

I. OPENING

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

II. PRESENTATIONS/HEARINGS

- A. Resolution #39-2015 to #61-2015 – Recognizing Adopt-a-Road Families and Organizations for Participating in the Adopt-a-Road Program
- B. Resolution #62-2015 – Recognizing Frey’s Better Foods at the 93rd Annual Hellertown-Lower Saucon Chamber of Commerce Banquet
- C. Resolution #63-2015 – Recognizing David J. Heintzelman at the 93rd Annual Hellertown-Lower Saucon Chamber of Commerce Banquet

III. DEVELOPER ITEMS

- A. IESI Bethlehem Landfill – Southeast Realignment – Authorization for Consultant Review

IV. TOWNSHIP BUSINESS ITEMS

- A. Council Ratification of Snow Emergency
- B. Steel City Park – PP&L Pole Relocation Discussion
- C. Approval to Execute Police Contract
- D. Resolution #64-2015 – Requesting PennDOT Approval to Erect Annual Community Day Signs

V. MISCELLANEOUS BUSINESS ITEMS

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

VI. PUBLIC COMMENT ON NON-AGENDA ITEMS

VII. COUNCIL & STAFF REPORTS

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

VIII. ADJOURNMENT

Next Saucon Rail Trail Oversight Commission Meeting: March 23, 2015 @ LST
Next Council Meeting: April 1, 2015
Next EAC Meeting: April 14, 2015
Next Zoning Hearing Board Meeting: April 20, 2015
Next Park & Rec Meeting: April 13, 2015
Next Planning Commission Meeting: April 23, 2015
Next Saucon Valley Partnership: May 13, 2015 @ SVSD

I. OPENING

CALL TO ORDER: The General Business & Developer meeting of Lower Saucon Township Council was called to order on Wednesday, March 18, 2015 at 7:02 P.M., at Lower Saucon Township, 3700 Old Philadelphia Pike, Bethlehem, PA with Mr. Ron Horiszny, presiding.

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

PLEDGE OF ALLEGIANCE

ANNOUNCEMENT OF ANY EXECUTIVE SESSION (IF APPLICABLE)

Mr. Horiszny said Council did meet in Executive Session this evening to discuss possible litigation. They also met at the end of the March 4 th meeting and discussed property acquisition.
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PUBLIC COMMENT/CITIZEN AGENDA ITEMS

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

II. PRESENTATIONS/HEARINGS

A. RESOLUTION #39-2015 TO #61-2015 – RECOGNIZING ADOPT-A-ROAD FAMILIES AND ORGANIZATIONS FOR PARTICIPATING IN THE ADOPT-A-ROAD PROGRAM

Mr. Cahalan said if you notice how clean and litter free the roads are in the Township, there are people here tonight to thank for that. We have representatives here from our Adopt-a-Road Program which we started in 2010. Mr. Horiszny handed out resolutions to the Adopt-a-Road participants who were in attendance at the meeting.

MOTION BY: Mr. Maxfield moved for approval of Resolutions #39-2015 through #61-2016 recognizing the Adopt-a-Road families and organizations as stated.

Mr. Maxfield said he is so proud of the way our Township looks and so proud of the volunteers that keep it that way, thank you so much. Mrs. deLeon said she loves volunteers and you keep our community together and it's very appreciated.

SECOND BY: Mrs. deLeon

ROLL CALL: 4-0 (Absent – Mr. Kern)

B. RESOLUTION #62-2015 – RECOGNIZING FREY'S BETTER FOODS AT THE 93RD ANNUAL HELLERTOWN-LOWER SAUCON CHAMBER OF COMMERCE BANQUET

The business will be presented with the Small Business Leadership Award at the annual Hellertown-Lower Saucon Chamber of Commerce Banquet on March 26, 2015.

MOTION BY: Mrs. deLeon moved for approval of Resolution #62-2015 recognizing the Community Service of Frey's Better Foods.

SECOND BY: Mr. Willard

ROLL CALL: 4-0 (Absent – Mr. Kern)

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C. RESOLUTION #63-2015 – RECOGNIZING DAVID J. HEINTZELMAN AT THE 93RD ANNUAL HELLERTOWN-LOWER SAUCON CHAMBER OF COMMERCE BANQUET (7:17 p.m.)

David J. Heintzelman will be presented with the Community Commitment Award at the annual Hellertown-Lower Saucon Chamber Banquet on March 26, 2015.

MOTION BY: Mrs. deLeon moved for approval of Resolution #63-2015 recognizing the Community Service of David J. Heintzelman.

SECOND BY: Mr. Maxfield

ROLL CALL: 4-0 (Absent – Mr. Kern)

III. DEVELOPER ITEMS

A. IESI BETHLEHEM LANDFILL – SOUTHEAST REALIGNMENT – AUTHORIZATION FOR CONSULTANT REVIEW (7:18 p.m.)

Mr. Cahalan said Council had asked the Landfill Engineer and Landfill Consultants for a cost estimate for their review of the Major Permit Modification application that has been received by PA DEP. It has not been deemed complete and the comment period has not started. The combined estimate for review is \$23,600.00. Mr. Maxfield suggested capping the amount. There was lengthy discussion on the cost of the review and if the amount was for the first review and any revisions submitted or if it was going to exceed the amount quoted due to revisions.

Mr. Cahalan said he thinks DEP said it was received and they will send out a letter indicating when it's complete. Mr. Horiszny said we have 60 days from that time. Mr. Cahalan said if there are multiple revisions or changes the cost will be higher. Mr. Kocher said it's pretty likely there will be many revisions. Mr. Maxfield said he thinks we should cap it at \$20,000.00 and if we need more, we can come back. Mr. Willard said he agrees with the cap of \$20,000.00.

MOTION BY: Mr. Maxfield moved to authorize the review of the IESI Landfill Southeast Realignment application by the Landfill Consultants, at a cap of \$20,000.00.

SECOND BY: Mr. Willard

Mr. Boyer questioned the consultants' hourly rate that Mr. Willard asked about. Ms. Donna Louder said she has received the four disks and she reviewed them and she has questions regarding the gas system, piggybacking, leaking. She understands \$23,000.00 is an exorbitant amount of money for an engineer to look at something, but how much money did we spend on a traffic light on Main Street in Hellertown. She asked if IESI could be responsible for the second review? Attorney Treadwell said DEP is the primary state agency that's in charge of reviewing the submission. There's no requirement under the Solid Waste Management Act or any laws governing landfills that the landfill pay for our consultants to review it. The Landfill Committee could ask them, but we can't require it. Ms. Louder offered to ask them. Mrs. deLeon said Council should ask that question, not the Landfill Committee. Ms. Louder said she doesn't think it's going to hurt to ask and she feels she has a good enough rapport with IESI that she's not afraid to ask. Mr. Maxfield said let's not forget that it's the Township's choice to do this review. Mr. Willard said he feels like we're splitting hairs for the \$3,600.00, so he'll withdraw his second to the motion and take the figures as presented by the Consultants on the first round with the understanding we're going to ask IESI. Mr. Maxfield said is asking IESI part of your motion? Mr. Willard said no, but it's an understanding that will occur.

ROLL CALL: Mr. Willard withdrew his second, motion died. Mr. Willard made the following motion:

MOTION BY: Mr. Willard moved to authorize the review of the IESI Landfill Southeast Realignment application by the Landfill Consultants, with the figures as presented by the Consultants.

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Mrs. deLeon asked the motion to be repeated. Mr. Horiszny stated the motion as follows “to authorize the review, but cap it at \$20,000.00 in the first go-around”.

SECOND BY: Mr. Horiszny

ROLL CALL: 2-2 (Motions Fails – Mr. Horiszny & Mr. Maxfield – No. Mr. Kern absent)

MOTION BY: Mr. Willard moved to authorize the review of the IESI Landfill Southeast Realignment application by the Landfill Consultants, in accordance with their cost estimates as follows: HEA – \$8,500.00; Neversink – \$2,500.00; HEA-HMI – \$1,600.00; Tri-C – \$11,000.00, with a \$10,000.00 grant from DEP.

SECOND BY: Mrs. deLeon

ROLL CALL: 3-1 (No – Mr. Maxfield; Mr. Kern absent)

Mrs. deLeon said she would assume the \$10,000.00 grant from DEP will have to wait. Mr. Cahalan said it’s probably a reimbursement grant.

IV. TOWNSHIP BUSINESS ITEMS

A. COUNCIL RATIFICATION OF SNOW EMERGENCY (7:41 pm)

Mr. Cahalan said a snow event occurred on March 3, 2015 at which time the Township Manager declared a snow emergency. Per Resolution #24-2004, this action must be ratified at the next regularly scheduled Council meeting.

MOTION BY: Mr. Horiszny moved to approve the ratification of the snow emergency as declared by the Township Manager on March 3, 2015.

SECOND BY: Mrs. deLeon

ROLL CALL: 4-0 (Absent – Mr. Kern)

B. STEEL CITY PARK – PP&L POLE RELOCATION DISCUSSION (7:42 pm)

Mr. Cahalan said this is a follow-up to the discussion we had last week about the commencement of the Phase I construction of the Steel City Park upgrades this year and the first thing that has to be done to accomplish that is to have PP&L relocate some of the utility poles both inside and outside the park.

MOTION BY: Mrs. deLeon moved for approval to proceed with the relocation of the PP&L poles as presented within the vacated area of Lewis Avenue.

SECOND BY: Mr. Maxfield

Mr. Boyer asked if engineering fees will be incurred to relocate these? Mr. Cahalan said no, this was in the park plan upgrade. Ms. Sonja Miller, Saucon Avenue, questioned putting all this money into a park when children can’t even go outside in their own yard because of the smell. Mr. Horiszny said reports we had from DEP state there is no danger from the odors that are there. Ms. Kareen Blean questioned those reports. She was concerned about people in Steel City dying from cancer. Mr. Willard said odors were brought up at the meeting with DEP last week and the gentleman said they would pay special attention to that in the review process. Mrs. deLeon said in September they asked DEP to do an air quality study, but they never responded to that, so maybe we could follow up with them. Mr. Cahalan said regarding the statements about the ill effects from living next to the landfill odor, Council had a meeting with DEP last June and they referred us to two health studies, both of which are on the Township website.

ROLL CALL: 4-0 (Absent – Mr. Kern)

C. APPROVAL TO EXECUTE POLICE CONTRACT (8:00 pm)

Mr. Cahalan said a draft was given to the Police Association for review and signature. Approval is necessary for the execution of the contract by the Council President and Manager. Mrs. deLeon

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said she never saw the completed copy with all the changes. She had several questions on the Police Contract which Mr. Cahalan answered.

- MOTION BY:** Mr. Maxfield moved to authorize the Manager and Council President to execute the Police Contract on behalf of the Township.
SECOND BY: Mr. Willard
ROLL CALL: 3-1 (Absent – Mr. Kern; No – Mrs. deLeon)

D. RESOLUTION #64-2015 – REQUESTING PENNDOT APPROVAL TO ERECT ANNUAL COMMUNITY DAY SIGNS

Mr. Cahalan said we brought this to you before and PennDOT requested two new things that need to be on the resolution, so it should be re-adopted.

- MOTION BY:** Mrs. deLeon moved for approval of Resolution #64-2015 requesting PennDOT approval to erect Community day roads signs, adding on the resolution that this one replaces Resolution #36-2015.
SECOND BY: Mr. Willard
ROLL CALL: 4-0 (Absent – Mr. Kern)

V. MISCELLANEOUS BUSINESS ITEMS

A. APPROVAL OF MARCH 4, 2015 COUNCIL MINUTES

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

- MOTION BY:** Mr. Horiszny moved for approval of the March 4, 2015 minutes, with corrections.
SECOND BY: Mr. Maxfield
ROLL CALL: 3-1 (Absent – Mr. Kern; No – Mrs. deLeon)

B. APPROVAL OF FEBRUARY 2015 FINANCIAL REPORTS (8:04 pm)

Mr. Willard asked if the open space fund balance was after settlement of Woodland Hills? Mr. Willard wondered why the major funds show the fund balance as a liability or credit and said he thinks it’s double entry accounting. Mr. Cahalan said he believes that’s correct. Mr. Horiszny questioned Tactical Items for Officer Shelly. Mr. Cahalan said he’s the Firearms Instructor and it’s equipment for that purpose.

- MOTION BY:** Mrs. deLeon moved for approval of the February 2015 Financial reports.
SECOND BY: Mr. Maxfield
ROLL CALL: 4-0 (Absent – Mr. Kern)

VI. PUBLIC COMMENT/CITIZEN NON-AGENDA ITEMS (8:07 pm)

- Mr. Gene Boyer asked each Council person if they believed that these people really smell an odor. Mr. Boyer questioned what Council has done to get a solution from IESI. Mr. Horiszny said it’s DEP’s job to do that. Mrs. deLeon said when we experienced the smell from MFS on Easton Road, DEP was very involved. They said in order for them to fine the company, they have to personally smell it and document it. Attorney Treadwell said one of the steps Council took seven months ago was we had an odor expert here and Council was considering hiring them in case we pursue some type of legal action against IESI and we would have an expert who could say this is what the odor is and this is where it’s coming from, but the consensus was it wasn’t going to work. Mrs. deLeon said the expert said he could testify, but it still wouldn’t hold up to court. Attorney Treadwell said then this is a moot point. Mr. Boyer asked if the Host Agreement will stay as it is for the Southeast Realignment? Attorney Treadwell said he didn’t know the answer to that.
- Jesse Repash, said he travels on Applebutter Road early in the morning and smells an odor. He doesn’t call DEP. He said he goes into landfills all over Eastern PA and this has to be the worst

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smelling landfill that he goes into. When MFS issues were going on DEP had monitors set up so why can't they do that now. He doesn't smell it in the afternoon when he comes home. Mrs. deLeon asked if the police driving on Applebutter Road smell it? Can they monitor it, document it and send it to the Manager? She'd like to make that request and she'd like a report for the landfill committee meeting.

- Mr. Gene Boyer said he talked to Roger Bellas from DEP about the odors. Why not put Roger's name and contact information on the Township form? Mrs. deLeon said protocol is the phone calls go to DEP's 888 number so it's documented. These reports and complaints go to Roger Bellas.
- Ms. Donna Louder read Section 27 of the PA Constitution regarding natural resources.

VII. COUNCIL & STAFF REPORTS

A. TOWNSHIP MANAGER

- Mr. Cahalan had the electrician's estimate for the Heller Homestead work which was \$775.00. This was held up as Mrs. deLeon wanted them to look into the spotlights in the back of the Heller House and that will be done when the electrician is out to do this work.

MOTION BY: Mr. Maxfield moved for approval of the electrician's estimate for \$775.00 to install the two items on the estimate for the Heller Homestead.

SECOND BY: Mr. Willard

ROLL CALL: 4-0 (Absent – Mr. Kern)

B. COUNCIL/JR. COUNCIL

Matt Smith, Jr. Council – Absent

Mr. Maxfield – No report

Mrs. deLeon

- She asked about the water damage at the Heller Homestead with the pipes? Mr. Cahalan said there wasn't any damage, there was just water on the floor which was cleaned up.
- She asked if we got any special event request from the Conservancy for the Arts Festival. Mr. Cahalan said they have finalized the policy and he directed Roger Jurczak to fill it out. It has come in and being circulated. They are in touch with them about insurance requirements.
- She will be speaking about SauconFest on April 8th at the LST Historical Society event.
- March 26th is the Hellertown-Lower Saucon Chamber Banquet. April 23rd at 7:30 am, Hellertown-Lower Saucon Chamber will host Merchant Services Regulation Review at Town Hall. May 2nd is History Day. May 28th Hellertown-Lower Saucon Chamber is going to sponsor a PennDOT update on Route 412 at Borough Hall at 7:30 am.
- She asked if any resident would like copies of the four CD's of the landfill application, what would that cost? Mr. Cahalan said they would need to submit a Right-to-Know request and it is \$1.00 per disk.
- At the SVP meeting the Borough Manager reported Water Street Park would be closed and they will fence off the sidewalk. The Manager should let the PD know people may be walking in the road. Also at the SVP meeting, Luis Campos, from Northampton County came and he had some promising grants that the County was working on.
- She asked what's going on with PennEast and the document they submitted? Attorney Treadwell said he saw an email from Attorney Elliott and if Council wanted him to respond, he could respond to what PennEast posted on their website, although it's very early in the process.

Mr. Kern – Absent

Mr. Willard

- He said on March 5th, he, Jack and Chris met with John Blair about a plan to develop property south of his office for a professional building.
- Yesterday he and Jack met with a couple interested in opening a brew pub with 30 seats and light food.

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- He spoke to Diane Donaher with NCDCED and she said they are very likely to get the grant for the planning piece of the Economic Development we applied for, but would need collaboration with another municipality on the next round of funding. He met with the Hellertown Borough Manager and there's probably County money available for community grants but that would require a combined effort. The next meeting is April 30th for the Citizen's Committee.

Mr. Horiszny

- He said the LS Authority is continuing to look at water supply feasibility studies.
- He asked how the PSATs resolutions get voted on? Mrs. deLeon said you're given a card to vote with at the general meeting, but she tries to attend the lectures that are offered and it's sometimes hard to go to both. Mr. Horiszny said should we bring this up at our April meeting, he didn't like the one proposed on the Police Departments and wanted to discuss how we would like Mrs. deLeon to vote on it.

C. SOLICITOR – No report

D. PLANNER – No report

E. ENGINEER – No report

VIII. ADJOURNMENT

MOTION BY: Mr. Maxfield moved for adjournment. The time was 8:48 pm.

SECOND BY: Mr. Willard

ROLL CALL: 4-0 (Absent –Mr. Kern)

Submitted by:

Jack Cahalan
Township Manager

Ron Horiszny
Council President