

I. OPENING

- A. Call to Order
- B. Roll Call
- C. Pledge of Allegiance
- D. Announcement of Executive Session (if applicable)
- E. Public Comment Procedure

II. PRESENTATIONS/HEARINGS

III. DEVELOPER ITEMS

- A. Henig Subdivision – 2174 Kistler Avenue – Dispute of Invoices
- B. AT&T Wireless Cell Tower – 1995 Leithsville Road – Request Extension of Time to Satisfy Conditions of Approval

IV. TOWNSHIP BUSINESS ITEMS

- A. Seidersville Hall Window Replacement – Authorize Bid Advertisement
- B. Woodland Hills Preserve Stream Restoration & Buffer Replanting Proposal Provided by ArcheWild
- C. County of Northampton – 2021 Municipal Solid Waste Management Plan
- D. LVIP VII Lot 54 – 1405 Easton Road Expansion – Preliminary/Final Land Development Plans
- E. Award of Sale of Township Property – 2008 Dodge Durango and 2008 Ford Crown Victoria
- F. Hellertown Area Library – Board of Trustees Appointment
- G. Guiderail Purchase & Installation at Reading Drive and at Waldheim & Apple’s Church Roads

V. MISCELLANEOUS BUSINESS ITEMS

- A. Approval of January 15, 2020 Council Minutes

VI. PUBLIC COMMENT ON NON-AGENDA ITEMS

VII. COUNCIL & STAFF REPORTS

- A. Township Manager
- B. Council/Jr. Council Member
- C. Solicitor
- D. Engineer
- E. Planner

VIII. ADJOURNMENT

UPCOMING MEETINGS

Environmental Advisory Council: February 11, 2020 @ 7:00 p.m.
Saucon Valley Partnership: February 12, 2020 @ 6:00 p.m. at HB
Township Council: February 19, 2020 @ 7:00 p.m.
Zoning Hearing Board: February 24, 2020 @ 7:00 p.m.
Planning Commission: February 27, 2020 @ 7:00 p.m.
Parks & Recreation: March 2, 2020 @ 7:00 p.m.
Saucon Rail Trail Oversight Commission: March 23, 2020 @ 6:00 p.m. at HB

I. OPENING

CALL TO ORDER: The General Business & Developer meeting of Lower Saucon Township Council was called to order on Wednesday, February 5, 2020 at 7:01 p.m., at Lower Saucon Township, 3700 Old Philadelphia Pike, Bethlehem, PA with Mrs. Sandra Yerger, presiding.

ROLL CALL: Present: Sandra Yerger, President; Jason Banonis, Vice President; Priscilla deLeon, and Thomas Carocci, Council Members; Leslie Huhn, Township Manager; Linc Treadwell, Township Solicitor; Thomas Barndt, Chief of Police; Brenda Detweiler, Administrative Assistant; Brien Kocher, Township Engineer; Judy Stern Goldstein, Township Planner & Tyler Dickens, Jr. Council Member.

PLEDGE OF ALLEGIANCE

ANNOUNCEMENT OF ANY EXECUTIVE SESSION (IF APPLICABLE)

Mrs. Yerger said Council did meet in Executive Session this evening to discuss potential property acquisition.

PUBLIC COMMENT/CITIZEN AGENDA ITEMS

Mrs. Yerger said if you are on the agenda, you have Council and Staff's undivided attention. If you choose to speak, we ask that you use one of the microphones and state your name for the record. If you have a non-agenda item, she asks that you give your fellow public the courtesy of the floor. She asked if anything was taken off of the agenda. Mrs. Huhn said no.

II. PRESENTATIONS/HEARINGS – None

III. DEVELOPER ITEMS

A. HENIG SUBDIVISION – 2174 KISTLER AVENUE – DISPUTE OF INVOICES

Mrs. Yerger said the applicant has requested to address Council regarding review fees associated with her subdivision.

Ms. Tracy Henig, 2174 Kistler Avenue was present. She wanted to discuss engineering fees related to her minor subdivision application and is requesting some help, guidance and support. She feels she's not being represented well by the process. She's seeking a review by Council. Her plans were sent for a second full review to engineers, which she feels was unnecessary based on the changes made and that has cost her over \$2,000. The Township requires two engineers to review plans versus other Townships where they require one engineer to review plans and she feels that issue has cost her two-fold throughout the process. Township personnel stated they must perform full reviews on changes to plans because some applicants try to falsify required changes or slip plans through the process without required changes and that those need to be identified. This is not a fair and equitable process for applicants who follow the requirements and hire licensed engineers to perform work. No one at Township level is auditing hours spent and billed by engineers in review of applicants plans even when they are largely disparate. No checks and balances and again, this leads to high cost. Applicants are not protected with these reviews by engineers employed by the Township because there is no direct guidance as to what is needed for a specific review, so in her case, it causes replication and additional cost. She's been seeking to separate her property which is actually a correction of a problem when a road was established back in the 1980's to support access to eight homes beyond hers. A portion of Kistler Avenue goes directly through her parcel and when she tried to seek support from the County to separate the lot due to the natural subdivision caused by the road, they agreed it was an oversight of theirs by not separating the lots when the road was built, but that they needed to defer to the local municipality and allow the Township to oversee the subdivision according to local ordinances, a much more costly endeavor to fix the problem. As further background to this subdivision, it seems important to her complaint to review other expenses in her situation. She has been paying property taxes and insurance on the publicly utilized road that goes through her property which she owns and the Township only has rights to a sewer easement to supply the eight houses further up Kistler and Girard Avenue. The road cannot be used for personal use such as placing a picnic table or lawn furniture; however, it has been established that the Township collects fuel tax revenue on the road

**General Business & Developer Meeting
February 5, 2020**

as well as her property tax and relief from liability as her insurance expenses cover the road liability protection. The Township has claimed they essentially own the road because they have maintained it and therefore collect Liquid Fuel Tax on the road, but she fails to understand how that is equitable. She has been advised by an Attorney to notify the State that the road is actually an easement and that it is owned by her so they can assess the road fuel tax properly and collect back fuel taxes. Her insurance company has questioned if injury occurs who takes responsibility. In 2016 when the plans were originally submitted to the Township, they were sent to the two engineers for a complete review. In 2017, it was requested that the plans be minorly altered to have the variance request reduced by reducing the footprint and moving the home closer to the street to waiver the requests closer to current ordinance levels in impervious coverage and natural woodlands disturbance. Those alterations were reviewed by the ZHB and all variances were approved by the ZHB in January 2019. From there, they moved to the P/C for their review. At that point, they were told by the Zoning Office that they needed a new set of plans to be submitted, but the plans had not changed at all from when they went in front of the ZHB and therefore they were confused why would they need to resubmit plans. The Zoning Office asked her engineer to notate the change that the variances were approved. That was the only change made from January to July, but the plans were sent to the engineers, which again conducted a complete review. This review brought charges of \$1,610.26 from Boucher & James, \$536.25 from Hanover and \$292.50 from Attorney Treadwell totaling \$2,439.01. In 2016, the exact same consultants did a complete review of the plans. The letters produced in 2019 were almost exactly the same to what was produced in 2016. Also in reconciling the time spent by B&J, for a complete initial subdivision review, the hours for a complete first-time review of the plans were 8.75 and then in 2019, when the waivers were accepted, it was 13.75 hours. Why are there more hours charged by B&J for a duplicate review. The same with Hanover, whose letter added nothing to the next step in the process and mainly just reiterated the waivers granted. She began an inquiry on September 9, 2019 after her engineer informed her the escrow balance was exhausted and she had a negative balance preventing him from submitting plans to go before Council for a final approval. Again, she is seeking relief of the duplicative nature of this full review and the associated charges. She wants to inform Council what she found in basic review of engineering invoices is the large disparity of engineer review time. A duplication of ordinance reviews that were already performed on her plan in 2016 versus a simple review to inspect the required changes was completed. After four months of trying to have someone provide an answer to why the duplicative review was performed, she received a demand letter and she came to the Township to talk to Jim Young. After that she had a discussion with Leslie Huhn and Jim Young that the reason this was resubmitted was part of a state mandate process so she asked for a copy of that and she never received it. When she asked why there are two engineers involved in reviews in LST versus one, she was told by Leslie that one is for Planning and one is for Zoning. Why is the Planning and Zoning review not combined to reduce cost to applicants? She also asked who oversees and audits the time taken by engineers to review what is submitted and told them that no one at the Township does that. This means any engineer could bill as many hours as they see warranted on an applicant's minor subdivision. Leslie Huhn said that she could dispute the amount of hours the engineers took to review plans; it's up to her to do that. Ms. Henig said she was never provided a competitive list of engineers to choose one in relationship to her application. The Township is the engineer's customer and she is simply the third-party payer. The way she views the process is B&J and Hanover hold responsibility to answer the Township and the Township's allegiance is to monitor the engineer's work. Given that full reviews were performed in 2016, she inquired why the engineers were not directed to only review the zoning approvals. The only change to the plan was the zoning variance approval, but full reviews again were completed. In her research she found that because of complaints from engineers and applicants that associated costs were sometimes 10 or 15 times what surrounding Township's experienced. There was an Economic Development Committee formed in 2014 to review the disparity between time and cost incurred in developing commercial and private property in the Township. The recommendations by the committee were made in 2015; however, most or none of them have been implemented. Council should investigate feasibility of paying Hanover or B&J because they indicated that there should be one or the other, since the current process provides free reign of Township engineers. The recommendation made was to provide internal incentive by

**General Business & Developer Meeting
February 5, 2020**

the engineering firms to be prudent in their review in order to not duplicate effort and cost by customizing reviews to area of necessity.

Mr. Banonis said he thinks he understands her concerns. One, is we have two separate times we are taking about, 2016 and 2019. Is he correct in understanding she is taking issue with the duplication of services in 2016 as well as the duplication of services in 2019 and even more so in 2019 because the tasks that were performed in 2019 has already been done in a large part in 2016. Ms. Henig said correct on both counts.

Mr. Banonis said she had mentioned some concerns about the billing. The summary she provided to Council mentions B&J and Hanover, but he doesn't see any mention of the Solicitor's review. Is there any concern with the Solicitor's time incurred as he did see there was some invoicing for \$292.50? Ms. Henig said she believes he had to do something because when Hanover and B&J do something, he has to. She was making more of a comparison of time and cost, to the full plan review in 2016.

Mr. Banonis said what jumps out at him is the fact that she was billed 13.75 hours in 2019, which is 5 hours more than you were billed in 2016. Ms. Henig said if you look at the difference between Hanover and B&J, even how much closer it was in 2016. If you look at Hanover's letter, it's kind of stating the variances, it doesn't have any content.

Mr. Banonis said it jumps out that a road bisects her property and she assumed that road was a public road and had two separate parcels. Was any aspect of that brought to your attention or discussed in 2016 or 2019 by either Boucher & James or Hanover? Did they provide you with any explanation or did they highlight this discrepancy in your property ownership. Ms. Henig said this history is really 15 years old because she came to the Township in 2005 to start discussing this and hired attorneys. The file is much thicker. She was told back then by Chris Garges it was not a natural subdivision. She had a discussion with Linc Treadwell in 2009 and hired Backenstoe and three engineers to look at it and write letters to the Township to discuss the fact that it was their position, and it was a natural subdivision. She went to the County and they agreed it was a natural subdivision, but by the time she was talking to the County in 2010, they said you have to talk to LST. She's been in a churn and this was where she needs to draw the line.

Mr. Banonis said you are here to draw the line, and you are disputing the amount of time you were billed in 2016 and 2019. Have you talked with any engineers as to what would be an appropriate amount of time and/or expense you should have incurred in 2016 and 2019? Ms. Henig said the only engineer she only talked to is her own, Scott Mease, and he did not believe they had to resubmit the whole plans in July and he questioned it.

Mr. Banonis said you are here asking us to reduce the billing. Ms. Henig said she knows the Township needs to review a plan and she's okay what happened in 2016. She doesn't think this last step of 2019, any of the costs including Mr. Treadwell's, should be billed to her because it wouldn't take much for anyone to see that the actual variances were added to the front page and showing acceptance.

Mr. Banonis said in that, you are suggesting that you want complete reimbursement of the \$2,439 but you also said you don't think it would take much time, which seems to suggest to him she has knowledge in that there had to be some sort of review done and that she should have been billed a lesser amount acceptable to her. What is that amount? Ms. Henig said she doesn't believe that an engineer needed to look at what Scott Mease put on the plan.

Mr. Banonis said how about Boucher & James. Ms. Henig said she doesn't believe any of the July and August 2019 invoices should have been charged to her; and she's basing that from her engineer.

**General Business & Developer Meeting
February 5, 2020**

Attorney Treadwell said the packet that you handed us, he only sees one bill from Boucher & James in 2019, are there more? Ms. Henig said yes, maybe she didn't include that one. Attorney Treadwell said in the back there are invoices, one is his, there are a couple from 2016 Boucher & James and a couple from Hanover over 2016, but he only sees one Hanover in 2019 and one Boucher & James in 2019. Attorney Treadwell said his packet was missing some invoices. Mr. Banonis said there was a discrepancy in that you said you were billed \$1,610.20 by Boucher & James and the only invoicing he sees in 2019 is a single invoice dated August 30, 2019 for \$1,373.26.

Mrs. deLeon said could someone give us a timeline of how this happened. It should be on the record. We have a planner and an engineer, if we didn't have two different groups, and whoever we hired we'd still have reviews for planning and engineering so you'd still have those double charges. Attorney Treadwell said the clarification is that even though we call Boucher & James the Township Planner, Boucher & James reviews the zoning ordinance issues. Hanover reviews the subdivision and land development issues. If you only had one engineer, and he doesn't disagree with Ms. Henig that some Townships only have one engineer, and they perform both those functions.

Mrs. Huhn said the Zoning Officer prepared a timeline from 2016 as follows:

8/30/2016	Ms. Henig planning to do a minor subdivision. Will go to the ZHB and P/C. Project makes sense. Brien to see if right-of-way makes sense.
9/22/2016	Plans submitted 9/20/2016 to the Township, sent to HEA and B&J on 9/22/2016 for Planning Commission review.
10/27/2016	Ms. Henig Attended the Planning Commission meeting (main concern was stormwater) tabled the project. (see attached minutes)
5/30/2017	Ms. Henig to attend the 06-07-17 Council agenda. Tracey Henig will represent herself. Two lot minor subdivision – wooded and steep slopes. Going for variances. This should really be one lot.
6/7/2017	Ms. Henig attended Township Council meeting (see attached meeting minutes)
6/13/2017	Continue Requested
7/11/2017	Continue Requested
8/8/2017	Continue along with a Right to Know Request submitted
8/28/2017	Extension needed for S/D plan and Variance
9/12/2017	Nothing new since RTK request
9/26/2017	Ms. Henig contacted the Z/O and would like meeting with her, her attorney, Township solicitor & and Zoning Officer. Extension for S/d plan and Variance.
10/10/2017	Ms. Henig attended a staff meeting along with her attorney looking at options to future council meeting.
1/30/2018	No update Molly sent out extension (wants the house bigger)
2/27/2018	Proposed to attend 3/7/2018 Council meeting with revised plans (meeting canceled)
7/10/2018	Requested to be on 7/18 Council agenda and 7/23 ZHB however no new plans have been submitted are they coming argue the same points as last year? Or presenting a revised plan?
7/24/2018	Contacted Mr. Mease informed the TWSP he gave Ms. Henig plans some time ago, but haven't heard from her since. Emailed for an update.
8/28/2018	No updates reached out for an update.
9/11/2018	No updates reached out for an update, letter of denial for 10/25 P/C and 11/7 Council.
10/30/2018	We have not received any revised plans, Mr. Mease was asked for any updates. It needs to go to the ZHB, but if running out of time, it will go to the 11/15 P/C meeting for a recommendation of denial, then to 11/21 Council meeting for denial, because the plans have not been revised to comply, and she has not obtained her variances. If she revises the plans, she can go back to Council to see if they would

**General Business & Developer Meeting
February 5, 2020**

- be OK and will not oppose the plan, but will need to grant an extension of MPC review period. Extension request sent, if extension is granted they will not go to PC or Council in November.
- 11/13/2018 Spoke with Mr. Mease, plans have been prepared, but have not yet been submitted. Plans need to be submitted to the Zoning Officer to go back to Council to discuss their opposition to the variance requests.
- 1/29/2019 Placed on the 2/6/2019 Council agenda. Mr. Mease submitted revised plans on 1/25/2019 for council and ZHB. It has to go to Council to see if they still want to oppose the plan. It's proposed to go on the 2/18/2019 ZHB agenda.
- 2/6/2019 Attended Township council meeting (Sent to ZHB with no action from see council minutes attached)
- 2/18/2019 Attended Zoning Hearing meeting with approval of variances.
- 7/17/2019 Mr. Mease submitted revised plans on 7/17/2019 for the 8/22/2019 Planning Commission meeting which was sent to HEA and B&J on 7/29/2019 to be reviewed.
- 8/22/2019 Attended Planning Commission meeting was approved with the conditions set forth by HEA and B&J review letters.
- 10/2019 Mease Engineering attempted to deliver revised plans, the plans had been turned away due to the escrow account being \$447.87 to the negative. The revised plans would need to be reviewed to verify the all the conditions set forth by the Planning Commission were met.
- 11/26/2019 Ms. Henig is disputing all invoices from HEA & B&J. She's currently in arrears of \$447.00. Scott Mease brought plans into office back in October, but they were turned away since she was in the negative. There is an extension date of 2-28-20. Per Linc, send a letter to Tracy Henig and Scott Mease to inform her that we understand that she is disputing the invoices, but in order to move forward, she needs to pay the balance. If she does not do so, there is a possibility that Council will deny her since money is owed.

HEA and B&J reviewed the original plans in October 2016. No further review of plans was done by either firm. Until the revised plans submitted after the approval from Council and ZHB. Revised plans were submitted 7/17/2019 sent to both firms on 7/29/2019 for review for the Planning Commission meeting. (Attached are the emails from HEA and B&J regarding the billing).

Mrs. deLeon said she went through the process and everybody always questions the bills. What they should be questioning is the person you hired to submit the application that meets our zoning and meets all our regulations and apparently there were outstanding issues. Mrs. Yerger said there are multiple outstanding issues. Mrs. deLeon said it's not our fault that the person you hired didn't fulfil 100% of all of our regulations, revised plans were necessary.

Ms. Henig said she doesn't know how that's been established. Mrs. deLeon said we have a book this thick. Whatever you want to do in the Township, you have to follow certain regs. Ms. Henig said are you saying her engineer did not follow your regulations. Mrs. Yerger said she's saying there were 23 outstanding deficiencies from the August 15, 2019 Hanover letter. Mrs. deLeon said that needs to be done, so our planners and engineers have to review them again.

Ms. Henig said why again, as it already had been done. Mrs. deLeon said because there are 23 items of deficiencies. We have a Task Force, we did all the reviews, but they never addressed that part of it. Your complaining because our bills are ridiculous, but yet the people that are completing the application. Ms. Henig said the exact same work was done twice. Attorney Treadwell said can we make a suggestion, let's ask the people who did the work.

Ms. Stern Goldstein said there were two staff meetings where Ms. Henig came in with her engineer and we shared the basic zoning concerns and that's what she will focus on. The main issues in the

**General Business & Developer Meeting
February 5, 2020**

subdivision were not subdivision land development issues, they were zoning issues. It was non-compliance with basically our steep slopes, woodland preservation, our natural resource calculations, our impervious surface, the minimum lot area, and the minimum setbacks. There were serious zoning issues so we cautioned them in the beginning before engineering was done and then the plans were submitted and we had to review them in detail for the zoning issues. Again, zoning was the complicated part of their side, and that's what the bulk of the review was. That was the first review. Then there was a shopping list of what needed to get done, and at that point, you issued some zoning variances and Council was not supportive of those variances. You made some changes back and forth. No plans were submitted at all during that portion during that review. You were working things out with Council, then to go back to ZHB. As Mrs. Huhn read, that lasted for quite a long time. Finally you came back to Council and they chose not to oppose you, you went to the ZHB and received certain variances. The plans had been revised during that time but never submitted to the Township for review because you were waiting for the variances. It would make sense not to send them in for review from engineering and planning if you are getting your variances because you need to see what variances you have before we check for the rest of compliance. At the same time, once they were submitted to continue with the subdivision process because you got through the ZHB and you attained specific variances and then you needed to comply with the rest of the ordinance provisions and demonstrate compliance with the variances to the extent they were granted. Those plans that had already been done had not been reviewed. What they reviewed was not just a listing of your variances, but it was compliance with the conditions of the variances you received and compliance with the rest of the big book as Priscilla said, of codes and ordinances. That review was more complex because there was more information on the plans, some of it correct, some of it not quite correct yet, hence the review letter. That second review was more complex because there was more layers of information to review. Mrs. deLeon said because of the ZHB. Ms. Stern Goldstein said yes.

Attorney Treadwell said can he try to simplify this by asking a question. Were the 2019 plans you reviewed identical to the 2016 plans? Ms. Stern Goldstein said there were excessive revisions.

Mr. Banonis said in 2019 you were familiarized with this project and what was being proposed based upon the work that you had done in 2016. Ms. Stern Goldstein said correct. Mr. Banonis said the amount of work you had to do in 2019, you didn't have to get up to speed on this, you knew what some of the issues were and that was submitted in 2019 was really addressing some of those concerns you had raised in 2016. Ms. Stern Goldstein said correct except it was a whole different plan. There were now houses and structures and impervious surface and different grading. There were a lot of different things that were added to that which were not on before because they didn't exist on the plan yet.

Mr. Banonis said what you did in 2019 didn't have a level of complexity to it. What he's trying to understand is why the time that was spent in 2019 was considerably more than what was spent in 2016. He asks that because you are already familiar with this project and the location, and the applicant and her engineer. It just seems that he has to question why it's so much higher when you were already working on this project recognizing that it's a different set of plans, but at the same time, it doesn't seem to be consistent with the nature of the billing.

Ms. Stern Goldstein said the time spent on the initial review wasn't really getting up to speed on the project and they are very familiar with the ordinance and the time on the initial review wasn't just to get up to speed on it either, it was review in the content of what was on the plan and they needed to review all the impervious again. They had to look at her impervious surface calculations, and natural resource calculations as they had all changed and her layer of information changed so they had to look at that again. It wasn't a matter of getting up to speed.

Attorney Treadwell said is it fair to say that the 2019 plan was a completely new submission. Ms. Stern Goldstein said yes it was. Attorney Treadwell said did the 2016 plan have any improvements on it or did it just show the one lot as a vacant lot. Ms. Stern Goldstein said she believes it just

**General Business & Developer Meeting
February 5, 2020**

showed the one lot as a vacant lot and that was the major comment they had. Attorney Treadwell said the 2019 plan then showed a house, driveway, and other improvements on what was previously a vacant lot. Ms. Stern Goldstein said it necessitated review for compliance of those issues.

Ms. Henig said the house was on the original plans, everything was on the original plans. Attorney Treadwell said he recalls one of the things that happened during this entire time period was that the proposal changed because Council had originally opposed the variances you were requesting from the ZHB and the proposal changed to lessen the relief that was needed. That necessitated a change in the plans to show we've shrunk the size of the house or the driveway or whatever it was that changed, moved the location of the house wherever it was, so the second review of the plans, although everybody is familiar with the property, nobody has yet seen what the new proposal is. Ms. Henig said the engineers were involved in those changes, so we had staff meetings together. Attorney Treadwell said discussing it is different than reviewing what's on the paper set of plans.

Mr. Banonis said as part of your review, you looked at the impervious coverage issues, were those issues complicated by the Township road that went through the middle of the property. Ms. Stern Goldstein said the road itself did not complicate the issue, it was the nature of the individual lots and improvements that existed. Mr. Banonis said was the road used as part of the calculation of impervious coverage on either of the plans. Ms. Stern Goldstein said it wasn't, because when they were showing the subdivision, which would be a road right-of-way which is deducted and not counted against her. She was not penalized for the roadway. Mr. Banonis said you didn't have to look at the roadway and consider that. Ms. Stern Goldstein said no.

Attorney Treadwell said part of the issue with this project was that the vacant piece of ground on the opposite side of the road from where Ms. Henig lives would not support a house under our zoning ordinance regulations. When you took out the steep slopes and all the other things, the natural resource protections, you can't put a house there which is why she went to the ZHB to ask for relief to be allowed, if the subdivision went through, and that was then created as a lot to be allowed to build something on that lot. That's one of the reasons why when Ms. Henig mentioned she went to the County and the County said you need to go back to the Township and follow their regulations, it's because if the County had said that it's a separate lot allowing it to be sold to a third party and the third party came into the Township and said they want to build a house there, the answer would have been sorry, you can't. Then you have that third party saying well how the heck was it allowed to be a lot and sold to me when you can't build anything on it, so it was a very complicated project.

Mr. Kocher said looking at their time, the 2019 plan was a much different plan than the 2016 plan; however, looking at what Jason's comment is, we don't look at the zoning aspects, that's why their 2019 time is about half of the 2016 time. They didn't start the review from scratch; they looked at what was different, which was all the development on the lot across the street. If you remember looking at the P/C minutes, stormwater was a very large concern of the P/C and that's one of the things we look at. Attorney Treadwell said in fact, stormwater is still a very large concern of the P/C. One of the conditions of the P/C's recommendation to approve the subdivision was that further stormwater analysis be done, so unfortunately, for Ms. Henig this is not the end of the review fee saga because he's assuming Mr. Mease's plans that he attempted to submit have stormwater changes on them that will need to be looked at.

Mr. Kocher said looking at their invoice from 2019, they did have a lot of conversations with Mr. Mease on some of that aspect, and that's to minimize future costs for future grading plans on that lot. Since they've already gone through the stormwater design on the subdivision, they say that will then be the future grading plan and Scott Mease needs to understand that.

Ms. Henig said she doesn't understand that when an applicant goes into this, why they don't know what the charges will be. The reason she's here in front of elected officials is because there's

**General Business & Developer Meeting
February 5, 2020**

absolutely no advocacy and no explanation and disparity. Applicants just continue to feel that it's out of their hands and they are only here to pay. She wouldn't be here if this didn't have a lot of legitimacy in regards to duplicity and it's extremely frustrating and it's not just her as you wouldn't have put that committee together those years ago.

Mrs. deLeon said they were looking to increase the businesses in the Township. Ms. Henig said it talks about a minor subdivision, that's her. Mrs. deLeon said that's part of it. Mrs. Yerger said the one thing we can't do is a template for what every subdivision or minor subdivision is going to look like. Every piece of property is different, one has their challenges or their benefit so there's just no way to tell you it's only going to be so much as far as time. Very honestly, yours was a very challenging parcel and that's not an excuse, it had a lot of issues.

Mr. Banonis said he'd like to respond to that point and that is if you look at the invoicing, August 5, 2019, 5.5 hours reviewing the subdivision plans. The following day, review of revised subdivision plans 3.0 hours, one week after that August 13, 2019, finalize review of plans 2.5 hours. Looking at the next invoice September 29, 2019, during that time, there's a total of 10.75 reviewing the plans. The same thing back in 2016, 3.75, 1.25, 1.75 hours, so there's another 6.75 hours. In total, there were 17.5 hours in reviewing the plans. He recognized there were multiple plans submitted here, but our engineers need to have a level of expertise and confidence and efficiency so that people like this who come before us and want to accomplish things in the Township are dealt with fairly. He's not faulting the work that was done here necessarily, but at the same time we need to consider the duplication of effort and perhaps the excessive amount of time that was spent on these sorts of projects because this is a resident. This isn't a developer who's coming in here who has a deep pocket. This is an individual who is coming in because she's trying to accomplish something with her property and in doing so, finds out there's a public roadway that goes across her property that has an effect upon it. He's going to make a motion that we reduce the billing that was submitted to Ms. Henig by 50% and to pay the Solicitor the full \$292.50 as there doesn't appear to be any duplication on his part. She was billed \$1,610.20 by Boucher & James and \$536.25 by Hanover and proposes we reduce the bill to \$1,073.23. He thinks that's fair to this person. He recognizes that the term engineering by Township where an applicant will come in and they will rely upon the Township's engineer to do the work for them and they will basically respond and that's how they go about doing it. He doesn't know if it happened here or not as he doesn't have that information. He does have the bills which jumps out at him it took five more hours in 2019 and that there was a total of 22.5 hours spent on zoning.

MOTION BY: Mr. Banonis moved that the Township reduces the billing that was submitted to Ms. Henig by 50% and to pay the Solicitor the full \$292.50. Boucher & James billed her \$1,610.20 and Hanover \$536.25, so reduce the bill to \$1,365.73,

Mrs. deLeon said she was here for a lot of this stuff and it was a very complicated process. She doesn't think there's another road in the Township that has a freaking road going thru it. It was there when she bought the property. She asked what year she bought the property. Ms. Henig said 2000. Mrs. deLeon said you knew that road was there. You knew you didn't own it. Ms. Henig said she probably didn't understand it as well as she does now. Mrs. deLeon said that's not our problem and it was a complicated process. It wasn't the same plan in 2016 as it was in 2019. She was here, she doesn't see it that way.

Mr. Carocci said he sees Ms. Henig's point and he sees Mr. Banonis' point. She's not a developer and is a taxpaying resident of LST. They don't have any advocate in this process. The Township is their clients, not Ms. Henig. It seems open ended and there doesn't seem like there's any protection for the Township resident. He thinks the whole thing needs to be looked at, not just Ms. Henig, but the engineering and nobody audits these or looks at how it's being treated. It's a different story if it's a developer, but he has a problem when it's an individual taxpayer who is not getting satisfaction and is going through years and he understands part of that problem is her engineer she hired, but he's not happy we have a Township resident with these complaints and has to go through this process. There is very little detail in the invoices as what Jason read in

**General Business & Developer Meeting
February 5, 2020**

reviewing the zoning plans, how do you even audit something like that. There's no detail and this is an individual citizen.

Mrs. deLeon said her heart goes out to her as a resident and a developer, but to her, if you are a developer or a resident, you are still developing a lot. We have rules, we pass resolutions with cost per hour and that's all public information. It was very complicating. They are suggesting a refund, maybe you should ask your engineer for a refund because he was part of this process too.

Mr. Carocci said maybe we should ask Hanover and B&J to refund it. Ms. Henig said she doesn't have an issue with what Scott Mease has produced and he actually does detail billing. Mrs. deLeon said if he would have given us a plan that meets all the regulations, there wouldn't have been 23 items of issues.

Mr. Carocci said he'd like the motion to be that Township Council sends a letter to Hanover and B&J. Mrs. Yerger said we have one motion on deck. Mr. Banonis said he stands by his motion. Attorney Treadwell said all of them have been paid those amounts so you need to include that's either coming back from the party that received the payment or the Township. Mrs. deLeon said what about the escrow, is it up-to-date. Ms. Henig said it has a negative balance. Mrs. deLeon said that's not right either. Everyone has to have it up-to-date, we don't make exceptions.

MOTION BY: Mr. Banonis moved that the Township reduces the billing that was submitted to Ms. Henig by 50% and to pay the Solicitor the full \$292.50. Boucher & James billed her \$1,610.20 and Hanover \$536.25, so reduce those bills to \$1,365.73, which would leave \$1,074.24 and that would be reimbursed from the Township without seeking reimbursement from Boucher & James and Hanover, but by being here at this meeting they'll notice the concerns that have been made by Ms. Henig and that this sort of undertaking will be reviewed with scrutiny from Council going forward.

SECOND BY: Mr. Carocci

ROLL CALL: 2-2 (Mrs. deLeon and Mrs. Yerger – No) Motion failed.

MOTION BY: Mr. Carocci moved that the Township Council simply sends a letter to the engineers and planner asking them to reimburse the 50% and they can do it or not do it.

SECOND BY: Mr. Banonis

ROLL CALL: 2-2 (Mrs. deLeon and Mrs. Yerger – No) Motion failed.

Mrs. deLeon said this would set a dangerous precedent because there's a lot of people that might be unhappy with the way a process went and may come back and we'd have people standing at the door. Ms. Henig said she's sorry for that as she's the one that it affected. It is two people out of four that agree with her. At the very least moving forward, she shouldn't be charged anything and she will go to the State and ask them about this. Mr. Carocci said you should go to the state and tell them we've been electing fuel tax for that road and the Township should return it.

MOTION BY: Mr. Banonis moved that Ms. Henig be not required to bring her escrow current and that she should not be charged for the next review.

SECOND BY: Mr. Carocci

ROLL CALL: 2-2 (Mrs. deLeon and Mrs. Yerger – No) Motion failed.

Mrs. Yerger said she feels very badly for her. Ms. Henig said then why are you voting against her if you don't believe in it. Mrs. Yerger said because she doesn't have concrete proof that those reviews were not sincere so that's exactly why she's doing it. If she does it for Ms. Henig, then anybody who questions it...Ms. Henig said can you at least comment to the residents that you'll inspect things. Mrs. deLeon said we do that automatically. What do you mean? Ms. Henig said the invoices she's getting you can see, they are not detailed. They are disparate, there's no representation for the resident. Mr. Banonis said there's no opportunity for anyone to raise a grievance. Ms. Henig said they can charge her a million dollars and she would have to pay it. Mrs. deLeon said everyone's invoices should be more detailed. Mrs. Yerger said she has no problem with that. If you want to make a motion to that effect, that's fine to ask our engineers and our planner to have more detailed invoices per each resident. Ms. Stern Goldstein said they can

certainly comply with that. Ms. Henig said someone in the Township should look at the disparity of time that has taken place and standardize what is the activity. No one is saying to the engineer, here's a few things that changed on Ms. Henig's plan, it's go ahead and do a full review again which is duplicate as to what was done in 2016. Attorney Treadwell said the issue with that is who is the expert on the Township staff that can say that to the licensed engineer. Mrs. deLeon said that's why we hire them. Attorney Treadwell said the licensed engineer is going to know more than whoever is on the Township staff that looks at the plans. It comes down to an issue of do we trust the people that we hired to do what they are supposed to be doing and if we do, then okay, and if not, then we make a change. The other issue is that there is a procedure under the Municipalities Planning Code (MPC) to challenge review fees. It's not a simple one but there's a procedure. Ms. Henig said she didn't know that. That's why she's here because no one could help her at the Township. Attorney Treadwell said it involves getting a third party engineer who says that's reasonable, that's not reasonable. Ms. Henig said her engineer is not here and he did say that. Attorney Treadwell said when it's the Township engineer and your engineer, we need someone independent, that's the procedure, to say this person's right, this person isn't. Ms. Henig said if she does get that, would it be considered. Attorney Treadwell said that's binding on everybody. It has nothing to do with the Township. Ms. Henig said this is the first time that was explained to her having a third party engineer review their bills and what they've done. Attorney Treadwell said it's a process. Ms. Henig said she inquired and was not informed. Mrs. Huhn said she believes she and Jim Young did say you have the rights within the MPC, but they didn't go into detail. Ms. Henig said you asked her to go to them, but they didn't tell her that. Mrs. Huhn said she doesn't know the whole procedure, but it is within the MPC that you have that right and we did explain that. Mrs. Huhn stated just for Council's piece of mind, when these invoices come in, they are reviewed. She has called Judy and Brien and we have questioned invoices to the best of our ability, but we don't know how much time it takes them to review. The invoices are not just stamped approved and passed on to residents. Mrs. deLeon said we are not comparing apples to apples as the 2016 plan and the 2019 plan was extensive and much more different. Ms. Henig said it wasn't more extensive as they had already reviewed the first whole plan. Mrs. deLeon said there was all this extra stormwater, impervious and all that stuff; and that all takes time to get recalculated. Ms. Henig said she's gotten nowhere, she realizes that. She doesn't feel no better and there will be other applicants after her that will feel the same way, so she's imploring Council to make change and try to do the right thing as she doesn't feel that was done in this case. Mr. Carocci said this change will be considered. Ms. Henig said thank you.

B. AT&T WIRELESS CELL TOWER – 1995 LEITHSVILLE ROAD – REQUEST EXTENSION OF TIME TO SATISFY CONDITIONS OF APPROVAL

Mrs. Yerger said the applicant is seeking an extension of time to May 31, 2021 to satisfy their conditions of approval granted by Township Council on September 19, 2018.

Kate Durso with Fitzpatrick, Lentz and Bubba was present. She said they got approval from the ZHB for a special exception and setback variance to allow for an extension of the height of the existing tower at the Leithsville Fire Company. The applicant failed to commence the construction and improvements within the required timeframe set forth in the site plan approval and the ZHB approval, so rather than having to refile the site plan and go through and get the same ZHB approval, they are seeking an extension of time for them to be able to commence the construction.

Mrs. deLeon asked if this was the first extension. Ms. Durso asked time or tower extension? Mrs. Yerger said we had a tower extension request, now we have a time extension. Mrs. deLeon asked what caused the delay. Ms. Durso said basically from the carrier standpoint, they put some of their sites on hold to concentrate on some of the newer towers they needed to build. Mrs. deLeon said those 5G things. Ms. Durso said for this one specifically they are extending the height to put additional antennas at the top and if you remember what had happened previously, T-Mobile had gotten an extension, so this is to extend above that. It is to get to the 5G and it might be 6G by the time they go. This one was just for antennas. When this was originally approved, the 5G wasn't

**General Business & Developer Meeting
February 5, 2020**

really known, now it's the 5G. The applicant failed to do it within the timeframe and they brought it to her attention.

MOTION BY: Mr. Carocci moved for approval of the AT&T Wireless Site Plan and Zoning approval conditions to May 31, 2021

SECOND BY: Mrs. deLeon

ROLL CALL: 4-0

IV. TOWNSHIP BUSINESS ITEMS

A. SEIDERSVILLE HALL WINDOW REPLACEMENT – AUTHORIZE BID ADVERTISEMENT

Mrs. Yerger said the Township received grant funding for improvements to Seidersville Hall. One component of the work is replacement of the windows in the building. Staff is requesting authorization from Council to advertise the project for bidding.

Mrs. Huhn said there is the draft bid document which has the highlighted areas for the dates we are picking for the pre-bid meeting and the actual advertisements. Ms. Stern Goldstein has worked on this with the Township staff. We've come up with the types of window specifications that we had discussed with Council and the number of windows. We have removed the two front basement widows facing Old Philadelphia Pike for this bid, as we spoke with Public Works and we are going to them replace them. They are not a window that is difficult to replace, that they would need a contractor to replace. They are not historic and we need to look if we are going to replace both of them or use one for the ventilated windows; the rest of the windows are as described in the bid packet. Council would need to authorize the advertisement and move forward with that.

MOTION BY: Mr. Banonis moved for approval to authorize advertisement for bids for the replacement of windows in Seidersville Hall.

SECOND BY: Mrs. Yerger

ROLL CALL: 4-0

B. WOODLAND HILLS PRESERVE STREAM RESTORATION & BUFFER REPLANTING PROPOSAL PROVIDED BY ARCHEWILD

Mrs. Yerger said ArcheWild has prepared a proposal to implement a reforestation strategy called Applied Nucleation at the Woodland Hills Preserve for the Stream Restoration & Buffer plantings as proposed. Mrs. Huhn said Ms. Stern Goldstein has been working with ArcheWild and can explain their applied nucleation proposal.

Ms. Stern Goldstein said it's very environmental. The reforestation program they had designed for the park was a good and valid plan. The contractor who ended up winning the award had some suggestions and they were a very reputable firm and do some good work and we worked with them on accommodating some of those suggestions on different plants at different areas. Unfortunately, they are the ones with the higher death rate and didn't survive. Over the growing season, it was very wet. They knew they were responsible for replacing as it's part of the contract. We don't like when stuff is out there dead. During the process, the owners of ArcheWild came up with some thoughts on doing some studying on woodland reforestation for riparian corridor reforestation and they are very academic in the way they are approaching this and they'd like to use this site as a test to do an academic study. Essentially it would be nine years to go through the maintenance on this and they want to do a planting and they applied nucleation. It's really clusters, groups of smaller plant material, all the same size, very standard in the way they are going to do it, deer protection around large groupings as opposed to individual plantings, so again, higher survivability. The long and short of it is no cost to the Township. The Township will still be having the guarantee that ArcheWild will meet the terms of the original contract in the number of types of plants being proposed. They are going to maintain it over the course of their study and the greater good of the knowledge going towards the planting and design of the community and environmental people, but then recognition of the Township for participating in the study. Woodland Hills has already been featured in several seminars and conferences, and it will be the topic of many more conferences. It's something that the Township can be out in front of this, have it done for free, and reap the

**General Business & Developer Meeting
February 5, 2020**

benefits in the riparian corridor plantings. Mrs. Yerger said it's also highlighted by DCNR and they have actually put out a pamphlet on Woodland Hills on guiding municipalities on what they should be doing especially with former golf courses. It's considered an A+ project that was accomplished with DCNR funding. They are very proud of it and what we accomplished.

Ms. Stern Goldstein said in addition to the acquisition funding from DCNR, the Township also had some funding for the management plan. Mrs. Yerger said you can google Woodland Hills and it will come up and you can see it was spoke about it at conferences, seminars, etc.

Ms. Stern Goldstein said one of the things she's a stickler on is contractors meeting the terms of their contract and fulfilling all parts of it. In the end we're going to get more than they were required to give us. She asked if the motion could be conditioned on the recommendations they have on their memo as there were some things that still had to be worked out and they are itemized in their memo of January 30, 2020.

MOTION BY: Mrs. deLeon moved for approval of the proposal for replanting at Woodland Hills Preserve submitted by ArcheWild subject to the outstanding conditions in Boucher & James memo from January 30, 2020..

SECOND BY: Mrs. Yerger

ROLL CALL: 4-0

C. COUNTY OF NORTHAMPTON – 2021 MUNICIPAL SOLID WASTE MANAGEMENT PLAN

Mrs. Yerger said Northampton County is revising their current Solid Waste Management Plan and is seeking comments from each municipality on their 2021 Solid Waste Management Plan. The Manager will review Lower Saucon's survey results with Council and provide suggested comments.

Mrs. Huhn said the information provided was a lot of municipal survey results and information that the County has been putting together to revise their Solid Waste Management Plan. She did take the time to review f the statistics they had for LST and she sees a couple of revisions that she'd like to send them, specifically regarding the survey responses which she reviewed with Council. There were also municipal survey results where a revision was made.

Mr. Banonis said on page 6 that we do not have a list of waste haulers but on page 7 there are five names that are listed there. How do we know that those are the waste haulers that are registered. Mrs. Huhn said they are just some of the major waste haulers we have that we know residents have contracted with. They didn't ask for a complete list of everyone. There's maybe a dozen that collect, but they are not licensed through us. We can check with DEP to see if they are licensed and review that. Council directed Mrs. Huhn to respond to Northampton County.

D. LVIP VII LOT 54 – 1405 EASTON ROAD EXPANSION – PRELIMINARY/FINAL LAND DEVELOPMENT PLAN

Mrs. Yerger said the Township received preliminary/final land development plans from the City of Bethlehem for an expansion on LVIP VII Lot 54 – 1405 Easton Road. Council may wish to have the plans reviewed by our consultants.

Mrs. Yerger said from the plan her only concern is it looks like they are going to be exiting on Easton Road. Attorney Treadwell said it's an existing lot that they are adding on to the building. It looks like there's already an entrance on Easton Road and this looks like a new second one. Mrs. Yerger said it looks like they are adding a second entrance and exit on Easton Road. The addition is larger than the original building, so it's going to increase traffic.

Mrs. deLeon asked who promised us a traffic study. Ms. Stern Goldstein said Kerry Roble. Attorney Treadwell said he doesn't remember which project it was, but we can certainly call the City of Bethlehem and see if they got one for this. The question for tonight is do you want Brien or

**General Business & Developer Meeting
February 5, 2020**

Judy to look at this plan for any reason. Mrs. deLeon said she's concerned about the traffic. Attorney Treadwell said maybe the first thing we need from the City of Bethlehem is the traffic study as Judy and Brien aren't going to be able to tell anything by just looking at the plan.

Ms. Stern Goldstein said there's nothing she would add to this as it's not in LST and it's an industrial thing. The general planning comments, there would be nothing to comment on, it's just a simple building addition that doesn't follow your rules and regulations and she will not comment on the traffic, so she's out of the picture on that one. Attorney Treadwell said let's see if there is a traffic study and if we have any questions, we can ask Brien. Mrs. deLeon said don't they normally have to have a traffic study. Attorney Treadwell said he doesn't know what Bethlehem's regulations are.

E. AWARD OF SALE OF TOWNSHIP PROPERTY – 2008 DODGE DURANGO AND 2008 FORD CROWN VICTORIA

Mrs. Yerger said the 2008 Dodge Durango and 2008 Ford Crown Victoria were advertised for sale in accordance with the Second Class Township Code, and was offered through Municibid. The bidding closed on Monday, February 3, 2020 at 9:00 a.m. The Manager will review the bids with Council.

Mrs. Huhn said she did bring this back because we had two bidders who never picked up the vehicles and since placed it out for a bid again and two more people had said they are interested. The 2008 Crown Victoria high bid was \$1,800.00 from Michael Davies and the 2008 Dodge Durango high bid was \$1,212.00 from Jeffrey Scofield. If Council is acceptable of those bids, we will contact them and have the vehicles picked up.

MOTION BY: Mr. Banonis moved to approve the sale of the 2008 Dodge Durango to Jeffrey Scofield for \$1,212.00 and the sale of the 2008 Ford Crown Victoria to Michael Davies for \$1,800.00.

SECOND BY: Mrs. deLeon

ROLL CALL: 4-0

Mrs. deLeon said while she's thinking of it, can we put the LVIP VII Lot 54 on the SVP agenda. Mrs. Huhn said sure.

F. HELLERTOWN AREA LIBRARY – BOARD OF TRUSTEES APPOINTMENTS

Mrs. Yerger said due to a resignation and the annual rotation with Hellertown Borough, the Hellertown Area Library Board has vacancies. Upon recommendation by the HAL Board, the Manager is presenting the appointment of Township resident, Janie Hecker, for Council approval to replace Kathy McGovern's seat on the board with a term expiring on December 31, 2020. The Manager is also presenting the appointment of Township resident, Jane Styer, for Council approval, with a term expiring on December 31, 2023.

Mrs. Huhn said these have been reviewed by HAL and the appointments are on a rotating schedule. It rotates four for LST and then five for HB, then it switches back and forth. Mrs. deLeon said did we receive a letter of resignation from Robin for Kathy McGovern. Mrs. deLeon said we should send her a letter of thanks for serving. Mrs. Huhn said we'll take care of that.

MOTION BY: Mrs. Yerger moved for approval to appoint Janie Hecker to the Hellertown Area Library Board of Trustees, with her term expiring December 31, 2020; and to appoint Jane Styer to the board with her term expiring on December 31, 2023.

SECOND BY: Mr. Banonis

ROLL CALL: 4-0

G. GUIDERAIL PURCHASE AND INSTALLATION AT READING DRIVE AND AT WALDHEIM & APPLE'S CHURCH ROAD

Mrs. Huhn said the Director of Public Works has obtained quotes to have guiderails installed at these two locations. The guiderail at Waldheim & Apple's Church Road is to replace damaged guiderail. This area gets hit quite often. The other quote for installation at Reading Drive is for new guiderail and is necessary during the proposed streambank restoration that is scheduled for this

**General Business & Developer Meeting
February 5, 2020**

spring. The new guiderail at Reading Drive will cost \$3,324; and for the replacement guiderail the cost is \$365. If we don't replace the guiderail at Waldheim and Apples Church Road, then this will cost \$1,485. It's a substantial savings if we do them both at the same time. We have been working on the stream restoration and Mr. Kocher has been working closely with Mr. Rasich in accomplishing this. This guiderail is to be placed for the safety of the public as the streambank restoration occurs and this can be removed and reutilized, so we won't have to replace it again.

MOTION BY: Mr. Banonis moved for approval to purchase the guiderail at Waldheim and Apples Church Road at a cost of \$365 and reading Drive at a cost of \$3,324.

SECOND BY: Mrs. Yerger

ROLL CALL: 4-0

V. MISCELLANEOUS BUSINESS ITEMS

A. APPROVAL OF JANUARY 15, 2020 MINUTES

MOTION BY: Mrs. deLeon moved for approval of the January 15, 2020 minutes.

SECOND BY: Mr. Banonis

ROLL CALL: 4-0

VI. PUBLIC COMMENT/CITIZEN NON-AGENDA ITEMS

➤ Mrs. Donna Louder asked for an update from the Fire Service meeting that was held last night, for Steel City Fire Company specifically. Mr. Carocci said they are putting the call stats together for the 1Q and they've done that annually. The truck is being repaired and it's taking longer than they thought. Mrs. Huhn said they mentioned 60 days until they get the actual procedure of how they are going to go about it, so we hope to hear something back from them within 60 days. Mrs. Yerger said it won't actually be started until probably closer to April. Mrs. Louder asked how the truck is being repaired. Mrs. Yerger said that's why it's taking longer because Toyne is looking at different options. Mr. Carocci said they didn't have a picture of it. He would have liked to see something like that. Mrs. Louder said her understanding is that truck is not coming back. Mr. Carocci said that's not what they said. Mrs. Louder said it's not coming back the way it went. It's coming back without the water on it, is her understanding. The reason she's asking about Steel City is they have four members. They may have a roster with firemen on it, but they are all from Freemansburg. The number of calls in the Township she's not 100% sure, but looking at the state fire commissioners site for 2019, Steel City had 86 calls. When was the last time there was training at Steel City and did anybody ever have a submission of the recruitment plan that the Township paid \$5,000 for. This Township has given Steel City over \$750,000 in the past 14 years. It does not have a fire truck. The firehouse itself is in need of some repair. Everybody received an envelope today looking for donations for the fire company. She received phone calls. She doesn't know how to direct the residents of Steel City, can somebody help her out. Right now we're dependent on LS16 and also dependent on Freemansburg first because they are closer. These are tax dollars people are paying toward a fire service and we're not receiving one for our money. We are not sending our money to Freemansburg. We have LS16 jumping at the bit. This has been going on for quite a while. That truck went out of service back in January 2019. This is not a personal attack on anybody. What this basically is, let's get this fire company put back together so that we can give it back to the community the way it belongs and be part of the community again. This is not a good situation at all because response time with all the heavy traffic, good luck.

Mr. Carocci said he attended his first meeting last night, learning and getting more involved in what the fire departments are doing and he has some of the same questions she has. There's data and information that Leslie has and he plans on going through and looking at. Mrs. Yerger said they are looking at "out of" and "in" municipal calls. Mrs. Louder said LS16 had 705 calls in 2019. Steel City had 86 and she doesn't know how many of those calls were within LST. Mrs. Yerger said there are calls and then there are calls where they actually go to the calls, and one they sort of think about going but don't go. We are trying to figure out what it all means. Mr. Banonis said you had mentioned 705 calls made by LS16, how many of those were within the Township. Mrs. Louder said she has no idea. Mr. Banonis said he shares her concerns. Given where Steel City is located, fire services are not an easy accessible point and there is merit for what you are

**General Business & Developer Meeting
February 5, 2020**

bringing to our attention and he thanks her for that. Mrs. Louder said she'd like to see that company restructured is what needs to be done so that it is functioning again. You only have four members, and she doesn't know how that can even be considered a volunteer fire company based on by-laws. Mr. Banonis said he doesn't think we have the authority or ability to mandate this. Mrs. Yerger said they are an independent non-profit and we can't make them do that. Mrs. Louder said the Township has given this fire company \$750,000 over the past 14 year and this is what we have. That's food for thought.

VII. COUNCIL & STAFF REPORTS

A. MANAGER

- Mrs. Huhn said the Special Events Mr. Banonis mentioned were reviewed by P&R have been approved and also reviewed and approved by PW, PD, and Zoning. The Lamprey Systems is the Town Hall Cyclocross on September 19, 2020 and the SVC's Art Festival is June 6, 2020.

MOTION BY: Mrs. Yerger moved for approval of the two Special Events Applications for the Lamprey Systems and SVC's Art Festival and waiving the \$25 fee.

SECOND BY: Mrs. deLeon

Mrs. deLeon please put in the SVC's letter to not move the rocks. Mrs. Huhn said we do every year.

ROLL CALL: 4-0

- Mrs. Huhn said there's a resume in your folder from Jonathan Mull who is interested in serving on the Township's Pension Committee. We currently have a vacancy for a resident representative. His background is as a Financial Advisor.

MOTION BY: Mrs. deLeon moved for approval to have Jonathan Mull to be appointed to the Pension Committee.

SECOND BY: Mr. Carocci

ROLL CALL: 4-0

- Mrs. Huhn said we received notification we were awarded the Commonwealth Financing Authorities grant in the amount of \$50,000 for the Heller Homestead windows project. We will place this on a Council agenda for a discussion regarding recommendations for the types of window you'd like to have installed. The last time we looked at this there are six different varieties of windows in this little building.
- Mrs. Huhn said regarding our Police Administrative Clerk position, previously we had a clerk in the Department who left the Township a couple of years ago. At that time we were conducting the PD study by Matrix so we held off hiring that position. The study recommended only one administrative or secretarial support member for the department. In the meantime, Julie Haekler, who has been our Township PD Clerk has been doing the job. She's been with us since January 2008 and has been working her assigned duties as the Clerk Typist and some of the aspects of the Administrative Clerk position. Pursuant to the Non-Uniformed Contract, there is a provision in there that we were able to pay her a blend of rate between those two positions. She has been getting that and performing the duties wonderfully. She's very good at what she does and is very efficient. What we've done is post the position per the contract to see if anyone was interested in it, because it's been a couple of years she's been doing this two-fold position and it's not fair to her. She put in for it and the Chief has interviewed her and she passed with flying colors as she knows what she's doing and he has made the recommendation he would like to promote her to the Administrative position. We are promoting her and would like to start her at the two-year salary defined in the contract at \$23.21 which is raising her to that next level. It's not to the highest tier of that position. We'd like to make it effective February 3, 2020 and then review her next rate of pay increase on her next anniversary date which is January 2, 2021. If you have no issues, we will notify Julie. It will be a great benefit to the Township.
- Mrs. Huhn said the EAC held their reorganization meeting in January and Mrs. Yerger was appointed as Chairman and Haz Hijazi was Vice Chairman and in accordance with our Township Code, Council would need to ratify those positions.

**General Business & Developer Meeting
February 5, 2020**

MOTION BY: Mr. Banonis moved for approval of the appointments to the Environmental Advisory Council as stated by the Manager.

SECOND BY: Mrs. deLeon

ROLL CALL: 4-0

B. COUNCIL/JR. COUNCIL

Jr. Council – No report

Mrs. Yerger – No report

Mrs. deLeon

- She was thrilled that Preservation PA included the Meadows Road Bridge on their 2020 At Risk list.
- She was asked to attend the PSATS Boot Camp the last week of January to participate in a panel discussion and it was very interesting and she met some new inductees.
- She said it's been awhile since we heard from the County on the pipeline. She asked to send another email and find out the status, maybe we'd have an answer for our SVP meeting.
- There were more odor complaints in Steel City and today we received an inspection report and it talked about overweight trucks, leachate seeps and some violations were resolved.
- She attended the Small Business Round Table event in January and the next Round Table is on Monday, May 11th from 5:30 pm to 6:30 pm and our Police Chief will be there with Hellertown's Chief.

Mr. Carocci

- He said regarding our agenda, we have public comment at the end, he would like to give preference to public comment in the beginning to Township residents, and if there are non-residents who want to make comments, that they would comment at the end of the meeting. He doesn't think it's fair for a Township resident to have to wait until the end. Mrs. Yerger said we did that in the past and changed it but for Developer items, sometimes people pay an attorney to represent them, so sometimes public comment takes one-half an hour. Mr. Carocci said he thinks if the meeting starts at 7:00 p.m. they shouldn't have to sit around until 9:00 p.m. if they have a comment and it doesn't pertain to any business items. Mrs. Yerger said so you want public comment up front before everything else. Attorney Treadwell said he thinks he's saying if you put Public Comment – Residents after Developer Items, so that satisfies people who are paying attorneys to be here and don't have to sit through that; and then have Public Comment – Non-Residents at the end, it allows people who are residents not have to sit through what may be three hours of tedious discussions. If they are here to comment on an item on the agenda, then they would do it at the end. He wants to make it easier for Township residents to come and speak their mind and then leave. Mrs. Huhn said we have a current Public Comment policy which she can provide. Mrs. Yerger said we can bring that back as an agenda item and then incorporate what we want and then we'll have a full policy. Attorney Treadwell said if you want to make a motion to change the agenda without the substance of the Public Comment policy but to change the next agenda to do it that way, then go ahead and do it.

MOTION BY: Mr. Carocci moved to change the agenda for the next public meeting as stated above by the Solicitor.

SECOND BY: Mr. Banonis

Mrs. deLeon said we open it up to the floor, and not a lot of people do that as they have public comment in the beginning. How do you know what you are going to discuss if you haven't even heard it yet. Mr. Carocci said be accommodating to the Township residents.

Mr. Banonis said under the Miscellaneous Business Items, would it be too onerous for Cathy Gorman to generate for us an updated budget report. We are going to come up with a budgeting process in a few months and he recognizes that we have different sources of revenue that come in at different times throughout the year and different expenses so it may not be entirely accurate, but it may be helpful to Council as stewards of the Township to see where we are every time we meet in terms of revenue and expenses so we have an account of that. It may be good so we can identify anything that jumps at us. Mrs. Huhn said she can speak to Cathy tomorrow. She asked if he was

**General Business & Developer Meeting
February 5, 2020**

looking at every agenda as the Financial Report is brought to Council once a month because of the timing of revenue coming in and expenditures going out. Mr. Banonis said maybe once a month would be better. Mrs. deLeon said we do that already, and have the percentages broken down. Attorney Treadwell said he thinks he's looking for a year-to-date. Mr. Banonis said exactly. Mrs. Huhn said they will put that together and have it for the next meeting. Mrs. deLeon said what happens is she does a quarterly or six-month report and there's a policy for financial reporting. Mrs. Huhn said she can provide that to Mr. Banonis and Mr. Carocci.

ROLL CALL: 4-0

Mr. Banonis

- He attended the P&R meeting on Monday. Dave Spirk was appointed as the Chair and Tom Butera as the Vice Chair. They've both done a nice job with the P&R. Among the topics that came up were some issues with crime at Polk Valley. There's some talk of wanting to install security cameras. There is an average of 12 – 13 break-ins in vehicles, so that may come before us at some time to fund them. The Chief is looking into some different options.
- The P&R will be hosting some of their meetings at different parks. The May 4th meeting will be at Woodland Hills, August at the Heller Homestead. They had inquired if they could possibly get access to the HH building for the purpose of hosting that meeting. Mrs. Huhn said we sent an email to Roger Jurczak and requested that. Mr. Banonis said in September the meeting will be at Polk Valley Park. The Board had a question, for some of their members they generally like to meet in person, but some have family commitments that require them to be away and wanted to know if it's permissible for them to participate either by phone or video conference in that meeting. Attorney Treadwell said yes, as long as they can fully participate and they can hear what's being said and people at the meeting can hear them and there's full participation for the length of the meeting, then that's fine. Mr. Banonis said can they be remote and still meet their quorum. Attorney Treadwell said they can be remote and meet their quorum, they are a recommending body anyway.
- He said they had two applications, one for the SV Arts Festival on June 4th and suggested waiving the \$25 fee and the other one was Lamprey Systems which runs a bike race and they wanted to waive the \$25 fee.
- They inquired about constructing a snack stand at the PVP which would benefit the youth organizations at the park. Their idea is a building roughly 12'x15' and there is a well on the property, although they are not necessarily committed to having running water. There is electricity located at the pavilion so they are hoping we would support them in furthering that. They don't know if there will be any requirements for design and if we could get grant money in the design for it. They expect they can get a lot of materials and labor donated. That's something to look into as to getting the proper design approvals and funding for it. Mrs. Yerger said even a sketch plan would be helpful. Mrs. deLeon said we talked about this in the past and she didn't know if there was a well there. Once it passes and we have a stand, what requirements by the State or whatever for the food. Mrs. Huhn said it was discussed and they can't actually, without running water, cook food or have a grill. Mr. Banonis said their idea is not to have hot prepared foods. It would be more water, Gatorade, snacks, at most maybe a hot dog roller. Mrs. deLeon said there might be all kinds of licenses and insurance. She asked if the building would be donated. Mr. Banonis said they believe the materials and labor would be donated. Mrs. Huhn said we can reach out to Dave Spirk, as she asked Brenda to look up what was discussed the past year and the last thing was Dave was going to come up with a design to give to Zoning. We will see if he can do something like that. Mr. Banonis suggested that Saucon Lacrosse, Baseball and Soccer be invited to the next meeting for input as they are stakeholders in that.
- There was a question about the handicap trail at Woodland Hills not being depicted on the map that's available at the site. This should be looked into and corrected. There's reference to a red trail which was supposed to be the perimeter, but if you look at the image, it's not the actual perimeter. Mrs. Huhn said Jim Young and Brenda actually

General Business & Developer Meeting
February 5, 2020

worked on it today and he is going to send it over to Judy to drop the ADA trail in there as we don't have a program we can do that.

- He said he received an email on February 2nd from a resident complaining about disclosure by a Township Council person of a local police officer's home address. His understanding is that there's no requirement to maintain that information confidentially but certainly that's not information we turn over to the public through a Right-to-Know. He would encourage best practices that we maintain the confidentiality of our Police Officer's personal information. They are out there in the public and are targets to bad operators and he doesn't think we should jeopardize them or their families in any way. He would provide that as a reminder to Council. Mrs. deLeon said it was her, and all she merely did was put on line the copy of the court document that is for the Council vacancy which showed Linc's address, Teresa's address, and it was Donna Louder whose name was on there, it was not her husband's name. It was her address and name and it was a court document and it's a public document in the Township. She also sued the Township and had both of their names and addresses as a public document. Mr. Banonis said just to be clear, he wasn't naming names. He was simply offering it out as a recommendation and reminder to Council to be mindful of these things because of the ramifications of it. Mrs. Louder said thank you. She said Priscilla, to do a Right-to-Know for this Township, the Township would have had to legally black out her personal address. That document may be public knowledge but to put it on Facebook and share it amongst everyone else without blacking out their address, personally it was irresponsible and you should be impeached. Mrs. deLeon said what she did after she was made aware of it, she did black it out and did correct it. Mrs. Louder said her husband asked her very nicely to cover it up. Mrs. deLeon said she did. She volunteered that and he didn't have to tell me. Mrs. Louder said the comments to her husband at 8:15 a.m. on Sunday morning were extremely rude. This was not personal, this was a safety issue, you really, really need to get a grip. Mrs. deLeon said "I am getting a grip". She did that out of ...Mrs. Louder said out of what Priscilla, out of what? Mrs. deLeon said informing the residents. Mrs. Louder said if she asked for that piece of paper from the Right-to-Know, her address legally had to be blacked out, that's where you made the mistake. Mrs. deLeon said she's the one that brought it up to your husband that she would definitely blacken out the address and she did do that immediately. She didn't think she was out of line, she was very apologetic. Mrs. Louder said you were extremely out of line. Mrs. deLeon said right. Mrs. Louder said and disrespectful. Mrs. deLeon said do you feel better now? Mrs. Louder said she didn't bring it up and she appreciates Mr. Banonis did address this.
- He said he received an email on January 30th from a member of Council about concern within the neighborhood that this Council person lives in and as a result of that email, it's his understanding that the Township Engineer took certain steps. He has concerns about that. The concerns are that a single member of Council should not have the authority to engage or suggest to the engineer to partake in a course of conduct. That's something that needs to be done by a majority of Council being voted on. Mrs. deLeon said do you have that in writing. Mr. Banonis said he has an email from her that talks about having odors and the email was addressed to Council along with the Township engineer and the engineer took it upon himself to have contact with the landfill. The concern he had where he had an issue that his road wasn't plowed, he wouldn't call Roger and come over here and plow my road. It's not his purview to do that. He doesn't think that those paid and engaged in providing service to the Township should undertake activities at the suggestion of a single member of Council. He'd like to know the process so it doesn't happen again because the Township and residents are being billed for those services and those services may not be services requested by the majority of Council. Mrs. deLeon said she totally agrees and she would have never done that. She simply notified Leslie and the rest of Council, just like the Swint pictures, she sent them as an FYI, her intent was not to do anything else. Leslie got her email and she sent the email to Chris Taylor. She did not direct Chris to go out to the landfill. She would never have done that, it would go through Leslie and she makes the

**General Business & Developer Meeting
February 5, 2020**

decision and that is the policy she has upheld over all these years. Mr. Banonis said he appreciates her explanation.

- George Gress had a question about the snack stand and wondered if they ever looked at having food trucks come out for their games to provide food and drink. Mr. Banonis said these were just preliminary discussions that were brought to his attention at this meeting and there's going to be another meeting and you are certainly welcome to attend. Mr. Gress said would this be owned by the Township and could you use open space money for it. Attorney Treadwell said that's a gray area. Mrs. Huhn said we can look at it. Mr. Gress said the other sports group could also use it. Mr. Banonis said like the rental of the pavilions in the Township. Mrs. Huhn said we have that information available and will pull it out and take a look at it. Mrs. deLeon said with all these food trucks, they could give a donation to the sports groups.

- C. **SOLICITOR** – Attorney Treadwell said the Judicial Hearing relative to the vacancy for Council is scheduled for Monday, February 10th at 10:00 a.m. at the Northampton County Courthouse.
- D. **PLANNER** – No report
- E. **ENGINEER** – No report

VIII. ADJOURNMENT

MOTION BY: Mr. Banonis moved for adjournment. The time was 9:12 p.m.

SECOND BY: Mrs. Yerger

ROLL CALL: 4-0

Submitted by:

Leslie Huhn
Township Manager

Sandra B. Yerger
Council President