

**I. OPENING**

**REVISED**

- 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**

- A. Resolution #35-2015 – Police Department Commendations
- B. Ordinance No. 2015-01 – Authorizing Participation in the PSATS Unemployment Compensation Group Trust  
- Public Hearing and Consideration of Adoption

**III. DEVELOPER ITEMS**

**IV. TOWNSHIP BUSINESS ITEMS**

- A. Discussion on PennEast Pipeline FERC Filing
- B. Discussion on Heller Homestead Arts Festival Event
- C. Approval of Uniformed Contract
- D. Resolution #36-2015 – Requesting PennDOT Approval to Erect Annual Community Day Signs
- E. Resolution #37-2015 – Submission of Local Share Municipal Grant Application to NCGRERA

**V. MISCELLANEOUS BUSINESS ITEMS**

- A. Approval of February 4, 2015 Minutes
- B. Approval of January 2015 Financial Reports

**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**

Next Saucon Rail Trail Oversight Commission Meeting: February 23, 2015 @ UST  
Next Planning Commission Meeting: February 26, 2015  
Next Park & Rec Meeting: March 2, 2015  
Next Council Meeting: March 4, 2015  
Next EAC Meeting: March 10, 2015  
Next Saucon Valley Partnership: March 11, 2015 @ LST  
Next Zoning Hearing Board Meeting: March 16, 2015

**I. OPENING**

**CALL TO ORDER:** The General Business & Developer meeting of Lower Saucon Township Council was called to order on Wednesday, February 18, 2015 at 7:05 P.M., at Lower Saucon Township, 3700 Old Philadelphia Pike, Bethlehem, PA with Mr. Ron Horiszny, presiding.

**ROLL CALL:** Present: Ron Horiszny, President; Tom Maxfield, Vice President; Priscilla deLeon and Dave Willard, Council members; Jack Cahalan, Township Manager; Leslie Huhn, Assistant Manager; Linc Treadwell, Township Solicitor; Brien Kocher, Township Engineer; and Matt Smith, Jr. Council member. Absent: Glenn Kern, Council member. Not needed: Karen Mallo, Township Planner.

**PLEDGE OF ALLEGIANCE**

**ANNOUNCEMENT OF ANY EXECUTIVE SESSION (IF APPLICABLE)**

Mr. Horiszny said Council did meet in Executive Session this evening to discuss personnel matters and potential property acquisition.
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**PUBLIC COMMENT/CITIZEN AGENDA ITEMS**

Mr. Horiszny said if you are on the agenda, you have Council and Staff's undivided attention. If you do choose to speak, we ask that you use one of the microphones. He asks that you give your fellow public the courtesy of the floor. We ask that you state your name for the record so the transcriptionist knows who is speaking in the minutes. If you are up at the table, please speak into the microphone.

**II. PRESENTATIONS/HEARINGS**

**A. RESOLUTION #35-2015 – POLICE DEPARTMENT COMMENDATIONS**

Mr. Horiszny said Resolution #35-2015 has been prepared to publicly recognize the efforts of our Police Officers. Chief Guy Lesser read the commendations and thanked Council for taking the time to recognize our officers. Officer Chuck Werkheiser was named Runner-Up, Officer-of-the-Year, as well as being rewarded a commendation for DUI enforcement. Officer Willie Shelly was awarded a commendation for DUI enforcement. Officer John Bowlby was named Officer-of-the-Year.

**MOTION BY:** Mrs. deLeon moved for approval of Resolution #35-2015, which publicly recognizes our Police Officers.

**SECOND BY:** Mr. Maxfield

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

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

**B. ORDINANCE NO. 2015-01 – AUTHORIZING PARTICIPATION IN THE PSATS UNEMPLOYMENT COMPENSATION GROUP TRUST – PUBLIC HEARING AND CONSIDERATION OF ADOPTION**

Mr. Horiszny said Ordinance No. 2015-01 has been advertised for a public hearing and consideration of adoption to continue our participation in PSATS Unemployment Compensation Group Trust.

Attorney Treadwell said this ordinance is acknowledging that we agree with the re-stated trust agreement and we still want to participate. What was changed was the trust is now allowed to purchase policies for its employees and there's some other administrative costs that go along with

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running the trust that are included, but the other things are very technical. It doesn't change anything substantively in terms of the coverage the Township has.

**MOTION BY:** Mrs. deLeon moved to open the hearing.

**SECOND BY:** Mr. Maxfield

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

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

There were no questions from the Council or from the audience.

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

**SECOND BY:** Mr. Maxfield

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

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

**MOTION BY:** Mr. Maxfield moved for approval to adopt Ordinance No. 2015-01 authorizing participation in the PSATS Unemployment Compensation Group Trust.

**SECOND BY:** Mr. Willard

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

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

**III. DEVELOPER ITEMS** – None

**IV. TOWNSHIP BUSINESS ITEMS**

**A. DISCUSSION ON PENNEAST PIPELINE FERC FILING (7:22 pm)**

Mr. Horiszny said Charles Elliott, the Township Environmental Solicitor, will discuss the information he has prepared relative to the FERC PennEast Pipeline process. Council should authorize the submission of this information.

Attorney Charles Elliott said Council had resolved back in January to authorize participation in the scope meeting process and also indicated to intervene in the scoping process at the appropriate time. He attended the first scoping meeting a week ago where he identified areas and resources of the township which would be impacted and affected by the pipeline. The next opportunity is to file written comments as part of the scoping process which are due on the 27<sup>th</sup>. He reviewed his documentation and stated that our position is to have the scoping process recommence when PennEast has made a final determination of the pipeline route. He also spoke about the contractors and that there are some substantial questions about whether Tetratex is free of bias to provide the kind of objective science data based analysis one would expect from an agency. We're asking FERC to take a look at the actual need for the project.

Mr. Maxfield asked what would be our process for encouraging them to find someone else? Mrs. deLeon said Attorney Elliott did a fantastic job. Attorney Elliott said he wanted to derive an estimate for gas consumption by Calpine, but it appears to be a national policy to expand natural gas lines into generating facilities. Mr. Willard said they thought UGI intended to be a customer, but UGI said they had no demand for the gas.

**(7:50 pm)** – Ms. Kathy Pichel-McGovern said there were over 300 participants at the FERC scoping meeting and LST was represented well.

Ms. Victoria Opthof spoke on behalf of her parents who live in LST and to express their support to the Council for passing the resolution in opposition to the pipeline as well as Attorney Elliott's comments to oppose the pipelines.

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Bruce Petrie said he asked why they didn't use the Columbia Gas easement. The guy said in case something goes wrong, they don't want to interfere with the other pipeline. Mrs. deLeon said they asked them and they said they can't co-locate. Mr. Maxfield said they approached Columbia Gas and Columbia Gas wanted nothing to do with them.

- MOTION BY:** Mr. Maxfield moved for approval to authorize Attorney Charles Elliott to submit comments to FERC on behalf of Lower Saucon Township, as discussed at this meeting.
- SECOND BY:** Mrs. deLeon  
Mr. Horiszny asked if anyone had any questions? No one raised their hand.
- ROLL CALL:** 4-0 (Absent – Mr. Kern)

**B. DISCUSSION ON HELLER HOMESTEAD ARTS FESTIVAL EVENT (7:57 pm)**

Mr. Cahalan said the Saucon Valley Conservancy announced they are planning on holding the Saucon Creek Arts Festival on May 30, 2015 on the historic portion of Heller Homestead property leased from the Township. While the Township Special Events Policy adopted in 2011 does not cover events on this property or the Lutz-Franklin Schoolhouse, Township staff has indicated to the Conservancy per our insurance broker that the liability insurance, indemnity, and other requirements in that policy should apply to this event.

Mr. Hausman and Mr. Reiss were present from the Conservancy and there were discussions on how this coverage could be obtained. Mr. Cahalan said there are three ways this can be done. Either the organization can collect Certificates of Insurance from the vendors when they apply, or obtain insurance which could be done by the vendor themselves or the organization could get the insurance for that event, or get a Tulip policy (which is for a one year period) then each tenant would be covered. There was discussion about the various costs.

Mr. Hausman said they have visitors on this property all the time and wondered what the difference with the visitors on the site during the course of the year versus having them at this particular event. Attorney Treadwell said he wasn't aware that you have visitors on the property at other times, so we may have to look into the policy you have and see if it covers those visitors as well. The issue becomes if someone is on that property on May 30<sup>th</sup> and injures themselves, who is going to pay for that? Without insurance, it would be the Township taxpayers.

Mr. Maxfield said you may find that a lot of these vendors already have insurance. Mrs. deLeon said she sees this as no different than the Farmer's Market or Community Day where they must have a Certificate of Insurance.

Attorney Treadwell referred to the lease the Conservancy has with the Township that requires certain insurance policies and \$1 million is the aggregate insurance for the property. Mr. Maxfield said an event was planned and no one approached the Township before it was planned. You need to check first with the Township. There is protocol that needs to be followed.

Mr. Willard asked if we can accept the combination of Certificate's of Insurance from those who have them and \$35 for those who do not? Mr. Cahalan said yes. Mr. Hausman said they will have to discuss this at their meeting.

- MOTION BY:** Mrs. deLeon moved to amend the Specials Events Policy to cover both the Heller Homestead and the Lutz-Franklin Schoolhouse that the Township owns.
- SECOND BY:** Mr. Maxfield  
Mr. Horiszny asked if anyone had any questions? Mr. Cahalan said they will bring back the Special Events Policy with those revisions.
- ROLL CALL:** 4-0 (Absent – Mr. Kern)

**C. APPOVAL OF UNIFORMED CONTRACT (8:38 pm)**

Mr. Horiszny said the Police Officers have ratified their contract and it is now before Council for approval. This was discussed in Executive Session. He read a draft motion which states “approve a 3-year uniformed contract from 2015 to 2017, which provides an increase in compensation of 3% in 2015 retroactive to January 1, 2015; 3.25% in 2016; 3.25% in 2017; increases in longevity, premium pay, shift differential and educational allowance, as well as revisions to bereavement leave and officer contributions toward dependent health coverage and pension. Further, direct the staff to prepare the contract with these revisions and bring it back to Council for execution”.

**MOTION BY:** Mr. Horiszny moved for approval of the draft motion as stated above.  
**SECOND BY:** Mr. Maxfield  
Mr. Horiszny asked if anyone had any questions? No one raised their hand.  
**ROLL CALL:** 3-1 (No – Mrs. deLeon; Absent – Mr. Kern)

**D. RESOLUTION #36-2015 – REQUESTING PENNDOT APPROVAL TO ERECT ANNUAL COMMUNITY DAY SIGNS (8:40 pm)**

Mr. Cahalan said Resolution #36-2015 has been prepared to submit to PennDOT for approval, to erect the annual Community Day road signs announcing the event, which will take place on August 22, 2015. He said they were contacted by the SV Conservancy about putting a banner up across the road. The Special Events Policy would cover if there are any requests like that. They would have to do a similar resolution to PennDOT for this request.

**MOTION BY:** Mr. Maxfield moved for approval of Resolution #36-2015 requesting approval from PennDOT to erect the annual Community Day signs.  
**SECOND BY:** Mrs. deLeon  
Mr. Horiszny asked if anyone had any questions? No one raised their hand.  
**ROLL CALL:** 4-0 (Absent – Mr. Kern)

**E. RESOLUTION #37-2015 – SUBMISSION OF LOCAL SHARE MUNICIPAL GRANT APPLICATION TO NCGRERA (8:44 pm)**

Mr. Cahalan said Resolution #37-2015 has been prepared authorizing the submission of 2015 Local Share Municipal Grant applications to the Northampton County Gaming Revenue and Economic Redevelopment Authority (NCGRERA) for one police officer, wages, benefits and a police vehicle.

**MOTION BY:** Mrs. deLeon moved for approval of Resolution #37-2015 authorizing submission of a local share municipal grant application to NCGRERA for one police officer, wages, benefits and a police vehicle.  
**SECOND BY:** Mr. Willard  
Mr. Horiszny asked if anyone had any questions? No one raised their hand.  
**ROLL CALL:** 4-0 (Absent – Mr. Kern)

**V. MISCELLANEOUS BUSINESS ITEMS**

**A. APPROVAL OF FEBRUARY 4, 2015 MINUTES (8:46 pm)**

Mr. Horiszny said the minutes of the February 4, 2015 Council meeting are ready for Council’s review and approval.

**MOTION BY:** Mr. Horiszny moved for approval of the February 4, 2015 minutes.  
**SECOND BY:** Mr. Willard  
Mr. Horiszny asked if anyone had any questions? No one raised their hand.  
**ROLL CALL:** 3-1 (Absent – Mr. Kern; No – Mrs. deLeon)

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**B. APPROVAL OF JANUARY FINANCIAL REPORTS (8:47 pm)**

Mr. Horiszny said the January 2015 financial reports have been prepared for Council's approval. Mr. Cahalan said this is the new format for the report.

**MOTION BY:** Mrs. deLeon moved for approval of the January 2015 financial reports.  
**SECOND BY:** Mr. Willard

Mr. Horiszny asked if anyone had any questions? Mr. Willard asked if we are seeing any measurable savings in the budget because of the low gas prices. Mr. Cahalan said our Public Works trucks are out there almost every day with it being a bad winter, so he thinks from the number of miles, we aren't going to see a decrease.

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

**VI. PUBLIC COMMENT/CITIZEN NON-AGENDA ITEMS (8:50 pm)**

- Ms. Karen Bleam spoke about a bad odor for the last couple of days and wondered if we have heard anything from DEP? She gave specifics of the dates she smelled the odor and called DEP. Mrs. deLeon said DEP doesn't contact the Township when the residents call. Mrs. deLeon said she called DEP on various dates with odor complaints. Mrs. deLeon asked about a DEP letter that was unanswered? Mr. Cahalan said Mr. Birdsall said he'd follow up on that and he has and they had said the gentleman he's speaking to said it went up to a higher level and they are deliberating on the response. There is a DEP inspection report on February 11<sup>th</sup>, and there are several references to an odor patrol. Mr. Willard said there may be a subsequent report they will receive.
- Ms. Patty Hulsizer, Johnston Avenue, spoke about odors as well and said she knows of 15 calls that went to DEP on February 14<sup>th</sup>. She stated she also placed calls about the odor. Mrs. Bleam asked who is maintaining the houses on Applebutter Road.

**VII. COUNCIL & STAFF REPORTS**

**A. TOWNSHIP MANAGER** – No report

**B. COUNCIL/JR. COUNCIL  
Matt Smith, Jr. Council**

**Mr. Maxfield**

- He said the Hellertown library is expanding and they are rewriting the by-laws. He will report back.

**Mrs. deLeon**

- She thanked the Township for providing the draft information on the website under Council agendas.
- February 26<sup>th</sup> at 4:30 p.m. is the ribbon cutting at Taps and the Annual Chamber Banquet is on August 26<sup>th</sup>.
- She stated that the next time residents smell odors, you can go on the website for Council's email addresses to contact them.

**Mr. Kern** – Absent

**Mr. Willard**

- He said the meeting of the Citizens Committee is tomorrow evening at 7:00 p.m. It will be primarily an orientation presented by Chris Garges. There is a grant request in for the cost of the professional planning task.

**Mr. Horiszny**

- He asked if we could advise DEP of the number of odor complaints by sending them a letter. Mr. Cahalan said he will get in touch with them. Mr. Hulszier asked if the

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Township has an ordinance regarding outside wood burners that people have. Mr. Cahalan said there is no ordinance.

**C. SOLICITOR**

Attorney Treadwell referred to a memo he prepared on the question they had about whether the fill that's coming into the landfill is subject to the Host Municipal fee and the simple answer is the clean fill as defined by DEP is not solid waste. When clean fill is coming in, and being reused as cover material, it's not subject to that fee. Mrs. deLeon asked that this information be sent to Walter Zagwoski. John Hulsizer, Steel City, said the dump held a meeting last night in Steel City and the guy from the dump said they are not being weighed. Mr. Cahalan said they are being weighed.

**D. PLANNER – Absent**

**E. ENGINEER – No report**

**VIII. ADJOURNMENT**

**MOTION BY:** Mr. Willard moved for adjournment. The time was 9:19 pm.

**SECOND BY:** Mr. Maxfield

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

**ROLL CALL:** 4-0 (Absent –Mr. Kern)

Submitted by:

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Jack Cahalan  
Township Manager

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Ron Horiszny  
Council President