radius, you could probably get 20 less by doing the same thing.

Mrs. deLeon asked if there was a map so they could see the radius? Attorney Treadwell said he doesn't know if a map was created. He took the radius from the middle of the landfill property, and a mile in all directions. Mrs. deLeon said if you go a mile down Applebutter Road, where does

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it end? By 78? Mr. Cahalan said we ended it in Lower Saucon Township. Mrs. deLeon said Applebutter Road turns into Lower Saucon Road. It's still the Township, and to her, the most important residents are the ones that live on Applebutter and Ringhoffer Roads. She knows she looked at so many landfill maps, but she never measured the radius. Mr. Cahalan said they didn't produce a map, but have the addresses and could look through those and identify if there are addresses on Ringhoffer and Lower Saucon Roads. Mrs. deLeon said the incident with the closure of Applebutter Road, because of the bridge repair, a couple of people that live on Lower Saucon Road have had conversations and complained about the truck traffic as they weren't used to it. That could happen again. The most people we can mail to, we should. Does it include Steel City and the Narrows? Mr. Cahalan said yes, it does for the one mile.

Mr. Kern said what is the MPC? Attorney Treadwell said this is a special situation. There is no MPC notification. Attorney Dave Brooman, IESI attorney, said what he would suggest is he agrees with Mrs. deLeon and they would be willing to notify those people. He doesn't think you go a mile everywhere. They would be happy to do that. If you want to do that, he understands it too. He wouldn't want to see it go out a mile because it doesn't make any sense. You know people who are affected by the truck driving, and if that's more than a mile, he doesn't care. We are all about letting people know. Let's say you pick a quarter of a mile, and these facts that Mrs. deLeon just described are .7 or 1.1 miles away, they should get the notice if they are on that road. He heard Applebutter Road and Ringhoffer Road. He doesn't want to change what you're doing, he's just saying if there are people that live on Applebutter Road that are more than a quarter of a mile, they don't disagree with you. It's your notice and your decision. All he wants Mrs. deLeon to know, if at the end of the day you pick a quarter of a mile and someone lives right outside of that quarter of a mile, he doesn't have a problem with contacting them.

Mrs. deLeon said when you look at a map, the Narrows and Applebutter Road kind of sandwich the landfill and there's monitoring and gas wells. Mr. Kern said maybe then instead of a radius, it should be by streets. Mrs. deLeon said if we provide IESI with a list, you would be willing to do that? Attorney Brooman said they are here as they saw the two agenda items. That's the only reason they are here. Candidly, tomorrow night is their opener. They will be here on February 15th, and he'd rather save it until the 15th. He's not going to start telling you how to do things. This is what Attorney Treadwell does for a living.

Mrs. deLeon said she doesn't think anyone is expecting you to address these issues tonight. We were just having a comprehensive list. There could be 500 addresses that you would be willing to take care of. Mr. Maxfield said if you did a mile radius from the landfill, you'd end up probably somewhere near the sewage disposal plant. If you covered all of Applebutter Road, Skyline Drive, etc., that's going to put you at about a mile anyway. If you cover Ringhoffer Road to the split where it goes into Bethlehem, he doesn't see that would be a problem and some uphill addresses on Applebutter Road and whatever you think is applicable in Steel City. Mrs. deLeon said there may be some on Lower Saucon Road. Attorney Brooman said he'd like to retract one thing and make a different offer without talking to his client as he doesn't want to take up anymore of your time. One is the notice should come from the Township. Two, if you want to get reimbursed and it goes out further, let him know what it costs. In reality, to get the notice you want, he wants it to go out on your stationary and not the landfill's. He retracts his offer to send it out. Mrs. deLeon said what she's understanding is if the Township sends it out under our letterhead, and puts a little note on here, that IESI paid for it. Attorney Brooman said as long as Attorney Treadwell and your professional staff is okay with that. That's his decision. Mrs. deLeon said personally as a resident, it should come from the Township. We can say that IESI paid for the mailing. Mr. Cahalan said there's a map that shows the radius of one mile from the landfill and it does go across I-78. Mr. Maxfield said it doesn't reach Lower Saucon Road. Mrs. deLeon said on the map, it cuts off the corner by Easton Road. She'd like to review the map tomorrow. Mr. Cahalan said there were Ringhoffer Road addresses on the list. Mrs. deLeon said maybe we can expand the boundary line to Easton Road. It could go out to the email addresses we have and it would be on the website? Mr. Cahalan said they can definitely send it to the email addresses and it will go on the website.

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Attorney Treadwell said just to clarify the direction from Council is basically one mile with the inclusion of a couple of other areas up to the east. They will work on that. It will be the notification that IESI is coming on February 15th to this Council meeting.

Attorney Treadwell said the third issue is the Township has Landfill Consultants, including Mr. Birdsall, Laressa McNemar, Rich Sichler, so the next question is, which of those consultants do you want to go to the Planning Commission meeting as opposed to coming to the Council meeting on the 15th or both? Mrs. deLeon said she thinks it should be both. Attorney Treadwell said all three individuals? Mr. Maxfield said he was thinking for Planning Commission, since Rich is a geologist, that geology has a lot to do with it, so at least Jim and Rich should be there. Doesn't Laressa handle more like permitting? Mrs. deLeon said they all tie in. Mr. Maxfield said those two are the ones that stand out with planning issues, but he doesn't care if Council wants all three to go. Mrs. deLeon said all three should go. Mr. Kern agreed. Attorney Treadwell said let's approve their attendance as they are paid consultants. Attorney Treadwell said we can wait to see if we want to send them to every ZHB meeting if in fact that happens. We can wait on that.

- MOTION BY:** Mr. Maxfield moved for approval to send Jim Birdsall, Laressa McNemar and Rich Sichler to the Planning Commission meeting on January 19th and the Council meeting on February 15th.
- SECOND BY:** Mr. Horiszny
- Mr. Kern asked if anyone had any questions or comments? No one raised their hand.
- ROLL CALL:** 5-0

Mrs. deLeon said the preparation work they've done today would be included? Attorney Treadwell said yes. As a sub item of that item No. 3, Jim Birdsall prepared a list of 24 questions on a letter to Mr. Cahalan dated January 12, 2012 that were identified as general planning considerations. He did not know if Jim was coming tonight. Just briefly, he should preface this by saying the Planning Commission wants to focus on planning issues only. Out of the 24 items in Jim's letter, he identified items 9, 10 and 11 and he has a question mark next to 13, as not necessarily being planning issues. If it's okay, he doesn't expect the Planning Commission to address those issues, certainly not tomorrow night, nor during their review process. Those are more DEP, host agreement type issues. The other ones he has no problem with and they all appear to be good planning questions.

Attorney Treadwell said item No. 4 is when we do the notification for the February 15th meeting, it's possible you will get a lot of people to come to that meeting. Before when we've had a lot of people, we have changed the location of the meeting. The question is do you want to consider changing the location of your February 15th or not? Mr. Kern said we probably should change it. Mr. Maxfield said you may get an idea from the Planning Commission meeting. Mr. Kern said the alternate site could be possibly the Audion room at the Saucon Valley High School. Attorney Treadwell said that's where they have gone in the past and they will look into it.

Attorney Treadwell said since two meetings ago when we discussed this issue generally, are there any Council members who have any further information or questions that you would like him to submit to IESI prior to the February 15th meeting in an attempt to get as many answers to your questions as they can upfront. Mr. Kern said they will have time to work on a list prior to February 15th.

B. ISEI – TOWNSHIP COMMENTS ON IESI'S MINOR PERMIT MODIFICATION

Mr. Kern said the Township received a Minor Permit Modification application from the IESI Bethlehem Landfill on December 20, 2011 for the Cell E4 Phase IV. Township landfill consultants have reviewed this application and have technical comments that have to be forwarded, with Township Council approval, to PA DEP by January 19, 2012.

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Mr. Cahalan said that letter from Jim Birdsall dated January 12th, is in your packet. There are two pages of comments that he has prepared. He copied Mr. Donato and Rich Bodner from the landfill. If Council approves, they will put them in a letter and send them off to PADEP tomorrow.

MOTION BY: Mrs. deLeon moved for approval to send the letter to DEP, as stated above.
SECOND BY: Mr. Maxfield
Mr. Kern asked if anyone had any questions or comments? No one raised their hand.
ROLL CALL: 5-0

V. TOWNSHIP BUSINESS ITEMS

A. SAUCON VALLEY COMMUNITY CENTER SENIOR ART PROGRAM

Mr. Kern said Council would like to review with representatives from the Saucon Valley Community Center (SVCC) the requirements for the Senior Art Program that is run by the SVCC at Seidersville Hall under an agreement with the Township.

Mr. Cahalan said this came about with an email that Mrs. deLeon forwarded to us from Mrs. Roseman who was the instructor for the art program. That is one of the programs that is part of the senior center at Seidersville Hall. It is run under a contract by the Saucon Valley Community Center. Walt Morrissey, Erin Siegfried, and Theresa Maund are here from the Community Center. The Senior Program has been over there since 2003. One of the significant things about it, is it predated himself and Erin and Theresa. There was an agreement that was reached between the Saucon Valley Community Center and the Township Council that contained some provisions about how that program would be run and what you'd be paying for it. After this issue came up from Mrs. Roseman about non-residents, they looked into the agreement and it is silent about residency. It does not say anything, whereas our other agreement for the summer recreation program, does say Township residents only. That's what brought this up. He provided you information about the program. Mr. Kern said we should be consistent and offer it to residents, but we shouldn't exclude anyone who wants to participate. What we do in other programs is offer a minimal fee for non-residents. Mr. Cahalan said we did give you a memo from Cathy Gorman. The front part has a recommendation what Mr. Kern is talking about and the back part gives a breakdown of the office space expenses at Seidersville Hall. This shows the cost for all of the utilities, janitorial, internet, and phone. The Community Center is not being charged as they are running the program over there. Any other tenants pay a portion that's pro-rated based on the square footage that they occupy. This gives you a breakdown of the cost. Cathy did make a recommendation about a minimal fee for non-residents. She's recommending a \$5.00 fee to participate in a specific program or a \$25.00 annual fee which would allow a non-resident access to all of the senior center programs. We feel that would be a reasonable charge to take care of it. Mr. Maxfield said does the program have a beginning and an end, or is it just an annual program? Mr. Cahalan said in the fall, we bring to you in the budget preparation an amount that you approve. That is submitted by the Community Center. That amount hasn't changed a lot since 2003. It's basically the same amount we've been paying them every year. In the springtime, we put together an agreement for the Senior Program and the summer recreation program. Usually in April we do this, and then you sign it. The Senior Program runs year-round except for sometimes when they are closed. The summer recreation runs through the summer months. Mr. Maxfield said the painting program itself, is continuously running? Mr. Cahalan said he's not up on the specifics. Mr. Morrissey said he can only speak about the art part of the program. It goes basically Labor Day until Memorial Day in May. There are probably about eight people in it. Recently, it was discovered that one participant is from Hellertown and one is from Upper Saucon and that's what precipitated this and they were asked to leave. The lady from Hellertown has been in it for many years. The other one started five years ago. There is no extra cost per person. It's not like they are taking up extra space. Mr. Maxfield said the \$5.00 would cover the run of that program from holiday to holiday. Mr. Morrissey said every person who attends every week pays a dollar. He has no idea where that money goes. Mrs. Scherer said it goes to the Community Center.

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Ms. Siegfried said the program fee just goes to the Community Center. It's a program fee that they paid when they were at Hellertown and it continued when they went to Lower Saucon, so that dollar just is going to the Community Center. Her question is, this is for the art program, but if someone were to come to do something else in the senior program, could they pay that \$25.00 annual fee? Mr. Kern said yes. Ms. Siegfried said it's not just for the art program. Mr. Kern said does that sound reasonable? Ms. Siegfried said yes.

Mr. Morrissey said he is President of the Board. He does predate the agreement and was not around when the agreement was made. The one thing he would say is one of the discretions they had, and you all remember Phyllis Schnaible, we do try to allow that the Saucon Valley Community Center serves any surrounding area whether it be Hellertown, Lower Saucon or Upper Saucon. They try to make their programs available to all of them. One of the things discussed back when this program originated, as long as we didn't reach the position where people had to be turned away, it would be a good idea to make sure it was open to the general community center group of people. He understands the fee, but doesn't profess to know that anyone would be hurt or turned off by the fee. He doesn't know for the volume and number of people we are talking about, that what little that would be generated by the fee, other than maybe in fairness to Lower Saucon, necessarily is of a benefit if it would somehow discourage people from coming, he would point out probably needlessly the benefit of leaving it open is that at least among a small group of people, facilitates the idea that we all got to get along. Mrs. deLeon said the \$25.00 fee would be for all the programs? Mr. Cahalan said yes, for one year. We also mentioned that if someone is unable to make the payment due to their financial condition we could consider waiving the fee.

Mr. Maxfield said he likes the idea of being opened to everyone; however, we have to answer to the people in our community who are paying the money for the program. He also likes the idea of Mr. Kern's suggestion of consistency and the suggestion of \$5.00 for any program that anyone would want to participate in, if it were two programs, it would cost them \$10.00, or the optional \$25.00 fee is more than reasonable. That would make it consistent and he would support that idea.

Mrs. deLeon said she brought this up at the Saucon Valley Partnership meeting last Wednesday and they talked about it. There's also the Saucon Valley Recreation Partnership and they are having monthly meetings. Mr. Cahalan said the Community Center is part of that. Mr. Morrissey said they have a member of the board that attends the meetings. He doesn't mean to be questioning \$25.00, but for the small number of people involved and the small amount of money we are talking about. Mr. Maxfield said it's not to make up money. It's of a fairness issue. The people of Lower Saucon are paying money for this program and others aren't, so we have to make it equal and fair. Mr. Kern said if there is a financial need, there is the option of getting the fee waived. Mrs. deLeon said at the SVP meeting, they were talking about the Recreation Commission that is being started to identify different programs in the community. It's supposed to go from cradle to grave and accommodate everyone. She was upset when she got Fran's email that people were turned away. She wishes in hindsight that Council would have been notified first before that happened, but the contracts are contracts. She's hoping this Recreation Committee will address this. The Mayor from Hellertown mentioned, and it won't happen for awhile, that Hellertown and Lower Saucon can do something joint for seniors. That way we could have that need met. She's always supportive of our local non-profits supporting a benefit to the community. Ms. Siegfried asked if this would go to parties too. If someone attended a party, they would pay the \$5.00? Mr. Cahalan said they are just talking programs. Ms. Siegfried said she just wants to make it clear that anyone can attend a party for free.

Mr. Morrissey said since we're halfway into the program, could it be \$2.50 or could the fee be waived and they start in September the \$5.00 fee. Mr. Kern said it's \$5.00 per program no matter what, but it would be the \$25.00 annual fee. Mr. Maxfield said they can prorate it at \$2.50.

Ms. Betty Scherer said she is the Program Director at Lower Saucon and if Hellertown pays \$15.00 a year for their membership, why are we paying \$25.00 over here at Lower Saucon? She knows

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most of our people really cannot pay that \$25.00. Mr. Cahalan said how many of those people are in multiple programs? Ms. Scherer said right now it's very slow because of the weather. It varies from week to week, today we had no one attend. Mr. Cahalan said if you have somebody who is a non-resident, are they attending there separate programs? If it's only one program, they would be paying \$5.00. If they wanted to go to all the programs, it would be \$25.00 annually.

Mrs. deLeon said the \$15.00 is for membership to the Saucon Valley Community Center? You don't have to be a member? Ms. Siegfried said correct.

Ms. Scherer said the people at Seidersville Hall really enjoy coming. When they had to turn people away, it really hurts. That's why they had to have this discussion to make sure people know they are welcome here and Lower Saucon does provide a very good environment for our seniors. They love coming. They always say, they are so glad to have a place to go. When they start to hear that people cannot come, it's not good for her. She has a big campaign she's starting with letters and flyers to certain places, which Erin and Theresa will approve, she's sure. She can't start that until she knows where she stands here. Our seniors will appreciate that very much.

- MOTION BY:** Mr. Maxfield moved that Council approve the suggestion by staff to offer programs to non-residents for \$5.00 or an annual fee of \$25.00 fee which would cover participation in all senior center programs, and that since we are part-way through some programs, that we prorate the \$5.00 to \$2.50.
- SECOND BY:** Mrs. deLeon
- Mr. Kern asked if anyone had any questions or comments? No one raised their hand.
- ROLL CALL:** 5-0

Mrs. deLeon said remember when the plans were to demolish old Town Hall and we said no? That predates Mr. Cahalan. It was to expand the new building and Council didn't like that idea. She's glad it's being used and serving a purpose. Someone asked who is going to collect the money? Mr. Cahalan said they will talk to Erin and Betty.

B. RESOLUTION #33-2012 – REAPPOINTING LOWER SAUCON DELEGATES TO THE NORTHAMPTON COUNTY TAX COLLECTION COMMITTEE

Mr. Kern said Resolution #33-2012 has been prepared which will reappoint Edward Inghrim, David Bonenberger and Gina Dinino as the Township delegates to the Northampton County Tax Collection Committee (TCC) for an additional term of one (1) year.

A RESOLUTION RE-APPOINTING ONE VOTING DELEGATE AND TWO ALTERNATES TO SERVE AS LOWER SAUCON TOWNSHIP'S REPRESENTATIVES TO THE NORTHAMPTON COUNTY TAX COLLECTION COMMITTEE (TCC)

WHEREAS, the Commonwealth of Pennsylvania Act 32 of 2008 was established to reform the current Earned Income Tax (EIT) collection system by consolidating 560 EIT collectors into 69 Tax Collection Districts (TCD), formed mainly along county boundaries; and

WHEREAS, the Tax Collection Districts will be governed by a Tax Collection Committee (TCC) comprised of representatives of each of the municipalities and school districts within the TCD; and

WHEREAS, Act 32 § 505(b) requires the governing bodies of school districts, townships, boroughs, and cities that impose an Earned Income Tax to appoint one voting delegate and one or more alternate delegates to be their Tax Collection Committee (TCC) representatives, and Lower Saucon Township desires to appoint the required delegates to represent its interests; and

WHEREAS, Lower Saucon Township, the Borough of Hellertown and the Saucon Valley School District, working through the Saucon Valley Partnership Council of Government (SVP COG), have

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determined that their individual and mutual interests are best served by selecting delegates in common, and have determined that the individuals they have chosen have consented to their appointment to the TCC to represent their interests.

NOW, THEREFORE, BE IT RESOLVED by the Council of Lower Saucon Township, Northampton County, Pennsylvania, that the following individuals are appointed as TCC delegates for Lower Saucon Township for 2010 and will exercise their duties on the Township's behalf in the following manner:

1. Primary voting delegate: Edward Inghrim
2. First alternate voting delegate: David Bonenberger
3. Second alternate voting delegate: Gina Dinino
4. If the primary voting delegate cannot be present for a TCC meeting, the first alternate voting delegate shall be the Township's representative at the TCC meeting. If both the primary voting delegate and the first alternate voting delegate cannot be present for a TCC meeting, the second alternate voting delegate shall be the Township's representative at the TCC meeting.
5. These appointments are effective immediately and shall continue until successors are appointed by Resolution of the Council of Lower Saucon Township. All delegates shall serve at the pleasure of the Council of Lower Saucon Township and may be removed at any time.

Mr. Cahalan said the language in the resolution said they shall continue, but the other partners, Hellertown Borough and the school district, have been appointing on a year-to-year basis. Therefore, this approval is for an additional one-year term for these three delegates to the Northampton County Tax Collection Committee.

MOTION BY: Mr. Maxfield moved for approval of Resolution #33-2012.
SECOND BY: Mr. Horiszny
Mr. Kern asked if anyone had any questions or comments? No one raised their hand.
ROLL CALL: 5-0

C. APPOINTMENT OF COUNCIL LIAISON TO THE SAUCON VALLEY RECREATION PARTNERSHIP

Mr. Kern said Council should approve the appointment of Council President Glenn Kern and Township Manager Jack Cahalan as liaisons to the Saucon Valley Recreation Partnership, which has been meeting monthly with the DCNR peer consultant to explore regional recreational opportunities.

Mr. Cahalan said we left this off the reorganization list. He and Mr. Kern have been representing the Township on this committee, so they'd ask for reappointment. Mr. Horiszny said he'd like to be listed as an alternate.

MOTION BY: Mr. Willard moved for approval to reappoint Mr. Kern and Mr. Cahalan as liaisons on the Saucon Valley Recreation Partnership. Mr. Horiszny will be the alternate.
SECOND BY: Mr. Maxfield
Mr. Kern asked if anyone had any questions or comments? No one raised their hand.
ROLL CALL: 5-0

D. REVIEW OF CALPINE TITLE V OPERATING PERMIT RENEWAL APPLICATION

Mr. Kern said Council had previously directed the Township Air Quality Consultant to review the Title V Operating Permit Renewal Application which was copied to the Township by the Calpine

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Corporation located in the City of Bethlehem on October 18, 2011. Due to a conflict, Lou Militana was unable to undertake this review and William Barnes, P.E. was enlisted to complete it. Mr. Barnes has prepared comments which can be forwarded to PA DEP and Calpine following Council's approval.

Mr. Cahalan said the letter is dated January 9, 2012 from Mr. Barnes who was able to step in and do the review. If Council is satisfied with those comments, they will send them off to DEP and Calpine.

Mr. Horiszny said is Calpine the owner of the BRE plant? Mr. Cahalan said no, this is the Calpine Plant that is in the City of Bethlehem, across the street from BRE. Mr. Horiszny said why do we worry about Bethlehem? Mr. Cahalan said we are across the street, adjacent to it. Mr. Horiszny said we can comment on it and it has nothing to do with the landfill gas? Mrs. deLeon said there might be another entity within the owners of Calpine. It has nothing to do with BRE. Mr. Maxfield said we should pay close attention to this as he often travels that way and the clouds of steam from that plant often sink to the ground and blow into residences. If it's not meeting the standards, then we should definitely make a comment. Mrs. deLeon said do we have to point out additional testing as she's curious to know if it was done prior to January 1st. She asked if Mr. Cahalan was going to send a cover letter with the Calpine letter? Mr. Cahalan said yes.

- MOTION BY:** Mrs. deLeon moved for approval to send a letter to Calpine as stated above.
SECOND BY: Mr. Maxfield
Mr. Kern asked if anyone had any questions or comments? No one raised their hand.
ROLL CALL: 5-0

**E. DISCUSSION AND DIRECTION FOR TOWNSHIP REPRESENTATIVE TO THE
NORTHAMPTON COUNTY GAMING REVENUE AND ECONOMIC
REDEVELOPMENT AUTHORITY**

Mr. Kern said with the appointment of John Blair as the Township representative to the Northampton County Gaming Revenue and Economic Redevelopment Authority, staff is asking for direction on the duties and responsibilities that Council envisions for this position.

Mr. Cahalan said he put this on here to see if Council had any direction that you wanted to pass along to Mr. Blair who is now sitting on the Authority as representative of the Township. Mr. Cahalan gave Council a memo indicating what we will be doing to support him. Ms. Gorman will be attending the Gaming Authority meetings and she will prepare a report of what's transpired and she will share that with Council on a monthly basis. She also had attended a meeting on January 9th where the people at the Authority had laid out some revisions to the process and that has been shared with you. There's a copy of her memo and PowerPoint slides with the changes they are going to be operating under going forward with our Gaming Authority grants. We'll be meeting with Mr. Blair to give him an overview, background and history. If there's any information you'd like to pass along, he will give it to him. Mr. Kern said that's a good idea to have a pre-meeting with him and explain to him the history and what's going on now. He noticed in Ms. Gorman's memo, to make sure he understands the three items, community support must be present, impact must be demonstrated and to explain the terms, like restricted rounds. Mrs. deLeon said they are not really new issues. If you look at the previous applications, the community support was always in the last two restricted and uncommitted applications, so it's not really new. It was always supposed to be there. Mr. Kern said he's just stating what was in the memo and in their presentation it was stated as a new item. Mrs. deLeon said she can show him the applications where it was in there. Mr. Horiszny said they mention historical buildings as possibility of receiving grants in addition to water and sewer. If we have any possibilities of using those, we ought to consider it and let the LSA know because of the new pipelines they want to do and new projects that are coming up. He doesn't know how you could tie them in, but if we can, we ought to. Mr. Cahalan said there are some other items, for example, economic development issues and

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Mrs. deLeon had braised the tourism issue and the focus has been primarily on emergency services, police, fire, rescue. There was one infrastructure for a municipal building, but we haven't really gotten into that and it's something the funds are supposed to be used for. Mr. Horiszny said he thinks we could tie in Heller Homestead and the schoolhouse for tourism possibilities when buses come to the casino and they can also visit our local sites. Mrs. deLeon said we tried that with the rail trail and you have to have five yeses to get anything passed. It's tough. If you go back and look at the minutes, there are only actions and you don't hear the discussion unless you sit and watch all the tapes. The Authority is not a municipality so the Authority wouldn't be able to apply for sewer or water grants. It would have to be the municipality and partnership with the Authority. She does see an error in Ms. Gorman's memo dated January 11, 2012. "I am sure you are aware of the December 28th meeting". We did not have a December 28th meeting, it should say December 12th. Mr. Cahalan said they will correct it.

Mr. Kern said he had a question on one of the PowerPoint documents in the folder. He was curious as to how we would document local community support? Mr. Cahalan said we could get letters of support from various agencies and elected officials, which they do for other grant applications they submit. Mrs. deLeon said previous applicants would give a letter from Bob Freeman or Representative Simmons, Representative Boscola, the fire companies depending what the grant was. Not everybody did it and she was trying to say if they asked for it, it should have been in there.

VI. MISCELLANEOUS BUSINESS ITEMS

A. APPROVAL OF JANUARY 3, 2012 MINUTES

Mr. Kern said the minutes of the January 3, 2012 Council meeting have been prepared and are ready for Council's review and approval.

Mr. Horiszny said page 1, line 4, we met on Tuesday, not Monday.

Mr. Horiszny said page 1, line 13, do we really need to list the absences? Mrs. deLeon said she doesn't see anything wrong with listing people absent. Mr. Cahalan said there were multiple absences there because it was reorganization and none of the consultants attended. Mr. Horiszny said the next roll call we did, we didn't mention people who were absent. Why would we mention people who are absent who are not Council or direct staff? Every time Brien comes, we can say Dan was absent. Mrs. deLeon said that's repetitive. Mr. Maxfield said normally they wouldn't be at the reorganization. As we took roll later on, Linc was supposed to show up and he didn't show up. Mrs. deLeon said it should be consistent and for a resident reading it for the first time, it will give them a better understanding who attends these meetings.

Mr. Horiszny said page 11, line 13, change Kevin Kochanski to Karen Mallo.

Mr. Horiszny said page 13, line 29 was the question he had about the pension for the Chief, which one he's in. Take out the word "Non".

Mr. Horiszny said page 15, line 41 and 42, he had a question about going beyond the date where the agreement had expired. He's still confused. Mr. Cahalan said that contract which expired, continues until a successor contract comes. Mr. Horiszny said in line 43, in the following one we say retroactive to January 1. If we did that in line 42, then it would say here's the pay scale and it's retroactive. The way it is here, it doesn't tie it in accurately as put in that statement. Mr. Cahalan said it could have been said a little more clearly, but what it was saying was each year that this contract was in effect, was that it gave the history of when it was entered into and the period it covered. When it expired, we continue to use the pay scale from that contract. Those pay scales have been in effect. We are adopting this pay scale to continue to use it in 2012 until a new contract is agreed to. Mr. Horiszny said that's what bothers him. When we put that date in there as possibly having cut it off, we should

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say there's a new agreement or it continues until such and such, retroactive to January 1, 2012. Mr. Cahalan said we can add something to the effect it would remain in effect until there is a new agreement. Mr. Maxfield said it says on the next line "Mr. Cahalan said the contract had an expiration date of 5/31/11 although it continues in full force and effect." Attorney Treadwell said the contract has a clause in it if neither the Township nor the collective bargaining unit requests that the contract be negotiated, that it continues in effect even though it expires. Until one of the parties gives notice saying to the other one that we want to change the terms, that contract stays the same even though it had a two year term. Mr. Horiszny said then we ought to say that. It's a resolution and it's stating wages. Mrs. deLeon said maybe we should have said it, but we really didn't say it that night. We can't put words in there now. Mr. Cahalan said we really wouldn't have to take this to Council for approval as there is a contract in effect and as Attorney Treadwell explained, it continues in effect so the pay scale is in that contract and it will remain there until a new contract is adopted. Mr. Maxfield said we should say the conditions of the contract as the contract is expired. Mr. Cahalan said he's talking about the pay scale. Mr. Maxfield said the conditions of the contract which would be the pay scale. Mrs. deLeon said that puts it in a different thing because by contract they are supposed to get a certain amount every hour. It's in the budget, but if we vote no to this, can we really all vote no to it? Attorney Treadwell said you can't vote no. Mr. Cahalan said you have an agreement to it previously. They can work on that language. What Mr. Horiszny was pointing out was the retroactive thing could be removed. Mr. Horiszny said that's page 16, line 31.

MOTION BY: Mr. Maxfield moved for approval of the January 3, 2012 minutes, with corrections.
SECOND BY: Mr. Willard
Mr. Kern asked if anyone had any questions or comments? No one raised their hand.
ROLL CALL: 4-0 (Mr. Horiszny - No)

B. APPROVAL OF DECEMBER 2011 FINANCIAL REPORTS

Mr. Kern said the December 2011 Financial Reports have been prepared and are ready for Council's review and approval.

MOTION BY: Mrs. deLeon moved for the approval of the December 2011 financial reports.
SECOND BY: Mr. Horiszny
Mr. Kern asked if anyone had any questions or comments? No one raised their hand.
ROLL CALL: 5-0

V. PUBLIC COMMENT/CITIZEN NON-AGENDA ITEMS – None

VI. COUNCIL AND STAFF REPORTS

A. TOWNSHIP MANAGER

➤ Mr. Cahalan said we received a letter from Boucher & James regarding the final payment to the contractor who planted Ella's Garden out at Kingston Park. We had previously advised Council to hold out the amount of \$1,065.00 from the final payment to the contractor as the plant material had to be replaced. That has been done and as of December 6, 2011, Valerie went out and checked it and it is in order. The plant material has been planted and everything is in good shape. They recommended that the final payment be made to the American Native Nursery in the amount of \$1,065.00 and that the project go into the 18-month maintenance period for which we are holding a maintenance bond. He'd asked for a motion to pay \$1,065.00 to American Native Nursery to finalize their contract.

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

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- Mr. Cahalan said he received a letter of interest and he's pleased to recommend tonight the appointment of Sandy Yerger to the Planning Commission. There is a vacancy and she has the time to fill that vacancy. We all know her knowledge and background will make an excellent addition to the Planning Commission. She would be filling out the remaining three years of that vacant term and her term would expire December 31, 2014.

MOTION BY: Mr. Horiszny moved for approval of Sandy Yerger to the Planning Commission as stated above by Mr. Cahalan.

SECOND BY: Mr. Maxfield

ROLL CALL: 5-0

- Mr. Cahalan said you may have seen in the Patch or the paper that we do have a new full time officer, James Connell. He was promoted and was one of our part-time officers. He's been with us since last January. He was promoted to fill the vacancy that was created by Eric Medei's resignation. He is a real experienced officer. He had been on the Lehigh University force and will make a real good addition to the Police Department and he will also be on Bike Patrol on the rail trail and other areas of the Township.

B. COUNCIL

Mr. Maxfield – No report

Mr. Willard

- He said he was appointed as the Council liaison for the PA Highlands Trail Network and notified of the meeting schedule. He will be able to attend the meeting on January 30 and April 30, 2012. There is an interesting workshop when he will be out of town on April 19th. It's an all day, 8:30 am to 4:30 pm at Riegelsville Borough Hall. This workshop will include a series of panels and presentations on the emerging regional trail network, tools to justify investment in trails in a tough economic climate and strategies to plan and build trails beyond municipal boundaries. We need representation at that and he asked to think about who could attend.
- He said pertaining to the Public Comment/Non-Citizen agenda items, there was an editorial in the Express Times and he'd like to read part of it. "The 9-member Easton School Board which gained six new members this year seemed to be starting out on the right foot. Newcomer Frank Pintabon recommended during last week's school board policy committee meeting that the three minute gag rule on public comment be relaxed. The idea was warmly received by his fellow committee members considering that the 2010 version of the board voted at a workshop meeting to eliminate public comment and this was a huge step forward. This is an ongoing battle; however, with school boards and municipal governments in PA and NJ. Just a few weeks ago, the Nazareth Area School Board went into the opposite direction voting to eliminate individuals speaking time at board meetings to three minutes. Board members rationalized this by saying it was better than another option they were considering, cramming all public comment into a 15 minute window. School board meetings and municipal government meetings are among the rare places where taxpayers and other members of the public know the players, feel a little less intimidated and believe their voices can be heard and their opinions can make a difference. Shutting them out of the process by placing difficult or impossible restrictions on public comment is unhealthy. The same time those who speak at public meetings need to use common sense, showing respect for board members and stating their opinions as distinctly as possible so meetings don't drag on longer than necessary. The only reason he brings that here is he experienced this from all sides of the desk now and he really does commend our Township for the public comment policy. It's asked at every meeting and every item there are no restrictions and that's what we are here for.
- He said he read in Express Times about the use of fertilizer pellets also known as sludge also known as bio-solids in Upper Bethel Township and it's created quite a controversy and

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the municipal government is superseded by the Dept. of Environmental Protection on this, but it's something we should be aware of and pay attention to.

Mr. Horiszny – No report

Mr. Kern – No report

Mrs. deLeon

- She said we have on January 26, 2012 from 11:30 am to 1:00 pm the Lower Saucon Business to Business Network luncheon at Brave Heart. It's \$15.00 per person. You can still register until January 20th.
- She said the Hellertown-Lower Saucon Chamber and the Southern Lehigh Chamber of Commerce on Wednesday, February 29th, at Pacifico at the Promenade Shops. It says join the Hellertown and Lower Saucon Chambers at the Pacifico at Restaurant week, a mix, mingle and network of Chamber members while enjoying complimentary light appetizers and light complimentary drink from 5 pm to 6 pm. Bring plenty of business cards. Limited to the first 75 respondents.
- She said she knows there was an article regarding the police scam and there was a letter on PATCH today saying it was horrible slander. Do you know anything about that? Our police made this plea to the public there's a possible scam going on and this is a letter from the company accused of doing it and we should look into it and she would like to know what happened. Mr. Maxfield said wouldn't that be going into an area we shouldn't be in legally? Mrs. deLeon said it's public information. Attorney Treadwell said we can certainly ask the Police Department what it was. Mr. Maxfield said he doesn't to get in the middle of a slander cross accusation. Mrs. deLeon said she's not asking to get involved in it, she's asking for a report from the Manager. Attorney Treadwell said they will look at it.
- She said is there any reason when the press releases go out to the media that Council is not copied on them so we don't have to read them in the paper? Mr. Cahalan said they release information from the police blotter, so he's not sure whether that went out with the release they do on the blotter listing incidents and crimes. This was more of a warning of a potential scam. They do this almost daily, releasing information that goes to press. Those are not press releases. He'll look into this.

Jr. Council Person – No report

C. SOLICITOR

- Attorney Treadwell said it was your first meeting in December when Stephanie Brown was here and she had some issues she wanted to discuss about the Township and the Police Department. At the end of December, he had a long phone conversation with Ms. Brown. What came out of that was she is obviously with the way she feels she was treated by the Township Police Department and she wanted Attorney Treadwell to investigate the Township Police Department in regards to their dealings with her. He explained he did not have the authority to investigate Township Police Department, but he did say he would bring it to Council's attention to see if they wanted him to take it any further. He doesn't feel he's qualified to investigate the Township Police Department. If you wanted to have somebody else, whether it be an outside agency or whatever it may be, look into their actions as they concern Ms. Brown, that's what she asked him to ask this Council. Mr. Kern said what's the desire of Council? Mr. Horiszny said we heard enough about it over time and had responses from the Police Chief and the Manager that she was contacted and he doesn't feel it's a viable issue. He would imagine if someone were to investigate it, it would be the State Police. Mr. Maxfield said he agrees. Mrs. deLeon said Mr. Cahalan looked into the incidences and talked to the Chief regarding this? Mr. Cahalan said he knows Attorney Treadwell had a long conversation with Ms. Brown, but he's still not sure what the allegations are. Mrs. deLeon said she was unhappy with the incidences at her residence on Meadows Road and how the police responded to them. Mr. Cahalan said there were several

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incidents that the police responded to. There was another issue where she came and used the telephone one night and the police officers drove by and didn't assist her. He's not sure what it is that she is saying occurred. She will concur with what Mr. Horiszny said. He's looked into everything that she has raised and he did get back and talk to her and she also had multiple conversations with Chief Lesser about these incidents. We have not been rebuffing any requests. Mr. Maxfield said whenever we have listened, at some times of the end of the night, he's not sure what was alleged and he doesn't want to take the issue any further. Mrs. deLeon said she wants to make sure that the process works with our administrative code and the Police Chief responds to the Manager and if the Manager is comfortable with the way things were handled. Attorney Treadwell said he's not recommending any further investigation. He has been aware over the years through Mr. Cahalan and Chief Lesser of the complaints and how they've been handled. He told her he would bring it back to Council and that's all he's doing. Council said no action. Attorney Treadwell will call Ms. Brown.

D. ENGINEER – No report

E. PLANNER – No report

VII. ADJOURNMENT

MOTION BY: Mr. Maxfield moved for adjournment. The time was 8:37 PM.

SECOND BY: Mr. Horiszny

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

ROLL CALL: 5-0

Submitted by:

Jack Cahalan
Township Manager

Glenn C. Kern
President of Council