

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

- A. Donation from Lions Club to the Police Department from Sale of “Support Law Enforcement” Signs

III. DEVELOPER ITEMS

IV. TOWNSHIP BUSINESS ITEMS

- A. Zoning Hearing Board Variances
 - 1. Suzanne Mease – 4327 Lower Saucon Road – Variance for Side Yard Setback
 - 2. Andrew & Rachel Gutshall – 2520 Lori Lane – Variance to Permit Construction of a Portion of a Deck Within the Riparian Buffer Setback
 - 3. Desiree Dewalt – 2548 Apple Street – Variance for Second Entrance to Property
 - 4. Hazem Hijazi – 2187 Kistler Avenue – Various Variances to Adjust Lot Lines on Three Parcels
- B. Quarterly Township Landfill Consultant Report
- C. Steel City Mennonite Church – Lewis Avenue – Request for Road Vacation
- D. Review of 501c(3) Policy
- E. Review of 2016 Comprehensive Annual Financial Report
- F. Resolution #32-2017 – Proclamation for PA 811 Safe Digging Month
- G. Resolution #33-2017 – Special Fire Police

V. MISCELLANEOUS BUSINESS ITEMS

- A. Approval of February 15, 2017 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

Next Park & Rec Meeting: March 6, 2017
Next Saucon Valley Partnership: March 8, 2017 @ LST
Next EAC Meeting: March 14, 2017
Next Council Meeting: March 15, 2017
Next Zoning Hearing Board Meeting: March 20, 2017
Next Planning Commission Meeting: March 23, 2017
Next Saucon Rail Trail Oversight Commission Meeting: March 27, 2017 @ LST

I. OPENING

CALL TO ORDER: The General Business & Developer meeting of Lower Saucon Township Council was called to order on Wednesday, March 1, 2017 at 7:00 p.m., at Lower Saucon Township, 3700 Old Philadelphia Pike, Bethlehem, PA with Mr. Ron Horiszny, presiding.

ROLL CALL: Ron Horiszny, President; Sandra Yerger, Vice President; Priscilla deLeon, Glenn Kern and Donna Louder, Council Members; Leslie Huhn, Township Manager; Linc Treadwell, Township Solicitor; Judy Stern Goldstein, Planner; Brien Kocher, Engineer; Cathy Gorman, Director of Finance; and Rachel Panek, Junior Council Member.

PLEDGE OF ALLEGIANCE

Mrs. deLeon asked for a moment of silence for former Council member, Gerry Szakmeister, who passed away.

ANNOUNCEMENT OF ANY EXECUTIVE SESSION (IF APPLICABLE)

Mr. Horiszny said Council met in Executive Session prior to this meeting to discuss property acquisition. The EAC has evaluated two properties for open space and is suggesting we proceed with parcel R8-34-0719 which is 30 acres that has some extremely important headwaters. A second parcel is .49 acres, and the EAC asked we not pursue that one.

MOTION BY: Mrs. deLeon moved for approval to proceed with the acquisition of a conservation easement of approximately 30 acres in Lower Saucon Township of Parcel R8-34-0719.

SECOND BY: Mrs. Louder

ROLL CALL: 5-0

MOTION BY: Mr. Horiszny moved for approval to not proceed with the acquisition of a conservation easement of approximately .49 acres for Parcel 26-NW2-2-22, and have Ms. Huhn send a letter thanking her for her interest in the open space program.

SECOND BY: Mrs. Yerger

ROLL CALL: 5-0

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. DONATION FROM LIONS CLUB TO THE POLICE DEPARTMENT FROM SALE OF "SUPPORT LAW ENFORCEMENT" SIGNS

Mr. Jesse Repash from the Lions Club said last September they started selling law enforcement signs as a fundraiser for the Hellertown and LST Police departments. They presented a check for \$500.00 to the LST Police department and said this will be an ongoing project. Chief Guy Lesser said the Lions Club has a long tradition of dedicated members. On behalf of the staff, the PD, and the community, he thanked the Lions Club. Council also thanked the Lions Club.

III. DEVELOPER ITEMS – none

IV. TOWNSHIP BUSINESS ITEMS

A. ZONING HEARING BOARD VARIANCES

1. SUZANNE MEASE – 4327 LOWER SAUCON ROAD – VARIANCE FOR SIDE YARD SETBACK

Ms. Suzanne Mease was present. She said she wants to put up a garage and that she is anticipating putting the paved driveway up at the top. There is a pad to put a building on, but that's it. The building would not take them over the impervious coverage limit. Mr. Horiszny asked if there was a particular reason they can't move it off the property line? Mr. Richard Grope said it goes up a hill and levels off, the front of the house is the sewer

line and you can go around the other side so it's more feasible up the driveway and straight ahead. Mrs. Louder said her concern was the runoff, but once the plans are put together, that should be taken care of. Council took no action.

2. ANDREW & RACHEL GUTSHALL – 2520 LORI LANE – VARIANCE TO PERMIT CONSTRUCTION OF A PORTION OF A DECK WITHIN THE RIPARIAN BUFFER SETBACK

Mr. Andrew Gutshall was present. He said the riparian buffer setback used to be 75' when the lot plan was approved and Mr. Garges explained that in 2006 it changed to 100', so adding a deck puts them into this buffer. No trees will be removed. The location of the deck was already on the building plan that was submitted and approved but the deck was never put on. Attorney Treadwell said this is the best way to make sure you don't have any problems in the future in case you sell it. Mrs. Louder said the deck is just temporary and could be removed. Council took no action.

3. DESIREE DEWALT – 2548 APPLE STREET – VARIANCE FOR SECOND ENTRANCE TO PROPERTY

Ms. Desiree Riggins was present. She said they'd like to get a second entrance to their property. Mrs. Louder asked if they share a driveway? Ms. Riggins said no. Mrs. Louder said she thinks the Fire Department needs to look into fixing the numbers in case there is an emergency, so they can find it. Mrs. deLeon asked why they wanted a second driveway? Ms. Riggins said they'd like to put up a garage and they can't build a garage off of the existing driveway. Mrs. deLeon asked if anyone talked to PW to see what their input is? Mr. Garges said they would need a driveway permit. Council took no action.

4. HAZEM HIJAZI – 2187 KISTLER AVENUE – VARIOUS VARIANCES TO ADJUST LOT LINES ON THREE PARCELS

Mr. & Mrs. Hazem Hijazi were present. They have three lots that were all owned by his wife's grandparents and were divided years ago. While all these properties are still owned by family members, the property next door, Lot 3, is going to be owned by his brother. This could create issues as the property boundary for Lot 3 goes almost halfway to their backyard. HEA and Boucher & James had no concerns. Council took no action.

B. QUARTERLY TOWNSHIP LANDFILL CONSULTANT REPORT

Mr. Jim Birdsall from Hanover Engineering was present. He said the Technical Consultant Committee met on February 14, 2017. Solid waste was being put in Cell 4E stage 3. There were 919 tons per day versus a limit of 1,375 put in. He said BRE has been running at full capacity and the ballooning of the temporary caps was not observed as the gas system was operating well. The Surface Emissions Monitoring (SEM) showed there were 17 locations which showed exceedances of the limit DEP establishes, ten days later there were 4 locations that still didn't pass. After the last quarter, the SEM on February 2, 2017 showed 15 locations in which 7 didn't pass after they repaired it and waited 10 days. There is some concern, but not nearly the problem it used to be. Under the Title V permit, 823 locations need to be sampled when the consultant comes out to test the air. The State and Federal agencies are paying better attention to this. On February 1, 2017 when IESI tested the methane outside of the landfill, there were no detections. Odor complaints decreased.

Mr. Birdsall said Leachate Management has been varying from 18 to 213 gallons/acres/day, the consultants are not recommending any letters at this point. The decision is in the hands of the DEP regarding the Southeastern Expansion. Mr. Sichler reviewed the abatement wells and indicated 9 out of 29 were dry because of the drought. He said Mrs. deLeon wanted a copy of the residential well results be sent to the property owner as one had a high level of iron, which was completed. Mr. Birdsall said in December there were 19 trucks overweight or about 1 per day out of about 100 trucks per day. The LSTPD's presence has reduced the number of trucks overweight. Mr. Birdsall said for the Status of the Permit Applications, the next step is for DEP to rule on harms/benefits. If

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that occurs and they find IESI can move forward with the final engineering, there will be other opportunities to have comments during that time. The MSE wall is now completed as well as construction of Cell 4E-4.

Mr. Birdsall said they do note a concern that inspections that are being undertaken by DEP are not occurring and they reached out to DEP who indicated because of their personnel in their offices, there were not able to have an inspector during November or December 2016, but they are still making their monthly engineering reporting obligations. The Committee would like Council to ask DEP to go back to their regular inspections. Mrs. deLeon said methane is still escaping from the landfill which is a concern and the potential for odor still exists, and now we're hearing DEP doesn't even go out and inspect. She highly recommends a letter go to DEP because they are a regulatory body.

Mrs. Louder asked if the PD presence is going to continue? She received correspondence saying the landfill is questioning it. Mr. Don Hallock from IESI said what he asked the officers was he was getting complaints from local residents who were cleaning out their basements and what the procedure was and he told them to contact the LSTPD. Mr. Horiszny said with the low number of overages that we've caught, are we wasting our officers time having them sit there and not out on patrol? Chief Guy Lesser said the number has decreased and our officers have expressed concern that their time may be better spent roving. Mrs. Louder said it's public safety and Mr. Horiszny said if we want public safety, the officers should be where the people are. Mr. Horiszny said overweight trucks are PennDOT's problem. Mrs. deLeon thinks the PD should be there. Mrs. Louder said if you want to cut back to one day a week, then do it. Mrs. deLeon asked if everyone comes in do they get weighed in and recorded. Mr. Hallock said yes and they welcome the officers. When they have an overweight truck, they can suspend that driver, but have to accept the load and then give a suspension. Chief Lesser said the overweight enforcement will continue.

MOTION BY: Mrs. Louder moved for approval for the Manager to send a letter to DEP requesting the monthly inspections be restored for solid waste management as soon as possible as the last one was in October 2016; and cc it to the governor and our state senator and representatives.

SECOND BY: Mrs. Yerger
Mr. Hijazi said there was a letter from the inspector saying she got promoted, and they are looking to replace her position with an inspector. Given budgetary issues, it may take time.

ROLL CALL: 5-0

C. STEEL CITY MENNONITE CHURCH – LEWIS AVENUE – REQUEST FOR ROAD VACATION

Pastor David Kochsmeier from the Mennonite Church was present. He said they are requesting vacating of a portion of Lewis Avenue that separates two church properties so they can combine these two properties and expand their parking lot. Attorney Treadwell said the applicant's request is for the paper street that they own both sides of. If Council wanted to, they could include the other piece that goes down, which they own one side of. Regarding paper streets in general the Township had a right to use and turn those streets into public streets for a period of 21 years, but once that passes, we no longer have a right to do anything without going through a separate procedure to open the road which involves a public hearing and enactment of an ordinance. When we vacate a paper street, all we are really doing is acknowledging we don't have a right to open it and make it a public street today.

Mrs. Louder said she thinks we need to do a comprehensive vacate of all paper streets in Steel City and it's time to dismiss all of them. Attorney Treadwell said we have a paper street study that HEA did in the 90's which shows all the paper streets, so we have the information and available to do that type of an action.

MOTION BY: Mrs. Yerger moved to authorize the Township staff and consultants to provide their input on the proposed vacation of a portion of Lewis Avenue, which is a paper street adjacent to Mixsell Avenue in Steel City.

SECOND BY: Mr. Horiszny

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Mrs. Kareen Bleam asked what happens if they close that street and PPL wants to get through to property on Eugene Avenue, how are they going to get there? Mrs. deLeon asked how do they get in there now? Mrs. Bleam said the church had to pay \$4,000 to get the yard repaired. Mrs. Louder said utilities have a right-of-way; they can go wherever they want. Mrs. Bleam said how are fire trucks going to get back there, as they are going to run over storm drains which are deep? Mrs. Yerger said isn't this going to be part of the review? Attorney Treadwell said he doesn't think it makes a difference as we don't own it now, we have no control over it.

ROLL CALL: 5-0

D. REVIEW OF 501(C)3 POLICY

Mr. Horiszny said Council requested staff develop a policy that would address Council's concerns for transparency of the funding provided to groups or organizations that receive funding from the Township. Mrs. deLeon asked why did we state that groups requesting \$500 or less are exempt from this policy? Mrs. Gorman said we went over the groups that were organizations they made donations to and there was a golf outing which was on the list and it was \$125 so we made a minimum amount. Mrs. deLeon said if we're donating money to a non-profit they should be responsible and accountable and she doesn't agree with this. She's uncomfortable with the wording on the second page regarding the tax filings to the IRS. Mrs. Gorman said it's a copy of their 990 and she can make it more specific.

Mrs. Yerger said on the annual report, they use their last newsletter as a report on their activities. They don't do an official annual report would that be acceptable? Mrs. deLeon said they aren't comprehensive enough to report on the year as they usually report on the quarter. She would think some of the groups don't do annual reports or newsletters. Mrs. Yerger said she's not even sure the small ones will have a 990. Mrs. deLeon said whatever their status is, they are required to do something. Mrs. Gorman said are we saying specifying the tax reporting or keep the language general? Mrs. Yerger said keep it general.

Mr. Dave Rockstroh, Steel City Fire Department, said are we passing something tonight? Everything is accounted for every year. Mrs. Gorman said the only thing new that they are required to bring in was the IRS tax filings, and isolating the funds that are given to the Fire Departments to a separate checking account so we can internally audit if needed. This was a recommendation made by someone who handles Fire Department monies and the Township staff put a lot of thought into this. The Fire Departments will have to write a check out of a different fund. Mrs. Yerger said utilize the money for major expenses. Mrs. Gorman said she can pay for many things with liquid fuel funding, but the auditors love to come in here as she spends that money on winter projects so they don't have to dig through payroll, etc. It just makes it simple. Mr. Rockstroh said he doesn't see the value of adding more steps and they have nothing to hide.

Mr. Horiszny said you are going to pay your bills, so if Mrs. Gorman gets a copy of that bill and check, how hard is that going to be? You can email or fax it over. Mr. Rockstroh said why not look at it right on line. Mr. Horiszny said she doesn't want access to your account. Mrs. Gorman said she would like a copy of the statement, the cancelled check front and back, and the invoice. Mrs. Louder said it's a sad state that we have to do this and have the transparency but these are tax dollars. If you don't want the \$50,000 then that's fine too; otherwise, the Township is setting down the rules for the \$50,000 and if you want the money, she suggests you do the paperwork. Attorney Treadwell said the individual fire companies can work out with Mrs. Gorman how they get their information to her, which can be easily be worked out.

Mr. Dave Edge from Southeastern Fire Company said the statement they get, the check is on it. He spoke to Sal last night and Se-Wy-Co's situation is a little more complex. Mrs. Louder said it's going to be difficult for him, but if he picks two bills he's paying on a monthly basis and just pays them out of that account, it will be simpler. Mr. Edge said he had no problem with the transparency, they understand why it's necessary.

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Mr. Scott Krycia, VP of Se-Wy-Co, said if we spend all the money in our account or don't spend all the money, what happens to that surplus at the end for the year? Mrs. Gorman said it would stay there. Mr. Krycia said we buy a lot of operational things on line, are those transactions okay? Mrs. Gorman said that's fine as long as you have a statement.

MOTION BY: Mrs. deLeon moved for approval of the 501c(3) policy, with corrections.
SECOND BY: Mrs. Yerger
ROLL CALL: 5-0

E. REVIEW OF 2016 COMPREHENSIVE ANNUAL FINANCIAL REPORT

Mrs. Gorman said most of this we discussed during budget deliberations and some of the items she noted last year as not having been as of the end of the year, have now been. We're in good financial shape. The auditors came in for two days and the actual physical auditor reports we provide to Council in June will be from them. We also post them on the website.

Mrs. Louder said the only item over budget was the water line due to several leaks at the PW building which Mrs. Gorman said has been fixed. It's an aging system and will have to be replaced. The furnace was replaced, the winterization was done and the website is finished. Mrs. Louder asked when the DCED study will be finished. Mrs. Gorman said he will be coming out within the month to go to the fire departments and may come to the next Fire Services meeting. She believes we will have the report by budget deliberations.

Mrs. Louder said Public Works and Parks and Recreation are under budget, which is wonderful. The PD was \$50,385 under budget for full time wages which Mrs. Gorman said is due to an officer retiring and also one that was on short-term disability.

MOTION BY: Mr. Horiszny moved for approval of the 2016 Comprehensive Annual Financial Report (CAFR).
SECOND BY: Mrs. deLeon
ROLL CALL: 5-0

F. RESOLUTION #32-2017 – PROCLAMATION FOR PA 811 SAFE DIGGING MONTH

Mr. Horiszny said the PA One Call system has asked for support for PA safe digging. The resolution has been prepared designating April as the 811 Safe Digging Month.

MOTION BY: Mr. Horiszny moved for approval of Resolution #32-2017 designating April 2017 as PA 811 Safe Digging Month.
SECOND BY: Mrs. deLeon
ROLL CALL: 5-0

G. RESOLUTION #33-2017 – SPECIAL FIRE POLICE

Mr. Horiszny said this resolution has been prepared appointing Special Fire Police.

MOTION BY: Mrs. deLeon moved for approval of Resolution #33-2017 appointing Special Fire Police.
SECOND BY: Mrs. Yerger
ROLL CALL: 5-0

V. MISCELLANEOUS BUSINESS ITEMS

A. APPROVAL OF FEBRUARY 15, 2017 MINUTES

MOTION BY: Mr. Horiszny moved for approval of the February 15, 2017 minutes.
SECOND BY: Mrs. Yerger
ROLL CALL: 4-1 (Mrs. deLeon – No)

VI. PUBLIC COMMENT/CITIZEN NON-AGENDA ITEMS

➤ Mrs. Karen Bleam, resident, said she wanted to know about paper streets and Fritz Avenue and why didn't they put in when they had a letter from the Township back in 1970, which said it was engineering fees were already paid, and we just had to wait. Attorney Treadwell said there was an ordinance adopted prior to 1970 that opened the same road between Johnston and Riverside. Mrs. Bleam said it was supposed to go all the way up. Attorney Treadwell said the ordinance didn't go

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all the way up; he doesn't know why they did it. In August 1970, there was a motion made by the Supervisors to grant her and her husband a building permit conditioned on the fact that the Township was not going to improve that part of the road. Attorney Treadwell read one letter saying the portion of the road will eventually be put in after budget talks in 1971, but this is a letter from one Supervisor, not the Township. Mrs. Bleam asked what do we do with the paper street? Attorney Treadwell said it's yours but by right, if anyone has to use it, they can use it.

VII. COUNCIL & STAFF REPORTS

A. MANAGER

- Mrs. Huhn said we had submitted the Keystone Grant for the steps and windows at the Heller Homestead. While at the site visit, two areas of concern were discussed that need significant attention; One is the plaster ceiling in the Widow's House on the second floor and the other are two rotting floor joists in the main house. They received an estimate from Glenn Zimpfer; \$1,200 for the Widow's House, and \$1,500 for the floor joists it's \$1,500.

MOTION BY: Mr. Horiszny moved for approval of the quotes received from Glenn Zimpfer for a total of \$2,700 for the repairs in the Widow's House and the Main House at the Heller Homestead as stated above.

SECOND BY: Mrs. deLeon

ROLL CALL: 5-0

B. COUNCIL/JR. COUNCIL

Rachel Panek, Jr. Council – None

Mrs. Yerger

- She said we have signed the contract, put the down payment down for the Lutz-Franklin Schoolhouse and you should see scaffolding go up within the next several weeks for repointing of the building.

Mrs. deLeon

- She said she attended the Chamber meeting last night and they are doing a Roundtable on Monday, March 13th at Braveheart. They are planning Music in the Park for six concerts and will tie them in with Community Day and the Dewey Carnival.

- On Saturday, Hop Hill opened and they will be doing events like Lost Tavern has.

Mr. Kern – No report

Mrs. Louder

- She said she had a concern about the IESI reports. On their flare reporting form, they have it down that it's just shutdown/startup. They don't have malfunctions checked off and the situations are malfunctions. In the other ones, they have it as cause and reason, plant maintenance. There's a handful that need to be corrected as if someone is inspecting, they won't pick up on that. She thinks we should address at the next Landfill Committee meeting.

- In Hellertown's minutes and they have their trick-or-treat planned for October 28th from 4:00 p.m. to 6:00 p.m. which is a Saturday evening. She was wondering if Lower Saucon can continue to have it earlier as we are a little bit more rural than Hellertown is. Mrs. Huhn said this is on the Partnership agenda for next week and she will bring it back to Council for further discussion.

- She attended the Hop Hill opening and it was a very nice event.

Mr. Horiszny

- He said he attended the event at Hop Hill as well and it seems to be a good addition for that area.

- He attended the Library meeting last night. There's going to be a fundraiser at Taps, with details TBA and a clean-up on April 23, 2017.

- He said the LSA had some issues with Lafayette Ambassador Bank. They found other savings accounts that offered considerably higher rates than Lafayette, so we might want to check to make sure we are getting the best rates.

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Mrs. Gorman said Council approved vehicle purchases for Public Works. She was advised by Ken Luybli that he gave her the wrong quote for one of the vehicles. The replacement of Truck No. 1 was reported at \$89,150.00, it's actually \$93,136.00. In contrast, Truck No. 11 was reported to cost \$211,519, and there was something removed from it, so it would be \$210,766.00. She wanted to make sure Council was okay with it. It's a total of \$1,433.00 and we are still under budget.

MOTION BY: Mrs. deLeon moved to amend the motion from the February 15, 2017 Council meeting, relative to the purchase of the two vehicles in the new amount for Truck No. 1 of \$91,336.00 and Truck No. 11 is \$210,766.00.

SECOND BY: Mrs. Yerger

ROLL CALL: 5-0

C. **SOLICITOR** – They are continuing to work with the property owner on two options for Black River Road.

D. **PLANNER** – No report

E. **ENGINEER** – No report

VIII. ADJOURNMENT

MOTION BY: Mr. Horiszny moved for adjournment. The time was 9:09 p.m.

SECOND BY: Mrs. Yerger

ROLL CALL: 5-0

Submitted by:

Leslie Huhn
Township Manager

Ron Horiszny
Council President