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- I. OPENING**
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 - D. Announcement of Executive Session (if applicable)
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- III. PRESENTATIONS/HEARINGS**
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 - 1. Tyler Colodonato – 3601 Old Philadelphia Pike – Variance to Replace an Existing Fence with a Higher Fence
 - 2. BRE – 2335 Applebutter Road – Special Exception
 - B. Discussion of Revision to Building Code Regarding Egress of Basement Access
 - C. Approval of Letter of Support for Hellertown Grant Application – Water Street Park
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 - C. Solicitor
 - D. Engineer
 - E. Planner
- IX. ADJOURNMENT**

Next EAC Meeting: March 12, 2013
Saucon Valley Partnership: March 13, 2013 @ LST
Next Zoning Hearing Board Meeting: March 18, 2013
Next Council Meeting: March 20, 2013
Next Planning Commission Meeting: March 28, 2013
Next Park & Rec Meeting: April 8, 2013

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I. OPENING

CALL TO ORDER: The General Business & Developer meeting of Lower Saucon Township Council was called to order on Wednesday, March 6, 2013 at 7:00 P.M., at Lower Saucon Township, 3700 Old Philadelphia Pike, Bethlehem, PA with Mr. Glenn Kern, President, presiding.

ROLL CALL: Present: Glenn Kern, President; Tom Maxfield, Vice President; Ron Horiszny, Dave Willard and Priscilla deLeon, Council members; Jack Cahalan, Township Manager; Leslie Huhn, Assistant Manager; Cathy Gorman, Director of Finance; Linc Treadwell, Township Solicitor; Dan Miller, Township Engineer; Karen Mallo, Township Planner; and Carolyn Brooks, Jr. Council Member.

PLEDGE OF ALLEGIANCE

ANNOUNCEMENT OF ANY EXECUTIVE SESSION (IF APPLICABLE)

Mr. Kern said Council did not meet in Executive Session between our last meeting and this meeting.
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II. PUBLIC COMMENT/CITIZEN AGENDA ITEMS

Mr. Kern said if you are on the agenda, you have Council and Staff's undivided attention. If you do chose to speak, we ask that you use one of the microphones. We do transcribe the minutes verbatim and want to make sure the transcriptionist gets every word. We ask that you state your name for the record so the transcriptionist knows who is speaking in the minutes.

III. PRESENTATIONS/HEARINGS

A. RESOLUTION #35-2013 – POLICE DEPARTMENT COMMENDATIONS

Mr. Kern said Council would like to publicly recognize the efforts of our Police Officers for the fine work they do in the Township. Chief Guy Lesser is here to present the commendations. Resolution #35-2013 has been prepared to honor these officers. A year has gone by and Council would like to publicly recognize the efforts of our police officers and the fine work they do for us in the Township. Chief Guy Lesser is here to present the commendations.

Chief Lesser said we will recognize officers tonight in two categories. One will be in the area of enforcement and the other is our officer-of-the-year. As you may recall, in the area of enforcement, a number of years ago due to the initiation of a Northampton County DUI program, it was at that time we learned how well our officers fared in relation to the other officers throughout the county and it certainly is by no means a competition. They are unaware of where they stand throughout the year. Each year we have a number of officers who exceed many of the other officers and perform very well. Our first officer tonight is Officer Steve Kunigus. Officer Kunigus was hired as a part-time officer in 2009 and promoted to full-time last year in 2012. Officer Kunigus, in addition to overseeing our search warrant board, has recently been assigned to the Northampton County Drug Task Force as a result of his own initiative and accomplishments in that area of enforcement. Steve has also overseen our search warrant board and really taken the initiative in maintaining the records and taking the initiative to serve open warrants when possible. We have a commendation for him this evening which Chief Lesser read.

Chief Lesser said the next officer is Officer Rob Winters. He was hired as a part-time officer in 2010 and promoted to full-time in 2011. Officer Winters is in charge of our DUI program. That's a program that encompasses two other jurisdictions. It's an ongoing grant program that incorporates the Boroughs of Hellertown and Freemansburg. He's responsible for coordinating

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checkpoints, roving patrols, cops and shops and phantom patrols. Rob is extremely dedicated to the program and he sees him and others see him in the PD at times when he's not on duty and not being compensated, and he's working on that program. We're extremely pleased to have him as our coordinator. This is Rob's third enforcement award. Chief Lesser read Officer Robert Winter's commendation.

Chief Lesser said Chuck Werkheiser was hired as a part-time officer also in 2009 and later in that year promoted to full-time. In addition to assisting and painting speed lines, which you all probably notice as you are driving and maybe check your speedometer after you do notice those lines. Chuck is also our taser instructor and he's our defensive tactics instructor. He, similar to Rob, is just outstanding in that area. He has elevated our defensive tactics program since he's taken over as well as our taser program. All the officers in this room and all the officers would quickly tell you that. As part of the defensive tactics program, to have a successful program, you really have to have someone who has a good imagination and is able to create scenarios that our officers will see on the street, and as close as possible, mimic those scenarios in training. He has done an absolutely outstanding job doing that. Most of the officers will tell you that. This is Chuck's fourth commendation for enforcement which Chief Lesser read.

Chief Lesser said Officer Shelly is unable to be here this evening.

Chief Lesser said our second category of awards are our Officers-of-the-Year and that's an overall performance in 13 areas of police work. It's mostly statistical information. By that he means the numbers the officer's post. It's a wide variety, but also has some areas which aren't simply statistics that involve appearance, that involve performance in relation to people and our runner-up Officer-of-the-Year is Rob Winters. Chief Lesser read the commendation for Officer Winters.

Chief Lesser said our Officer-of-the-Year and second Officer-of-the-Year, and was runner-up one time, and that is Chuck Werkheiser. Chief Lesser read the commendation for Office Werkheiser.

Chief Lesser said we really appreciate you taking the time from your schedules and recognizing the officers.

Mr. Kern said thank you, Chief. It is always the highlight of our year to have this evening and recognize the officers. Mr. Kern read Resolution #35-2013:

POLICE DEPARTMENT COMMENDATIONS

WHEREAS, Officer Charles H. Werkheiser, Jr. has been named Officer-of-the-Year; and,

WHEREAS, Officer Robert R. Winters has been named Runner-Up Officer-of-the-Year; and,

WHEREAS, Officer Charles H. Werkheiser, Jr. has been awarded a Commendation for DUI Enforcement; and,

WHEREAS, Officer Robert R. Winters has been awarded a Commendation for DUI Enforcement; and,

WHEREAS, Officer Willie W. Shelly has been awarded a Commendation for DUI Enforcement; and,

WHEREAS, Officer Eric E. Marth has been awarded a Commendation for DUI Enforcement; and,

WHEREAS, Officer Stephen A. Kunigus has been awarded a Commendation for DUI Enforcement.

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MOTION BY: Mr. Horiszny moved for approval of Resolution #35-2013.
SECOND BY: Mrs. deLeon
Mr. Kern asked if anyone had any comments. No one raised their hand.
ROLL CALL: 5-0

IV. DEVELOPER ITEMS – None

V. TOWNSHIP BUSINESS ITEMS

A. ZONING HEARING BOARD VARIANCE AND SPECIAL EXCEPTION

1. ZONING HEARING BOARD VARIANCE - TYLER COLODONATO – 3601 OLD PHILADELPHIA PIKE – VARIANCE TO REPLACE AN EXISTING FENCE WITH A HIGHER FENCE

Mr. Kern said the applicant is seeking relief to replace an existing 4' tall fence with a 6' tall privacy fence, which is located in the front yard.

Mr. Colodonato was present. He said he has a 4' fence that is presently falling down and is in need of repair. It's about the same price to do a 4' fence and a 6' fence, so he figured he would knock two birds off with one stone.

Mr. Kern asked if Council had any questions? Mr. Horiszny said will it go in the same place where the 4' fence is? Mr. Colodonato said yes, the exact same place, give or take an inch.

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

Mr. Horiszny said if it goes where it is now, it won't be obstructing traffic view? Mr. Colodonato said no, it's not near the corner.

Council took no action.

2. ZONING HEARING BOARD SPECIAL EXCEPTION – BRE – 2335 APPLEBUTTER ROAD – SPECIAL EXCEPTION

Mr. Kern said the applicant is seeking a special exception to permit a hazardous waste storage use.

Attorney James Preston, Bob Hollis and Roger Williamson from Pepco Energy Services were present. Attorney Preston said this is for a special exception. The special exception would be for permission to store hazardous waste on site. There's also a question as to whether in fact it is hazardous waste. We did have a productive meeting with the Planning Commission and following that, it occurred to them that it might be helpful not to assume that everyone's familiar with the process so he's going to ask Roger to explain to Council exactly what it is they hope to accomplish here.

Mr. Williamson said basically what this process is, is taking the methane from the landfill and generating electricity. To bring the methane over, we have to use a negative pressure and as we draw that over, moisture from the landfill comes with it. We have to knock that out through a series of processes. Right now we're using an oil/water separator to do that. At least this time last year we did that. The methane comes in through the lines, comes in through the oil/water separator and knocks out moisture in a pocket here. The moisture comes in through a compressor and then is compressed and put into the turbine generator. The reason why we need tanks is some of the consistency of this moisture won't let us discharge it to the

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Bethlehem Water Treatment, so we are going to hold it in these tanks, and test it to see that it meets criteria. If it doesn't, then we are scheduling it to go to another disposal facility, which is another water treatment facility where it would be accepted. It's at Pottstown, but they haven't made a final decision where to go.

Mr. Kern said are there times when it would be appropriate to release it to the Bethlehem Water Treatment Plant and times it wouldn't? Mr. Williamson said in theory, yes, but what they have seen to date when they have done the testing, it probably will not.

Mrs. deLeon said prior to the NOV from the Bethlehem City Treatment Plant, were you discharging it? What happened to it before? Mr. Williamson said yes, it went to the Bethlehem Water Treatment Plant. Mrs. deLeon said now all of a sudden it's not acceptable? Why was it acceptable before? Mr. Williamson said for a period of time this went through the same discharge point as the landfill. For a series of month, the landfill was actually paying surcharges for their discharge. Mrs. deLeon said that's not what I asked you, you know what I asked you. Mr. Williamson said he's getting up to that. When the NOV occurred, they were asked to put in a separate discharge point. When they said it wouldn't meet their discharge criteria, they shut down because we do not want to continue the discharge nor pay the surcharges. We want to be in compliance. Mrs. deLeon said they charge you per the parameters that you are discharging? Mr. Williamson said correct. Mr. Kern said they charge you why? They have to do extra special treatment on their end? Mr. Williamson said part of it is the EPA only allows so much through their system regardless of what their size is, so they set criteria because they know they can treat whatever, like 12 million gallons a day at that criteria. Mrs. deLeon said is that why you are not operating currently? Mr. Williamson said that is correct. Mrs. deLeon said when is the last time you operated? Mr. Williamson said this time last year. They've operated a few times and have run some tests, for 10-hour periods, three-day periods, five-day periods, but basically have been shut down for a year.

Mr. Kern said you could continue to discharge, but it just costs too much money for them to treat it over at Bethlehem? Mr. Williamson said theoretically what happened is we would discharge, they'd say you owe \$10,000.00 and you have to stop discharging like this. They could issue a Cease and Desist or whatever they wish, but they don't want to lead to that. They want to make sure they are in compliance.

Mr. Kern said the solution is the storage tanks where it just doesn't get discharged it gets carted off somewhere else. Mr. Williamson said yes.

Mrs. deLeon said were you finished telling us how the plant operates? She has other questions. She said she has here the City letters for the violations. The fine of \$45,000.00 and in the letter from the landfill it says BRE's poor maintenance and operations of its oil/water separator was a direct cause of the February 8, 2012 release. Specifically during subsequent cleanout of BRE's oil/water separator, a City inspector reportedly observed that the unit was in overall poor condition with broken pieces of equipment noted in photographs and that sludge and other materials were removed. Mr. Williamson said that is accurate.

Mrs. deLeon said what did you do to this plant to fix all this? Mr. Williamson said one of the reasons it was in disrepair is that there's a purge process of getting more water out of the gas lines and the operator of that plant was testing those. They thought that a valve was sticking and it did stick during their operation and they were changing that. When they did, instead of the gas blowing into the oil/water separator for a tenth of a second or less than half a second, it actually blew into it for a series of seconds. This disrupted and possibly even broke some of the pieces inside the oil/water separator. It is true that it operated for a number of years without doing as much maintenance as required on it, but this is one of the things that directly led to the discharges that it's made to just sit there very calmly and let solids settle to the bottom and oils float to the top and water in the middle flow out and when these jets of much

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higher lengths of time, higher concentrations of gas was injected into it, and it stirred all this stuff up. Mrs. deLeon said what you're saying is all those things have been fixed? Mr. Williamson said yes. The new plates were put in and the oil/water separator has been cleaned and in the process that we are going to install, it also puts a stilling tank in so that the gas will go here first before the water can go to the oil/water separator.

Mrs. deLeon said she sits on the Landfill Committee so she goes there once a month for meetings and they get reports and she sees all your shutdowns and it's been awhile since you've been up. She's concerned. She was one of the people who approved the plan back in 2005, 2007 and there were project narratives. There were all kinds of submissions. She thinks what we were pretty much focusing on was more the noise of the plant than some of the other issues, but the other issues were covered as you submitted the information in the documents. She has a lot of things.

Mrs. deLeon said who has been keeping track, like in the project narrative before, which is pretty much the same project narrative you are using now, right? Mr. Williamson said fairly close. Mrs. deLeon said it tells about there's performance standards, so you are keeping track of all of these issues like a paper trail? Mr. Williamson said yes. Mrs. deLeon said is that public information? It's part of the review policy process. What's bothering her is a \$45,000.00 fine is a big deal when that happened. She doesn't want to see it happen again. What assurances does she have or the Township have that this isn't going to happen again? When she goes backwards and she reads the information and she sees that we asked for all the right information and it was all there, but yet this happened, and she knows things happen. She just wants to make sure that somebody is keeping a log and how do we get access to that log to make sure you are doing it. You could say you are doing everything, but are you? Do you know what she's saying? Mr. Williamson said he understands what she's saying. Mrs. deLeon said can the Township be copied with some of this stuff to make sure? There needs to be something in place like if you get permission to put these tanks in, that we're giving some kind of an access to this stuff to make sure it's working right. Now it's not going into the sewage treatment plant, it's going on the ground.

Mr. Hollis said yes, this did happen last February. It was very upsetting to them that this happened. They have been a good neighbor for a long time and he was here way back when they discussed it and he met her five or six years ago when they were getting ready to build the facility. They take real pride in what they are doing. At first, they couldn't believe it was them, but it was. They admitted their mistake once they learned it was their mistake and they dealt with IESI in a forthright manner. They paid the fine. Attorney Preston said isn't that because the NOV went to IESI? Mr. Hollis said exactly. We did not receive the NOV, but we realized with some investigation it was our issue. Where you got his interest was where you said on the ground. It's certainly not the plan to put anything on the ground at all. It is to go within these tanks on a temporary basis, two 4,900 gallon tanks until they prove this is something they need and they will go to their more permanent tank. These tanks will both be confined with containment and a system if there is a leak, it will be contained and they will deal with it and will shut down the operation. They have shut down the operation of this facility and he doesn't know how many of the Council members know that even though they are shut down and are losing the revenue for the electricity, they are still paying for the gas. They have their contract whether they burn it or it burns in the flare that we pay IESI for the gas. In addition to making no revenue, they are paying, and he's going to guess at a number, about \$50,000.00 a quarter to IESI as it is being flared right now. This is very, very painful to his company that this happened. It was an embarrassment that it happened. He has an operating background and he knows what it takes to stay on top of a plant. When they found this out that our contract and operators had not properly obtained that piece of equipment and they are doing some testing. Operator errors occur in power plants. It's not a horrible thing, but it's not a great thing either that you've got to get in and find out the cause. They do keep logs out there. He doesn't know what your rights are to those logs and he doesn't want to

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make a statement as to whether you can have access or not. They take this very seriously. They are hurting right now, much more than the \$45,000,000. It is hundreds of thousands of dollars they've lost. They are paying for operators. They are paying for a maintenance contract and they are paying IESI for the gas. They are in no worse shape other than the embarrassment when they caused through the common discharge. They have a common discharge point, a separate discharge point, if they were to go back out of that oil/water separator. They'd be subject to any surveys or any monitoring by the City of Bethlehem and they are going to know all the way through this, what the constituents are in that liquid. He went for a long time on this, but he does want to assure people that their plan is not to put anything on the ground. Mrs. deLeon said she appreciates that, but she's looking at if something goes wrong inside, it's going to affect the outside. Now you've brought up something else. She is going to ask the Manager to look at our host agreement as we're supposed to be receiving a revenue from the gas and he's telling us they have to pay IESI for the gas whether they burn it or not. We need to look at the wording in our host agreement to see what they are supposed to pay us for. It's not going to work to our favor, but do you know what she's saying? Attorney Treadwell said he doesn't know the answer off the top of his head, but it's in the 38-page agreement. Mrs. deLeon said she appreciates that.

Mrs. deLeon said she wants to go to the Boucher & James letter. On page 2 of the letter, the third paragraph, it says the total site acreage is 224.03 acres, approximately 1.25 acres has been disturbed for the development of this site. The improvements proposed by this application will require an additional 0.03 acres of disturbance. The site is located in the LI, Light Industrial District. That is an error and this paper needs to get corrected and replaced because it is Light Industrial, but the 224 acres, there's the Fox property. The maps that are attached to the application shows the Fox property as the LI zone. That is incorrect. Ms. Mallo said she understands the Fox property is not in the LI district. Mrs. deLeon said you are including the total acreage as 224 acres. There needs to be some kind of a statement in here that it is not all in the LI zone because it's giving a false appearance. You are including the Fox property in the landfill. Ms. Mallo said she understands what she's saying. Basically, what she is trying to say is there's 224 acres, not all of it is in LI. Mrs. deLeon said exactly. Ms. Mallo said she understands that. What she was saying is that site is located in the LI, but she will clarify that in their revision. Mrs. deLeon said she doesn't want to give a zoning by a letter.

Mrs. deLeon said there's more questions in Hanover's letter about the PPC plan. There's things mentioned in here that things were removed and deleted, that were in the previous one that don't appear in the new one. That really bothers her because of the issues she's concerned about, so why were they deleted? Attorney Preston said he's not sure what was deleted or why it was deleted. Mrs. deLeon said just on the PPC plan, there is 43 comments and a lot of those comments are things that were deleted and to her they are very important maintenance and operational issues that need to be documented. On page 9.a.4, the PPC has been revised to delete the requirement that the facility will operate, develop and maintain a complete file of all pollution events for review. The designer should confirm whether this was intentional. She wants to know, as a Township.

Mr. Maxfield said is there a reason we are talking about the PPC plan now? Even at the P/C meeting, we knew it had nothing to do with the zoning or the request for the special exception. This is part of the land development phase, not a part of the special exception. He doesn't want to sit here and talk about 45 comments from Hanover Engineering that don't apply to this particular bit of business. Mrs. deLeon said if they want her support for tanks to be put on their site, she wants to know. Mr. Maxfield said then why are we talking about the PPC plan. Let's follow the agenda as we're supposed to follow it. There are certain things covered under that line of business. Let's please talk about those things. Mrs. deLeon said she's talking about the tanks and to her, part of having a special exception for the tanks is what's going to happen to them. That's just her thoughts.

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Mr. Maxfield said he's done some research on PPC plans and the comments that Hanover sent in the letter are extremely detailed and a lot of them are nothing more than markings on the plan which we used to call notations on the plan. PPC plans, from his understanding, and from talking to some professionals, are supposed to be generalized. They are not supposed to be in-depth detail. The person he talked to who is an Environmental Engineer said if you review any PPC plan per land development standards, every PPC plan will fail. It's supposed to be a guide. It's not supposed to be an exact document. That's why we have some questions about what the PPC plan is and this particular review of it and he doesn't think we should be talking about it now. We need to do some further research before we talk about the PPC plan. Mrs. deLeon said she appreciates your comments, Tom, but she has an opinion and is happy to voice it and you are going to have to sit there and listen to her. Mr. Maxfield said he doesn't have to sit here and listen to it. He can offer his...Mrs. deLeon said Mr. President, am I allowed to speak? Mr. Kern said yes, you are allowed to speak, Mrs. deLeon. Mrs. deLeon said thank you so much. Mr. Maxfield said he will continue to object which he is allowed to do too. Mrs. deLeon said whatever.

Mrs. deLeon said she finds that the first PPC plan had a lot of the stuff in. If it was okay with us back then, it should be back in here. This might not be the right time as she understands it's a special exception, but she also knows what a site plan is, and she also knows what you have to go through and the bottom line is it comes back before this board. Attorney Preston said right. Mrs. deLeon said this is what she's going to want. Mr. Maxfield said if it comes back, why are we talking about it now? Mrs. deLeon said Mr. President, could you please ask him to not interrupt? Mr. Maxfield said he's allowed to object whenever he wants to object. Mrs. deLeon said Mr. President. Mr. Kern said Mrs. deLeon could you please proceed. Mrs. deLeon said she had the opportunity to review both of these letters and you have them also. She did hear some more assuring comments from Bob Hollis and Roger. She is done for now, but she will be back.

Mr. Willard said Bob and Roger, he understands Pepco Energy Services has owned BRE from the beginning and built the plant here? Mr. Hollis said yes, we have. Mr. Willard said as a commercial company, he understands the impact on your business for not operating for a year. Is there a reason this wasn't resolved sooner? Is it simply the planning process that the government puts upon you? Mr. Hollis said no, that's not it at all. We shut down until they knew that they wouldn't cause another violation to anybody, whether it was through their own discharge point. It took awhile to get a separate monitoring point for themselves. To put their own manhole in, that took some time. During the summer, they tried to do some treatment, if you will, using some vessels and filters. That didn't work out and then they just shut down and they are trying to get their thoughts together on what the right way is. In September, he decided he didn't want to do anymore experiments. He felt that the best way to limit anything leaving the property going down to Bethlehem, was to go to these tanks, properly constructed, properly contained vessels and with a proper disposal facility and go through the governmental process here. They are not cowboys. They just didn't go in and put in a bunch of tanks in the middle of the night and just do this. We're not going to do this so that did shut down. We made a cautious decision. We missed the P/C meeting in January as there was a cancellation, so we're a little bit behind. We're willing to go through this process as it should be done with the discussion and the questions and whatever it takes to do this thing the right way.

Mr. Willard said it's tough business decisions for your company to make. He'd like to focus on one other aspect contained in the two letters we have – our planner's letter of seven pages and our engineering letter of eight pages. He doesn't want to go into detail, but there seems to be some concern of the traffic flow in relation to the tanks and the overhead pipes and how the overhead pipes were secured. He's sure all these questions need to be answered and issues need to be solved before we go forward. He wondered if he had any comment on that. Mr. Hollis said he would make the comment that the overhead lines will be nowhere close to where the vehicles will be. They will be in an area where there is foot traffic. Somebody might, if

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they are tall enough, bang their head with their hardhat on a pipe, but that is nowhere close to where any trucks could get into and hit the pipes. Those will be properly secured.

Mr. Kern said as a follow-up to Mr. Willard, there's no interference with the tank itself and the delivery or the removal system and the trucks that are going to be removing it? Mr. Hollis said could you restate that? Mr. Kern said he thought he read in the Boucher & James letter there was an issue with the turning radius. Mr. Hollis said they are taking a look at that as they understand the concern and it would certainly be a concern for him as he's not the world's greatest backer upper. If he had to drive in, and back out onto Applebutter Road; it's not a super highway but there are residents that use that highway. We are looking at smaller trucks. These weren't the smallest tankers. We may have to have instead of one truck a week, two trucks a week, or two smaller trucks.

Mr. Williamson said when we originally looked at the distances, a good semi-driver can make this turn. The fact is that you have to be able to make all your positioning when the tanker is empty and then back up to the spot, then hook up and fill up and be able to pull out. If he tries to do it with a full tanker, that may be much more difficult. If we see that it could possibly cause a traffic problem, then we will go to a smaller vehicle. A lot of it depends on who shows up with a truck. A good driver can do this. He's had CDL's for almost 15 years and it makes a huge difference who the driver is. If we can't dedicate a driver to it, then we'll probably have to go to smaller trucks.

Mr. Kern said in the event that you get a bad driver and he backs into the tank and the tank leaks, then what provisions do you have for a leaking tank? Mr. Williamson said there are secondary containments in these tanks. Also, the discharge of where the point is going to be, the truck can only reach here and the tank is back here. The permanent structure, he will be pulling aside it. It's a much stronger double wall tank in the permanent design. Mrs. deLeon said the one you are describing, is it a permanent or temporary one? Mr. Williamson showed Council the permanent one which had a double wall with a strong tank and the single walls with secondary containment barriers around them.

Mr. Horiszny said will the secondary containment on the 10,000 gallon tank be 10,000 gallons? It will contain the whole tank if the whole tank should dump? Mr. Williamson said it's called a double wall tank. If the inner structure fails, the outer structure will contain it as its larger than the inner structure. Mr. Horiszny said what if they both fail? Mr. Williamson said then there will be a leak. The chances of them both failing would be catastrophic. That would be like all three of you winning separate lotteries tonight. Mr. Horiszny said the question is you have secondary containment and it's not just the second wall, isn't there an outside containment? Mr. Williamson said it's a standard procedure to use double wall tank and that the outer wall of the tank is the secondary containment. Periodically you do visual inspections if the outer side of the tank ever shows signs of deterioration, then you don't use the tank until it can be repaired. You would have to hit it with a bulldozer.

Mr. Hollis said let me ask, he thinks he knows the answer to this and he would like to ask it as a question. Don't we have leak detection within these secondary walls, between the two tanks if you will. We will have a leak detection system that will notify the operator and he's not sure whether it's tied into the logic to shut down the machine or not at this point. You've certainly got the protection of the double walls. We don't have an extremely corrosive material or anything like that which is going to be in there for extended periods of time plus there is a leak detection system within the tanks. If a leak were to occur, it would be detected before it jeopardized the outer wall. Mr. Horiszny said the reason he asks that question is with the two 4900 gallon tanks there was a secondary outside containment that looked like it was only going to be half capacity and that's why he thought you were going to build an outside secondary containment facility on the second one. You said no more than 4900 gallons could fill out of the two temporary tanks. Mr. Williamson said the standard spill logic is that you build a

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containment to withstand 110% of the largest vessel within the containment. That's standard engineering practice. Attorney Preston said he does want to point out and that's only because he did hear a few gasps behind him when we were talking about this material escaping from these tanks. There's a secondary question and it's captured in the zoning appeal and that's whether or not this is hazardous waste. The NOV was from the City of Bethlehem. It violated their intake parameters. It was not a violation of any DEP standards or EPA standards. This stuff does not meet any of the criteria. You would not find it on any of the lists for known hazardous waste. If it were a spill, you wouldn't have to call in Hazmat. It's not that type of a material that we're talking about. What we're doing this for is to preclude having to send it to the City of Bethlehem. That's the reason we are doing it. The stuff that we're containing is likely not a hazardous waste. He can't tell you that it doesn't contain trace elements of some things as someone might consider hazardous waste, but if that were the case, he'd believe your engineers are storing hazardous waste in that glass right now, and he would probably need a permit to be seated in this chair. He does want to assure the people that might think these are what they've come to have known as hazardous waste. These are not where we are going to be dumping chlorine on to the ground. That's not what this is.

Attorney Treadwell said he thinks if he could follow up on that, one of the answers to the question that he found helpful at the P/C was if some of this does get on to the ground, how do you clean it up? What's the process? Mrs. deLeon said the PPC plan. Attorney Treadwell said okay, but what's the process? Mr. Williamson said the material is primarily water and we can clean it off the impervious surfaces by using vacuum absorbent material which is always on hand. If it gets off of the impervious material, most of it is not going to harm the environment, but we will dig up the dirt and carry it off in containers. Attorney Treadwell said the question at the P/C was would this be considered a hazardous material clean-up? He thinks the response was it's a level something cleanup which was level D. Mr. Williamson said which says you put on rubber boots and gloves like you should do anytime you are transferring non-hazardous materials like cleaning your tub.

Mr. Maxfield said you had mentioned earlier the contracted operators. Is it the same operators who will be operating the plant now? Mr. Williamson said yes, they are hired from Solar Turbine. Mr. Maxfield said are they aware of exactly what happened and they don't want to do that again? Mr. Hollis said they are very much aware of it. They caused them a lot of embarrassment and a lot of trouble and a lot of lost revenue that they don't have a recourse to get that back. The operator is a good operator. Something happened during the testing. He didn't stay, he didn't do as well as he should have, but Solar is well aware of the fact that they caused us and the landfill initially a lot of public embarrassment and an NOV violation.

Mr. Horiszny said with the 15 pages of memo from our two consultants, will you be commenting on all of those points. We talked about a few of them this evening, but will you go through and answer every one of them? Attorney Preston said let him explain why. Let's take the Hanover Engineering review letter. There are relatively few subdivision and land development and zoning comments. It's seems pretty straight forward. None of those pose a problem to them. There are four pages, 43 items that go to this PPC plan. What's important to know is it begins with the statement that the Engineer suggests a review of the PPC plan by an appropriate professional. We agree with that. We think it should be reviewed by appropriate professional. We don't know that it has been done yet. We believe that it should. We believe the Township is entitled to that type of review. He's talked about this with his clients. They are ready, willing and able to pay for a review of the PPC plan by an appropriate professional. He doesn't know that these comments in here are necessarily comments that we would get if the plan were reviewed by an appropriate professional. Let him put it that way. The answer to your question is probably not. We wouldn't be responding to these and ultimately he doesn't think they are going to be faced with these. They do believe the plan needs to be reviewed, should be reviewed. The Township is entitled to the results of that review and if a plan is not in compliance, we have to bring it into compliance. They don't disagree with that. He thinks

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that the subdivision/land development comments in both letters are pretty innocuous. He doesn't see any problems. Attorney Treadwell said he thinks for Council's edification and anyone in the audience, depending on what happens at the ZHB, this plan will go back again to the P/C for its review and recommendation on planning comments and also back to this Council for final approval of the land development plan. One of the things that Mr. Preston just touched on and he was going to ask you later on was based on the suggestion that's in the Hanover letter. Do you want to authorize the Manager to look for and/or hire someone with a specialty in PPC plans to do that type of review? Mr. Kern and Mr. Maxfield said yes. Attorney Treadwell said let's deal with the zoning issue first and then we'll discuss how we may want to go about doing that review.

Mrs. deLeon said do any of our regs say it has to have a PPC plan? Attorney Treadwell said there is one section of the zoning ordinance that states that the PPC plan must be acceptable to the Township Manager, the fire companies, Police Chief and EMC. Mrs. deLeon said no disrespect to the Manager or the other fire people, but they may not be familiar with this type of operation. Attorney Treadwell said he doesn't know. Whoever wrote the zoning ordinance evidently determined at that time that those people were qualified. Mr. Maxfield said they probably know a lot more than we do as a Council. Mrs. deLeon said you don't know what subject you're talking about Tom. Attorney Treadwell said the ultimate resolution of that issue is to hire somebody who has a certain expertise and knowledge in these types of documents so they can advise whether it would be Council or the Manager as to whether the plan meets what a PPC plan is supposed to meet. Mr. Horiszny said he thought they were going to hire one. Attorney Preston said they wanted it to be complete, they don't want their fingerprints on it and they want you to be entirely satisfied with it. Mr. Horiszny said the fire companies have visited the site, but before all the extra tanks. Mrs. deLeon said her concern with the PPC plan is we've experienced a major issue that was \$45,000.00. That's a major issue and she waited for the PPC plan to kick in place and the only thing we got was six week after it happened we had to beg someone to get a copy of it. It wasn't given to us when it happened. She said if they bury this \$45,000.00 thing and we stumbled upon the information to even ask for the NOV letters, it wasn't just given to us. Here we approved a plan and tried to protect our residents with an approval to be notified is something happened. If this didn't trigger something happening that we found out about, what would? What would? You don't want to do another \$45,000.00 violation, so what would trigger something? Mr. Hollis said this was a mistake from the standpoint of not notifying you again and the uncertainty of who had caused this and the fact that it was send to IESI. We made a mistake. Mrs. deLeon said she doesn't mean to dwell on that, but do you hear her point? Mr. Hollis said yes, he does hear your point. Mrs. deLeon said this is supposed to be all spelled out on a PPC plan. If we have an Environmental Engineer giving you comments like that, she's very disappointed and she's hoping whoever we hire does a better job. Mr. Horiszny said the fact that the wrong stuff went to the treatment plant is not necessarily a big emergency. It went to where it was supposed to go. If it didn't cause a big problem on the way, then the emergency management people wouldn't even know about it. Mrs. deLeon said it closed down the treatment plan for a day. Mr. Kern said not to defend these gentlemen, but it did occur in the City of Bethlehem and not in LST. Mrs. deLeon said no. Attorney Preston said it went through the pipe to the City of Bethlehem. He was going to mention that, but he thought it would become argumentative. The event was in the City of Bethlehem and the NOV came from the City of Bethlehem. Mr. Kern said that's why we may have not been informed. Mrs. deLeon said when you are at Applebutter Road and at the manhole, they also smelled it there. There were two places that the air pollution was happening or whatever because that's how they figured out it was BRE at the manhole. Applebutter Road splits the city and the township, so we're a 50' width away, but it came from the BRE.

Mr. Maxfield said we keep talking about seeing this big \$45,000.00 accident, but we have to realize what Ron just said. It never left the system. It never jumped out of a pipe. It was never on the ground. It was a fine by the sewage treatment plant, not by DEP, so that's a bit of

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business between Bethlehem Sewage Plant and the applicant. Mrs. deLeon said she'll say this again, it wasn't only liquid discharge it was also in the air. It was a smell. Mr. Maxfield said if we don't approve this, the flare will put a whole lot more in the air. Mrs. deLeon said she's not saying we shouldn't approve it. She wants it to be the best plan we approve and there's nothing wrong with that. Mr. Maxfield said we want to be truthful and accurate.

Mr. Willard said they've been forthright in describing the situation and you've acknowledged that mistakes were made. They were embarrassing. They were costly to your company. He thinks we can also acknowledge that public safety was not at risk here, so no damage was done in that respect. He didn't know what a PPC plan was until he got here tonight. It's Preparedness, Prevention and Contingency Plan. You are sitting here tonight to assure us that you are coming up with a new plan to make sure nothing like this ever happens again. He'd like to come back to the discussion point of having the Township appoint an appropriate professional to review your PPC at your expense.

MOTION BY: Mr. Willard moved to authorize the Manager to find the appropriate PPC professional to review the PPC plan at BRE's expense.

SECOND BY: Mr. Maxfield

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

ROLL CALL: 5-0

Attorney Treadwell said now the question is, does Council want to take any position on the zoning application that is scheduled for March 18th? Mrs. deLeon said all they have to do is decide on two issues, if it's a hazardous substance. Isn't that the two issues? Attorney Treadwell said the two issues in the application are if in fact what is being stored in the tank meets the zoning ordinance definition of hazardous substance. The ZHB will make that determination. Then they need a special exception. If it's not determined to be hazardous, then it's not the storage of petroleum and/or hazardous substances, so the approval they have from 2007 would still be valid. Mrs. deLeon said what about the tanks? Attorney Treadwell said if the tanks don't store a hazardous substance, then the tanks are just simple land development approval and they don't need the actual zoning relief. Attorney Treadwell said they would come back for the land development approval. Mr. Willard said he would propose no action, but he wonders if we should ask Linc to be there anyway and Chris will be there naturally. Attorney Treadwell said Chris will be there. He doesn't know if does any good to send him to sit there and watch. You really don't want to send me unless you actually want him to say something when he's there.

Mrs. deLeon said she thinks the should take no action and let the ZHB decide. She asked if there was any public comment?

Donna Louder said she is also on the Landfill Committee. She was very disheartened by your spill that evacuated the Bethlehem Sewage Treatment Plant. She also saw what was in that sample of stuff and brought it to the Environmental Action Committee and the committee itself was appalled and that's when you backed off with the first set of tanks. Her question is everything goes well, the tanks go in, life is beautiful, when the landfill shuts down and there's no more gas, what happens with the tanks? Do they just sit there? Do they get pulled out? Are they cleaned and removed? Is your whole company cleaned and removed? Who maintains the temperature of the pipes? Who maintains the temperatures of those tanks? Mr. Hollis said as part of their agreement with the landfill, when the contract is over, when there is no further gas, they have to remove from that property all the equipment and remove it properly. The tanks will not be left standing. Nothing will be left standing at that location. That's a contractual requirement that the have with IESI to do that. Ms. Louder said will there be an inspection by DEP or someone else who would be able to finalize and tell us that area itself is environmentally safe again? Attorney Preston said they don't know the answer to that. It's not environmentally unsafe as we speak. Ms. Louder said if a tractor trailer hits those

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tanks, and they crack, it's environmentally unsafe. Attorney Preston said they don't think that it is. It's water. Ms. Louder said not if the tanks are cracked and the oil and the petroleum seeps out, and even though the second lining is there, the second lining may crack as well. It would be a catastrophe. You said a bulldozer falling on it would cause those tanks to break open. Mr. Williamson said to many above ground tanks that are probably within 50 miles of here, if a bulldozer hit it, it would break those too. Ms. Louder said she understands that, but this is in her backyard. Attorney Preston said when the gentleman is referring to a catastrophic event, the event he's talking about is the destruction of the tanks. He's not talking about Love Canal. He's not saying the catastrophic event is the seepage into the soil within the confines of LST of some toxic abomination that is going to sterilize the Township and no one can live here. It's water. The tanks have water in them. That's what we're talking about. That's all we're talking about. Ms. Louder said she understands that. Attorney Preston said if you understand that then what is your concern? Are you afraid that water will spill onto the ground? Ms. Louder said your equipment broke down and contaminated the other areas. If your equipment breaks down again and you fill these tanks with contaminated water, what's in place then? Attorney Preston said he has no comment. Mrs. deLeon said she doesn't know if she likes your description of water. Ms. Louder said how can describe what's going to be in those tanks. It hasn't been told to us yet. According to this paperwork it says it's going to be tested, then we're going to be told what elements are in this. Precisely, what we are dealing with. Nobody knows what we are dealing with. It isn't rain water. It's coming from the landfill. It's the gasses that are being separated and then being condensed, then it's just separated in the tanks, then you are just shoving supposedly the clean stuff into the tanks. If this is so clean, why does it have to be removed by special tank trucks and taken to a special place? Mr. Williamson said there is many people that know what is in that water. They get sampled. The same water has traveled to the Bethlehem Water Treatment Plant and they sample it on a quarterly basis. They do a link of analytics on it that's longer than his arm every time they take that sample. We can look at that. It's public record and you can go there and see what the constituents are in the water coming out of the landfill. Ms. Louder said she's talking about what's coming out your pipes. Mr. Williamson said the same thing. It's the same water that the gas pulls out and it's the same leachate that gets discharged into the landfill into the water treatment plant. Mrs. deLeon said it's more concentrated. Mr. Williamson said not really. It can't come from slightly different cells but not concentrated at all. Ms. Louder said doesn't the treatment of what you're company does make it more concentrated? Mr. Williamson said no, not at all. We knock out as much water as we can. Ms. Louder said and leaves concentrated something. Ms. Williamson said gas, methane. We take the water out of the methane and send it to the water treatment plant. You can see what the analytical is from that water. It's public record. You can go to the Bethlehem Water Treatment Plant and they can tell you right now. Ms. Louder said do you send monthly reports to the Township? Do you answer to anybody in the Township on what's going on at your company? Attorney Preston said as he sits here, he doesn't really know. He can't answer the question. Ms. Louder said as part of the landfill, which the landfill runs by very stringent rules, that she's learned, she thinks if you are taking in part of their debris, she thinks you should also be questioned and answering to the Township on a monthly basis as well. Whether the DEP comes in to inspect you on a monthly basis or someone in the Township who is qualified to come in and inspect you on a monthly basis, she would like to see every time you have someone hauling this water away exactly what was in that water. Can the Township do anything to that effect? Mrs. deLeon said she had the same question. Doesn't the place where you are going to dump it, don't they want to know what's in it? Don't they test it? How do they accept it? Mr. Williamson said typically what happens is we do a set of analytics on it, we send it to them saying this is typically what it contains. When they get it at their facility, they will sample it, let the trucks sit until it passes. They are not going to do \$10,000.00 analytical study on every truck. Attorney Preston said he would point out that the material that found its way to the Bethlehem Treatment Plant that violated their intake parameters, would likely not have violated the intake parameters of just about any other sewage treatment plant around here. They just happened that it's that type of material. They have a very strict standard there and all

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these people are trying to do is to avoid interaction with that standard so they can avoid any type of shut downs in the future. Mrs. deLeon said they were evacuated. It was harmful to breathe. If their standards aren't allowing your waste, then maybe we should set all standards to their standards. Mr. Hollis said Priscilla, you're right. It was a very, very smelly to the point of evacuating the space. He went down and met the woman, Karen. He sat with Karen and they talked about it. It wasn't the typical condensate that goes down there. Again, Roger described the fact that we had an upset, a valve with high pressure gas upset the oily sludge that is down on the bottom that collects some of the solids that collect. The oil/water separator is really about separating the oil which is lighter than the water at the top. They would pump the oil off that is carried over. There is some oil. The compressors that compress the methane, the gas comes in contact with the screw. It's an open screw compressor. What you have to do is send that oil/gas mixture to a separator which separates the oil out and the condensate. They go the oil/water separator which is not a machine if you will. It's basically a tank set up with wires, baffles and other different takeoff points where you take oil off at the top. You take the water off at the bottom. Again, the odor was not from the typical condensate or leachate. The leachate is still going down to the waste water treatment facility. This was about the unusual event of the sludge. That's what caused the evacuation. It wasn't the everyday operation of our faculty that caused this. Ms. Louder said can you promise that's not going to happen again? Can you guarantee that's not going to happen again. Mr. Hollis said would you believe him if he guaranteed that would not happen again. He'd love to sit here as one fellow human being and guarantee that. He can't guarantee he'll be alive tomorrow. Attorney Preston said he doesn't know if that's a heavy lift. This stuff can't get to the City of Bethlehem if it's contained in those tanks. That won't happen again. Ms. Louder said when they remove it from the tanks, when the trucks come for it, will someone be there that's qualified to make sure there's no problems or no leaking onto the ground. The trucks that are coming for it, who determines what kind of trucks come? Does the sewage treatment guy come? You're traveling through her neighborhood. You're driving through her roads and God forbid you are dripping stuff along the way. She's not happy about that. This is our stomping ground. This is our home. This is our community. You came here. You put up a business. We're more than welcome to have you here because you generate a lot of money but if you're going to be here, you are going to play on our playground by our rules. The Township rules. Mr. Hollis said maybe Roger can address your questions? Ms. Louder said she hopes so. Mr. Williamson said yes, the truck drivers that show up are trained in leak detection around their systems. Their trucks are inspected by PennDOT. Each load that gets taken out will be observed by their operator who will have training in accordance to the PPC. Ms. Louder said being on the Landfill Committee, again reverting back to that mishaps, oops, everybody has a mistake. That might have been a costly one. It was even more costly to us than it was to you. You can get money anywhere. You can't buy back that time that people lost on their jobs. The other thing is the parking space. How far away is the tank going to be from the road. Is it something that needs to be addressed as far as traffic? As far as the amount of tractor trailers coming through the landfill? Is Applebutter Road going to be reconstructed for this? How long is your driveway going to be? Attorney Preston said Applebutter Road will not be reconstructed for this. Ms. Louder said it's going to be the same driveway? Attorney Preston said it's the same driveway. Ms. Louder said honestly, she doesn't think it's a good idea. Mr. Horiszny said would you guys be willing to share the analytics of the tank before it gets pumped whenever you are pumping? Mr. Hollis said he doesn't have a problem with it. Is it something they should do. Mr. Williamson said this is something that's going to happen a weekly basis. He wouldn't mind sending you a summary. Mrs. deLeon said it would be very helpful to discuss this at the Landfill meetings. Mr. Horiszny said this isn't the landfill, it's BRE. Mrs. deLeon said they could provide it to Allen. Mr. Horiszny said that would be fine. He would know what's pumped out of your tanks? Mr. Hollis said he wouldn't normally know that, but they can provide whatever form they use and give it to them. If it turned out that liquid was not going to be in violation to go to Bethlehem, they would have to prove this and prove it to themselves. Mr. Williamson said once a quarter, Bethlehem will come and sample it as per our discharge agreement.

Mr. Gene Boyer, Saucon Avenue, said he has one note from Roger when he was giving his presentation. He wrote it down as he heard it, so you can verify this. You were talking about the discharge that happened and you mentioned that the landfill pays a surcharge for the discharge. That exceeded it. You are saying that the landfill already pays a surcharge for their leachate. Mr. Williamson said yes, they have in the past. Mr. Boyer said they don't do it on a regular basis? Mr. Hollis said they have been doing it for several years. They were just made aware of it around the time of this incident. Mr. Boyer said that exceeded? Mr. Hollis said that had nothing to do with their discharge. That was a NOV. Mr. Boyer said this exceeded all of their things and that's what made the problem. The discharge was terrible. They pay a surcharge for just the regular daily operation. Is that what Roger said? Attorney Preston said we're not part of that surcharge. We don't have the surcharge. We aren't competent to really tell you what IESI pays or doesn't pay. Mr. Boyer said he's not interested in what they pay. He mentioned they do pay a surcharge for what they get. He just wanted to verify that.

Council took no action. Attorney Treadwell said the only time we take a vote if we are going to take an actual position.

B. DISCUSSION OF REVISION TO BUILDING CODE REGARDING EGRESS OF BASEMENT ACCESS

Mr. Kern said the Zoning Officer is recommending Council consider authorizing the Solicitor prepare an ordinance to address a possible loophole in the Uniform Construction Code (UCC) statute, relative to basement egress which is a safety concern to inhabitants of a dwelling who may not be aware of the hazard of finishing a basement without permitting and inspection.

Mr. Garges said the memo that he provided to Council details how we got to where we are with the UCC and what some of the regulations are. We have two third parties that do the inspections. One of them solely does commercial inspections and both of them do residential inspections. The revision to the code or the ordinance that is recommending is only for residential uses. Where the disconnect comes in is there's a section in the code that says non-structural alterations are exempt from permitting. There are sections in the code that say some sections of alterations are required to have permits; altering electric systems, altering mechanical systems, those types of things. What happens is technically someone could finish their basement, not make any structural alterations, not require a permit under the UCC. In the past, the interpretation of the code has basically led us to require permits for that, but in recent cases where the PA Dept. of Labor & Industry has been involved, and also PA Housing & Research Center, PHRC, they've been educating contractors on the details of what requires a permit and what doesn't. The Dept. of Labor & Industry has been involved with some PA municipalities that they were called there for other means, but when they got to look through some records, they kind of issued some warnings of people just making the interpretation and the jump to automatically require the permit. What he's recommending based on the recommendation of our third party inspectors is that we amend the code to clearly state that a permit is required for any non-structural alterations as well as structural alterations. The way this process would work is the Solicitor would prepare an ordinance if Council so desired. The ordinance would be submitted to the Dept. of Labor & Industry for review. It's required to be reviewed by them under the UCC. This is not uncommon and he actually in his memo attached a copy of a local municipality who has this in their ordinance. Basically it adds that level of protection in there. It may not be the homeowner that finishes the basement, but it may be two homeowners down the road and they don't know what the requirements are and should there be a hazard that occurs, a fire on a floor above the basement, the first floor or whatever, that they were unable to leave the basement through the normal means of egress – the stairs that there would be another way out and this is not just for people who would have bedrooms down there, but people who would entertain down there or use that space. The motion he's recommending would be to have the Solicitor prepare the ordinance with that language in it.

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Attorney Treadwell said is it fair to say that the practical effect of this would require people who are going to remodel their basement have two ways in and out? Mr. Garges said correct.

Mr. Maxfield said when you say non-structural, can you give us an idea of the range? Mr. Garges said a non-structural alteration to a basement could be finishing the outside walls, putting insulation in there. Whatever you want to do, put flooring down, and using the space for more than just storage, just mechanical areas, those types of things. You could take a non-support wall. The way they used to interpret this was from an egress standpoint if you were in one corner of the basement and your path from that corner of the basement to your egress was changed, being that you put a non-structural wall in, you still changed the means of egress, so they would require a permit anyway at that point. To the point they've gotten to now with some of the recent things that have occurred, that's not a strong enough argument anymore to require a permit. There's really some inconsistency in what the code states and the statute states. We just want to remove that.

Mrs. deLeon said this only applies to basements? If you wanted to change a window or a door? Mr. Garges said no, that is still exempt. That's clearly exempted in the residential section. Any non-structural alteration to a wall, to have a smaller window when you replace your windows, or have a new door put in. Those are already exempt. This wouldn't cover any of that. This would cover the basement. Alterations if you have a sunroom and you were doing alterations in a sunroom that prior to this may not have changed the egress may not have required a permit. If you are going to change a sun area into a permanent area, you would need a permit for that clearly now.

Mrs. deLeon said her house has a garage under it, so she can come and go in her basement, but there are people that have houses and don't have a Bilco door, they can't get out. Mr. Garges said this section wouldn't require a Bilco door, but it would require an escape area that was large enough. It would basically be a larger window that may be chest height up. It's not that you have to dig and put a Bilco door in every time you are putting a basement in. He's not out enforcing the code and doing inspections all the time, so he doesn't know what the square footages are, but there are other means to allow that. Sometimes you will walk up to a home and you'll see a large area, more than just your small window in the basement. Maybe it has a concave hatch that you can open up, that type of thing. That is permitted and recognized as a means of egress as well. Mrs. deLeon said if you are down in the basement, how would you get up in this little crawlspace? She can't even reach the windows in her basement. Mr. Garges said he can't answer that. He would imagine if it was your life and death you would probably be able to pull a chair over there and get out, more so than just a small window up on the top. Mrs. deLeon said she can't put her finger on why she's uncomfortable about this. She just thinks that if somebody wanted to fix their basement, it's not their fault they don't have the egress. If they were building new, they'd have to have it. Would they be required to do it if it was a new structure? Mr. Garges said when they were building a new home, they wouldn't be required to do it if the basement was not finished.

Mr. Horiszny said this would be for any basement finishing? Mr. Garges said not necessarily if it just has a bedroom in it. Attorney Treadwell said what is the practical effect to the homeowner of requiring him to get a permit before he does this? How much does a permit cost? Mr. Garges said the permit for alterations cost \$34 and you may have \$300 to \$500 in review fees and inspections. Mrs. deLeon said that's an expense for the resident and then they have to buy the window. Ms. Louder said the excavating because if you are going to make a bigger hole in the wall, you have to move the dirt out of the way. Mrs. deLeon said how many municipalities in the Lehigh Valley have this in their ordinance? Mr. Garges said he knows Upper Saucon is preparing to put it in theirs. This one came from Lower Macungie. He could have our building inspection agency come in and give a presentation. Mrs. deLeon said she saw their letter. She also saw the other side of that. It's another way to get money. Mr. Garges said he doesn't look at it as another way to get money. It's a way to save lives in the future. Firefighters as well as residents and people three buyers down the road. When you have alterations to a home, and especially in the basement, we just talked about BRE having stuff looked over. When an inspector is not there to check that staples for electrical wires don't go through the wires and cause a fire hazard, mechanical systems aren't

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altered to the point where there's other inherent dangers as well. If you have an inspector inspect the whole house construction, and make sure it's to code from the first level up, it doesn't make much sense to –not have from the first level down meet code as well, and not just from an egress standpoint, but when you have a permit for a basement and inspections, you make sure everything meets code. Mrs. deLeon said she heard you, but she doesn't want to say we mock the PPC plan, but this is kind of like, she just can't...that's just her.

Mr. Maxfield said we have recommendations from a professionals here. Chris is a professional.

MOTION BY: Mr. Maxfield moved to ask the Solicitor to prepare the language necessary for this ordinance.

Mr. Horiszny said is it possible to have an inspection so that you would know what electrical work has been done and it meets code without having an egress requirement? Mr. Garges said if you don't envelope the code, then it's kind of like an all or nothing. Unless you wanted to have an ordinance that just picks certain sections out. That would have to be reviewed and approved by L&K. He's sure it's probably possible, yes. Mr. Horiszny said the reason you say three owners down the road is they are going to know if there's egress or not, but they don't know what's behind the walls. That's what the other concern was. Mr. Garges said they may not know that the code requires egress as well. Maybe they live in a house that doesn't have it already. They don't know any better or informed to that.

Mr. Maxfield said if a basement was being finished and electric was being rerouted, all that would require inspection before the walls go in. Mr. Garges said they would attempt to envelope that in the code before they fought back and consider that as a part of the alteration, it may not necessarily hold up. That's why they brought it to light now and that's why Dave brought it to light. The way things are changing that there's more of a way to get around it now than there was. Mr. Maxfield said he feels we don't take the recommendations of the professionals and something happens to someone. That's why he made his motion.

SECOND BY: Mr. Horiszny

Mr. Kern said this is listed for discussion and before he voted, he wanted to take the opportunity to talk this over with some contractors to get the other side of the story, so there's a motion and a second, so they'll proceed with the vote, but he just wanted to state that before he cast his vote. Mr. Maxfield said if you feel you need more information, he'd be willing to rescind his motion. Mr. Kern said he would like to get the other side of the story.

Mr. Maxfield said he'll rescind his motion and put this off until the next meeting. Mr. Horiszny rescinded his second. Mr. Cahalan said they will bring it back.

Mr. Garges said he can bring the inspector here as well if that's what Council would like, for a presentation. Mr. Maxfield said he thinks that would be a good idea.

ROLL CALL: None

Mr. Kern said they will have comment from the audience.

Mr. Gordon Gress said he agrees with him, there has to be a second means of egress. He's seen these windows which are really great and Priscilla, they do make one that comes all the way down that you could get out. It's all a great thing and the \$34 permit fee is great, but what were the extra charges he heard in here? Mr. Kern said inspection fees. Mr. Gress said how much could that be? Mrs. deLeon said \$500. Mr. Garges said it varies on the amount of time the inspection would involve. If it's something as simple as putting an electric service in, they may charge \$50 to review the plan and \$50 to go out and do the inspection. If they have to go out there three or four times, then the fee is going to be higher, so that's why he gave the range of \$300 to \$500. Mr. Gress said

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as a homeowner, he'd say great, he'd comply, but when you say you are talking fees like that, he would really have second thoughts about ignoring the whole situation completely. He understands what the Zoning Officer is saying about egress, as there have been records of people being caught in fires down there. He had a fire in the 90's, but he wasn't home. You got to be able to get out, that he can understand. The \$34 he can understand, it's great, but for those additional fees, plus what the window and insulation costs, whew. Mrs. deLeon said we could be talking \$3,000. Mr. Gress said especially in today's economy, if you wanted to finish the basement off for a little bit of living space.

Ms. Louder said don't the building codes with the windows have to meet certain standards when you put them in? Now that you've put another egress in, guess what. It's also an ingress. People could come in, now we need more policemen.

C. APPROVAL OF LETTER OF SUPPORT FOR HELLERTOWN GRANT APPLICATION – WATER STREET PARK

Mr. Kern said Hellertown Borough will be submitting a grant application to DCNR for funding for improvements to their Water Street Park and has asked the Township for a letter supporting this application.

Mr. Cahalan said the draft letter is in your packet. If it meets with your approval, you can pass a motion and he'll send that to the Borough Manager.

- MOTION BY:** Mr. Maxfield moved for approval to send the support letter to Hellertown Borough for their Grant Application for the Water Street Park.
- SECOND BY:** Mr. Horiszny
Mr. Kern asked if anyone had any comments. No one raised their hand.
- ROLL CALL:** 5-0

D. RESOLUTION #36-2013 – REQUEST PENNDOT APPROVAL TO ERECT ANNUAL COMMUNITY DAY SIGNS

Mr. Kern said Resolution #36-2013 has been prepared to submit to PennDOT for their approval to erect the annual Community Day road signs announcing the event.

Mr. Cahalan said we previously used to just send a letter every year and get approval to put up the signs at four locations around the Township announcing the Community Day event, but PennDOT changed the rules and now they treat road signs likely they do overhead banners. Both LST and Hellertown had to prepare resolutions and get them approved to send to PennDOT to put up the signage and the banners. That's what is before you tonight. Mrs. deLeon asked when Community Day was? Mr. Cahalan said August 17.

RESOLUTION REQUESTING PENNDOT APPROVAL TO ERECT ANNUAL COMMUNITY DAY SIGNS

WHEREAS, the municipalities of Hellertown Borough and Lower Saucon Township hold an annual Community Day celebration in August each year under the sponsorship of the Greater Lehigh Valley Chamber of Commerce; and

WHEREAS, Lower Saucon Township wishes to advertise the time, date and location of this event to local residents and travelers in the Saucon Valley area by placing signs within PennDOT rights of way.

NOW, THEREFORE, BE IT RESOLVED, that these signs will be installed with PennDOT's authorization in the following manner:

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1. Signs will be installed at the following locations:
 - A. Route 412 in front of the Giant supermarket
 - B. Route 378/Black River Road intersection
 - C. Hickory Hill/Bingen intersection
 - D. Route 412/Cherry Lane intersection
2. The signs are two-sided with dimensions of 4' x 6'.
3. The signs will not be lit and will not be visible from Route 78.
4. The signs would be erected on or about July 12th and would be removed on August 19th.
5. The Township agrees to fully indemnify and save harmless the Department and all Department employees and assume all liability for damages or injury occurring to any persons or property through or in consequence of any act or omission of anyone associated with the sign or installation of the sign.

MOTION BY: Mrs. deLeon moved for approval of Resolution #36-2013.

SECOND BY: Mr. Willard

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

ROLL CALL: 5-0

E. APPROVAL OF POLK VALLEY PARK MEADOW PLANTINGS – DCNR GRANT

Mr. Kern said Boucher and James has provided a plant and cost estimate for the meadow naturalization portion of the landscape improvements for Polk Valley Park. Since the cost estimate is below the bidding threshold, staff will be soliciting three (3) quotes for the work and will present the results to Council at an upcoming meeting.

Mr. Cahalan said this will complete the missing piece of landscaping out at Polk Valley Park. Several years ago we received a grant from DCNR to do this work. One of the conditions they asked for was we had to submit a signed plan by a landscape architect. The consultant we were working with, Heritage Conservancy, did not have someone who could do that so we had to come to you and bring it to the meeting and it was a long discussion but you decided to move forward with that and have Boucher & James prepare that plan which has been sealed. It's in the packet. In it, it describes how the area which is at the top of Polk Valley Park will be seeded. There is an estimate in there that the Planner provided. We sent that out to three companies looking for proposals. Two of them did not respond after Cathy made several requests. This did not have to go to bid because of the amount. We did get a proposal from All Seasons Landscaping. We believe it's a good proposal and covers all of the requirements that Judy had in her memo and the price they are quoting to us is \$6,640.00 to plant that meadow. It's been reviewed by everyone and we are asking for Council's approval tonight so we can proceed.

MOTION BY: Mr. Maxfield moved for approval of the Polk Valley Park meadow plantings.

SECOND BY: Mr. Horiszny

Mr. Kern asked if anyone had any comments. Mr. Maxfield said he had experience with the company and they are a great company.

ROLL CALL: 5-0

VI. MISCELLANEOUS BUSINESS ITEMS

A. APPROVAL OF FEBRUARY 20, 2013 MINUTES

Mr. Kern said the draft minutes of the February 20, 2013 Council meeting have been prepared and are ready for Council's review and approval.

Mr. Horiszny said there are 18-1/2 pages of library comments in there, properly they would be a page and a half if we just listed who the person was and if they were for and against it instead of all that literature.

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MOTION BY: Mrs. deLeon moved for approval of the February 20, 2013 minutes.

SECOND BY: Mr. Willard

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

ROLL CALL: 4-1 (Mr. Horiszny – No)

VII. PUBLIC COMMENT/CITIZEN NON-AGENDA ITEMS

- Mr. John Kunigus, 2248 Easton Road, said he filed for a permit last week and it's a privacy fence. LST states that 60' from the center line to the first post, he wondered if he could get that moved up to 30' so that way his neighbors can have full range to see the road, but the reason why is they are not the cleanliness people. Their garbage is falling into his yard and they also use his yard as a driveway. Attorney Treadwell said who did you talk to? Mr. Kunigus said he has the permit here in his hands. Attorney Treadwell said you got the permit from the Zoning Officer to put up a 6' fence. Mr. Kunigus said correct. Attorney Treadwell said you don't want to put it where your permit application said it will go. Mr. Kunigus said correct. He wants to see if he can move it up to the road. Attorney Treadwell said you are going to have to go back and talk to the Zoning Officer. Mr. Kunigus said we can't just talk about it here? Attorney Treadwell said no, we don't have that authority here to do that. Mr. Kunigus said he also has another complaint. What is the stipulation on people leaving garbage and stuff in their front yards taken away from other neighbors. Mr. Cahalan said you can call the Police. That's the enforcement of the Nuisance Ordinance. When you say the neighbors are taking garbage that's been placed out for pick up? What do you mean? Mr. Kunigus said just drive down Easton Road and look at people's buildings and houses and the way their yards are just overgrown. There's bicycles that haven't been ridden in 20 years. There's just trash everywhere. Mr. Cahalan said that's a nuisance complaint. Mr. Maxfield said not all of Easton Road. Mr. Kunigus said no, not all of Easton Road. Mr. Maxfield said is it by the Sportsman's Club? It's closer to Hellertown. Mr. Cahalan said when you speak to the Zoning Officer, you can provide that information to him also.

VIII. COUNCIL & STAFF REPORTS

A. COUNCIL

Mr. Horiszny

- He said on Monday, a couple of guys from Wildlands, Allan Johnson, Tom Butera, and he are going to walk the Dravec property to look for possible trail sights and if there's anyone else who wants to go along, they'll be out there about 1:15 PM. Mr. Cahalan said Tom Butera from Parks and Rec. will be there. He's the liaison with your group.

Mr. Kern – No report

Mrs. deLeon

- She said she attended the Hellertown-Lower Saucon Chamber breakfast on Thursday, February 28th at McDonald's and it was well attended. We had a good time. They got little coupons and choice of the menu. It was very nice, Jim's a nice guy.
- She said on Thursday, March 28th, Hellertown-Lower Saucon Chamber is going to have a luncheon program on "How to Effectively Engage the Younger Generation in the Workplace". It's 11:30 am to 1:00 pm at Braveheart, \$20.00 per person. Presenter is Wayne Packer.
- She said on May 31st, the 91st Hellertown Chamber Banquet. The honorees are going to be Small Business Leadership award of Lost River Caverns to Bev Rosewicz and Robert Gilman. The Community Commitment award is going to go to Josh Popichak, editor of the Hellertown-Lower Saucon PATCH. The Good Samaritan award will go to Saucon Valley School District to Dr. Sandra Fellin for their help during Hurricane Sandy for opening their facility. There is going to be recognized the \$1,000 scholarship award for the Phyllis Schnaible Merit award. It will be May 31st at Silver Creek Country Club. It's \$40 per person, cocktails at 5:30 pm.

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- She said we have our Saucon Valley History Day on Saturday, April 27th from 9am to 3pm. The three historic societies are going to have events.
- She said Hellertown-Lower Saucon Chamber is going to have a look at the present and honor of the past on April 27th at the Grist Mill. They are going to invite businesses in the area to set up a booth and be part of the festivities.
- She said Monday night at the Heller Homestead, they had an artist reception for the Bethlehem Palette Group for the Plein Group exhibit. It was nicely attended.

Mr. Willard

- He said last commercial for the Citizens Academy. It launches tomorrow evening. There are 14 people signed up. He had an opportunity to review the presentation and content with staff last week. He thinks we'll have six lively sessions and people will learn a lot. Speaking of attending, he will not be at the March 20th meeting. He has questions on two things that have come to the Council previously. He saw that the land development for Old Saucon extension was requested until approximately the end of May and he wondered if there was any update on the Colesville Road issue as that brought out a lot of residents some months ago. Mr. Cahalan said they didn't receive anything. Mr. Maxfield said didn't PennDOT give us a notification that the access from Colesville Road was not acceptable. Mr. Horiszny said it was close to the intersection. Mr. Cahalan said they will have to check on that. Mr. Willard said there was also a letter regarding traffic cutting through the Embassy Bank. Mr. Cahalan said that was a complaint from the bank.
- He said at the last meeting the Library Task Force would be reactivated and he wondered the timetable for that. Mr. Cahalan said he was going to bring that up under his report.

Mr. Maxfield

- He said two requests from the EAC. They are trying to investigate some signage for the Native Plant Garden, especially close to our front door at Town Hall to guide people back to that area. They are looking for some minimal funding for the signs and they were wondering if Council would be interested in putting some funding into that.
- He said they are looking for some materials to do their annual beef-up of the garden, some mulch and things like that which Council has given before. Roger has always secured it somewhere and wondered if Council would be willing to give it once again. Mr. Cahalan said he can take care of the mulch issue as they've been doing on an annual basis. The signage they can come back with some recommendations.

Jr. Council Member

- Ms. Brooks asked what egress means? Attorney Treadwell said it's a way out. Mr. Cahalan said it's what you do when you leave the meeting. You go through that door. Mrs. deLeon said ingress would be coming in.

B. TOWNSHIP MANAGER

- Mr. Cahalan said one of the things on his list was to re-clarify the direction that was made at the end of the library discussion meeting. It had to do with what Dave referred to, the Library Task Force. He spoke to some of the members of the Task Force and the members from the HAL expressed to them that they were not comfortable getting involved in the issue of the split funding, particularly in any negotiations with the BAPL. He was going to suggest, as far as the formation of the Task Force, he's not sure beyond the split funding issue what you envisioned the Task Force do. On the issue of the split funding, he was going to suggest that you direct him to send a letter to the Library Director Janet Fricker and the woman who was the Board President, Kathy Weil, asking them to put this question about the split funding on an agenda for one of their Trustees meeting. If they want to have a discussion about the split funding, which is what Mrs. Weil stated, then he can indicate we would be willing to do that and you could designate Township representatives to attend that meeting. That would be himself, the Finance Director Cathy Gorman, a Council representative like Tom Maxfield, and someone from the Library Committee.

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He'd suggest Mike Karabin to attend that meeting and bring back a report to the Council. Mr. Kern said it would be important to have that meeting prior to a board meeting by the BAPL so questions could be answered and comments could be made. The motion would be to direct him to send a letter asking them to put that issue on an agenda, but also suggest following up on Mrs. Weil's proposal if they want to have a meeting to discuss it prior to that Trustees meeting we'd be willing to do that and have a representative there.

MOTION BY: Mr. Horiszny moved for approval as stated above by the Manager.

SECOND BY: Mr. Maxfield

Mrs. deLeon said we talked about a split contribution. A split could be understood in many different ways. We didn't put a dollar amount on what we're splitting. To her, she got out of the meeting that 25% of the BAPL budget was made up of the municipalities that were participating and we all pay the same fee. She said she just noticed a piece of wood hanging. Mr. Cahalan said it's been hanging for six years and he'll have it fixed. Mrs. deLeon said the 25%, everybody pays the same thing, so she doesn't see the BAPL agreeing for us to pay a cheaper rate as the other four or five municipalities are not going to be happy and will also want to pay a cheaper rate. It would also be fair to pay something to the HAL, so when you see a split, she's seeing different ways of splitting it. We don't know what that dollar amount is and she doesn't want to lose that option. That's why she thought the committee would be reactivated and discussing. Mr. Maxfield said we have to know if they are even open to the concept. Mrs. deLeon said when you say open to the concept, she heard them say we all pay the same rate. Mr. Maxfield said if you are suggesting we pay an additional amount of money to HAL, on top of what we already pay to BAPL, that would be counter to everything we've been talking about as we were wondering why the bills were so high to start with to BAPL, so why would we want to add more to that? That seems backwards to him. Mrs. deLeon said that could be an option. Mr. Maxfield said there's a lot of options, but which ones are acceptable. Mrs. deLeon said Glenn, you really need to stop the bickering back and forth here. Mr. Kern said it's an open discussion. If you want to go to Robert's Rules, then we'll go to Robert's Rules. Mr. Maxfield said step down if you can't take it. Mr. Willard said we know what it costs us to have library services from the BAPL. We've been doing it for years. We know it's feasible to consolidate the library services at HAL, and what that would cost. That was the conclusion of the Library Task force. What we don't know is there a fair reasonable, equitable split between the two libraries that our residents are using and to him that's a come to the table issue and talk about it so we should think the motion is a logical next step and the next alternatives are stay with BAPL. We know what they cost. Go to HAL, we have a projection of what that would cost. Let's come up within an equitable split. He'd say to Tom's comment, a resident from the audience who described himself as a fiscal conservative, did put a out 4th option to continue with the BAPL and pay some reasonable fee to HAL, so that's all discussion that needs to take place when we get a little more information. Mr. Kern said we may be in a unique situation where we have two libraries that our residents actually support equally and that may not be the situation in Bethlehem Township and Hanover Township and the other municipalities that are contributing fully. That would be another item for discussion. Mr. Horiszny said that's a good point and we did have a citizen say maybe we should charge people to go to the two libraries. Maybe we should. Attorney Treadwell mentioned a special tax by referendum and further, if we do talk to BAPL we should ask them what they would pay HAL to be a branch library, although it doesn't sound like HAL wants to be a branch library. Mrs. deLeon said that's an option. Mr. Cahalan said they wouldn't have to pay HAL. HAL would have to join the system and pay what we pay, the per capita rate. They voted several years back to not do that, that's why they have their own library. Ms. Louder said her tax dollars are going to be going towards the HAL? Is that correct? Mr. Kern said not yet. Ms. Louder said if we split the cost between BAPL and HAL, her tax dollars will be going towards HAL? Mr. Cahalan said conceptually, that's what the idea is in splitting the payments. Ms. Louder

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said thinking about this, why would her tax dollars go to the HAL. BAPL has a multitude of services that HAL does not. Mr. Cahalan said can you be more specific about what you are talking about. Ms. Louder said no, she can't, but there are multitudes of programs that go on at the BAPL. Right now, she can't recall anything. She knows there are children's and adult programs. She knows there are CD's, internet programs and all the other things that are supported there. As a taxpayer, she doesn't feel that we should be supporting the HAL with tax dollars. Mr. Cahalan said we addressed that in the Task Force report. He'll answer your question on why they should pay HAL. They answered that in the report. Ms. Louder said she also doesn't feel that the consensus of the Township was true. The survey that was done did not cover the whole township. We didn't get everyone's answer. The reason she says that is she ran into a woman who lives on Hickory Hill. She was talking to her and asked how she felt about the library. The woman said what do you mean. Ms. Louder said the Township is talking about splitting the funds between BAPL and HAL and she said to her, when her children were younger, the HAL is a lovely place, but now that they are older, her children came to her and said they read every book in the library. They want to go to the BAPL. She was just taken back by the fact that there's a possibility if we don't support the BAPL, they are going to say we can't belong there anymore. The other thing is HAL has made the choice to have their own little library. They have the same options we have. They have the same options to join BAPL and pay the per capita tax. They did accept state money. If you accept state money for library funds, you are automatically an ACCESS program so anybody who has a library card can use that library. Is she correct? Mr. Cahalan said yes. Ms. Louder said why in the world would we take our tax dollars out of the Township and put them into the Borough of Hellertown? Looking at that survey as well and the Task Force, the way she reads it is she sees a bigger building and a bigger building. There's three options. One is to revamp what they have. The second one is to make it a little big bigger and the third one is an \$800,000 loan that the Borough is looking at to revamp their library and the taxpayers of LST are the ones that are going to flip the bill. We are bigger than they are. Mr. Cahalan said he thinks she is jumping the gun here. First of all, he thinks you are cherry picking stuff out of the Task Force report. Ms. Louder said the Task Force report wasn't very informative. It wasn't true to words. Mr. Cahalan said he disagrees with you very strongly. That was a year and a half of effort by the group. Ms. Louder said she's not saying the efforts weren't good, but the outcome wasn't a true outcome. Mr. Cahalan said he doesn't understand what you mean by not true. Ms. Louder said the Township was not surveyed as a whole. Mr. Cahalan said we said in the report we sent out 300 some surveys. We didn't say we surveyed the whole township. Ms. Louder said why wouldn't you. Only half the taxpayers say what we do with our township tax money. Mr. Cahalan said first of all it would cost a heck of a lot of money to mail out 10,000 letters. Do you know what the response rate is normally for any survey no matter how good it is? Ms. Louder said yes she does. Mr. Cahalan said what is it? Ms. Louder said it's very costly. Mr. Cahalan said what's the response rate on a normal survey? Ms. Louder said about 40%. Mr. Cahalan said that is fabulous. The normal response rate is about 20%. You'd have to spend a substantial amount of money to send a survey to every taxpayer in LST. You wouldn't get a response from everyone. In surveys, you don't get 100%. Ms. Louder said so let's take the taxpayers money out of LST and put it into the HAL. That doesn't make any sense to her. Mr. Cahalan said it would if you read the report. Ms. Louder said she read the report and she also saw here at the meeting how the HAL folks, and with all due respect, they worked very hard to have what they have, but now they are pretty much saying it's all mine, mine, mine, and they are not opening the door to anyone else other than take the cash. Mr. Cahalan said that's totally incorrect. Mr. Maxfield said you are so inaccurate, he can't believe it. Mr. Cahalan said there have been multitudes of Township residents going into the HAL. Ms. Louder said she agrees there are 35% of the Township going there according to your poll. Mr. Cahalan said no, 50% of the people going to the HAL are from our Township. That's in the Task Force report. Ms. Louder said 50% of the people going into the HAL are from Lower Saucon? Mr. Cahalan said exactly. Ms. Louder said how

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many people are going into the library? Mr. Cahalan said double whatever that number is. It's in the report. Do you want him to get the report and read it to you? It's online. Ms. Louder said she did read it and has it printed out. Mr. Cahalan said those numbers are in there and you are making statements that are not correct. If you read the report, you wouldn't be making those statements. Ms. Louder said it's still a question of why would we take Township taxpayers dollars and put it in to HAL. Mr. Kern said because our residents are using the facility. Ms. Louder said she understands that, but the facility also went to the state and asked for money and got state funding which makes them an ACCESS which makes anybody can walk into that library and use it. Mr. Kern said so because there's a loophole we should take advantage of it? Ms. Louder said she's not saying that. Maybe we can make an annual contribution to them instead of signing a paper and notating tax dollars to them. It would be fair to give them a percentage of something. She's not saying walk around taking nothing. A percentage of something should go to the library. They worked damn hard to put that thing together and it's a beautiful place, but the bottom line is your matching apples and oranges. BAPL has to much more to give. Attorney Treadwell said if he has a HAL card, can he go to the BAPL using the ACCESS program? Mr. Cahalan said if you are a Township resident, you have to get a BAPL card to go to HAL. Ms. Louder said and vice-versa. Attorney Treadwell said then why does it make a difference? If you can go to either one? Ms. Louder said why take our tax dollars out of our township and put it in HAL? Mr. Maxfield said 50% of our residents are currently using the HAL. Last year they got 196 new people signed up. 146 of the 196 were LST residents, that's why we need to give them money. That's why we can't be using their stuff for free. That is unethical. It's stupid. It's immoral. It's just stupid. Mr. Louder said she's not saying that we should be taking it for free. She's saying we shouldn't sign a note for an \$800,000 loan that might be possibly written. Mr. Kern said we're not. Mr. Cahalan said that was in the Task Force report. Ms. Louder said there were three options and that was the third option. Mr. Cahalan said it was described as a scenario. Ms. Louder said exactly. Mr. Cahalan said do you know what a scenario is? Ms. Louder said yes, a possibility. Mr. Cahalan said exactly. That's one of the possibilities that was proposed in the Task Force report. Mr. Kern said when that point comes and we're actually discussing that, then you can make your comments. Until then, it's all speculation. Ms. Louder said for right now you are determining where the tax dollars are going, so that would be like putting the cart before the horse. Mr. Cahalan said this Council decided for 2013 that the tax dollars go to the BAPL. That's what they decided. Ms. Louder said she understands that. Mr. Cahalan said but you said they are giving money to some other place. Ms. Louder said the discussion on the table is splitting the money from BAPL and HAL. Mr. Cahalan said it's the issue, the concept, is what they are asking. Ms. Louder said exactly. Mr. Cahalan said that's not splitting the payments. It's talking about it. Ms. Louder said exactly, you are discussing it. Now she's discussing it as well and making her opinion as well and doesn't think tax dollars should be going to HAL. She thinks a wonderful donation to the HAL for us using it would be sufficient, but making a note is not. Mr. Kern said thank you for your comment. Mrs. deLeon said what is the letter going to say? Mr. Cahalan said the letter is going to say that we would like them to put the issue, concept, idea of split funding on one of their Board of Trustee meeting agendas for a decision, and that if they want to meet and discuss that as Mrs. Weil suggested before the meeting, they would designate representatives from the Township to attend that meeting.

ROLL CALL: 5-0

- Mr. Cahalan said he's recommending the appointment of Allen Hall who lives at 1919 Pine Court in the Township to fill one of the vacant slots on the Parks and Recreation Board. He circulated Allen's letter of interest. He has prior experience as a Parks and Recreation administrator and also as an educator, so he will be a perfect fit for that board. His term will run until 12/31/2013.

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MOTION BY: Mr. Horiszny moved to approve the Parks and Recreation appointment.
SECOND BY: Mr. Maxfield
ROLL CALL: 5-0

- Mr. Cahalan said he has three recommendations for special events that the Parks and Recreation Board reviewed at their meeting on Monday night. The first one is Boy Scout Troop 319 would like to hold one of their annual campouts at the Heller Homestead on March 23rd to the 25th. There are 12 scouts who camp out. The P&R reviewed the special event application are recommending approval. They use fire rings and notify Se-Wy-Co Fire Company. They haven't had a problem with them. The second request is for Heller Homestead park for an annual request to be held in conjunction with the SV History Day. That's an annual event. The SV Conservancy will have a group of Civil War re-enactors. The 153rd PA Volunteers will be there setting up an encampment. They've done this before. Mrs. deLeon said this is a different group. Mr. Cahalan said it's the same type of idea, set up tents and build campfires. The one additional thing that this group requested was they would have firing demonstrations with reproductions of Civil War rifles and would only involved black powder. We circulated that to all of the Township representatives and the fire marshal. Attached to it is his recommendation in which he would request they be required to have fire extinguishers nearby and available during the shooting times and maintain control of all gun powder being used and stored at the location of the event. With that, the P&R did review it and with those conditions are recommending approval of this special event. The third one is a request we received from a woman who has reserved the pavilion at Town Hall Park for a graduation party on Saturday, June 29, 2013. She is asking that she be allowed to have a live band perform from 4 pm to 6:30 pm that day. P&R recommended it be approved. They gave from 4 pm to 7 pm for that type of performance.

MOTION BY: Mr. Horiszny moved for approval of all three special event requests.
SECOND BY: Mr. Maxfield
ROLL CALL: 5-0

- C. **SOLICITOR** – No report
- D. **ENGINEER** – No report
- E. **PLANNER** – No report

V. ADJOURNMENT

MOTION BY: Mrs. deLeon moved for adjournment. The time was 9:20 pm.
SECOND BY: Mr. Horiszny
Mr. Kern asked if anyone had any questions? No one raised their hand.
ROLL CALL: 5-0

Submitted by:

Jack Cahalan
Township Manager

Glenn C. Kern
President of Council