

- I. OPENING**
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  - D. Announcement of Executive Session (if applicable)
  
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- V. TOWNSHIP BUSINESS ITEMS**
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  - C. Black River Road Drainage
  - D. Saucon Valley Community Center – Approval of 2013 Summer Recreation Program Agreements
  - E. Bid Results for Lawn Treatment Services
  
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- IX. ADJOURNMENT**

Next Planning Commission Meeting: March 28, 2013  
Next Council Meeting: April 3, 2013  
Next Park & Rec Meeting: April 8, 2013  
Next EAC Meeting: April 9, 2013  
Next Zoning Hearing Board Meeting: April 15, 2013  
Next Saucon Rail Trail Oversight Commission Meeting: April 22, 2013 @ HB  
Next Saucon Valley Partnership Meeting: May 8, 2013 @ LST

**I. OPENING**

**CALL TO ORDER:** The General Business & Developer meeting of Lower Saucon Township Council was called to order on Wednesday, March 20, 2013 at 7:00 P.M., at Lower Saucon Township, 3700 Old Philadelphia Pike, Bethlehem, PA with Mr. Tom Maxfield, Vice President, presiding.

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

**PLEDGE OF ALLEGIANCE**

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

Mr. Maxfield said Council did not meet in Executive Session since the last meeting.

**II. PUBLIC COMMENT/CITIZEN AGENDA ITEMS**

Mr. Maxfield said if you are on the agenda, you have Council and Staff's undivided attention. If you 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. We have no presentations/hearings or developer items.

**III. PRESENTATIONS/HEARINGS – None**

**IV. DEVELOPER ITEMS – None**

**V. TOWNSHIP BUSINESS ITEMS**

**A. TOWNSHIP COMMENTS ON IESI MINOR PERMIT MODIFICATION – ADJUSTMENTS TO FINAL GRADING**

Mr. Maxfield said the Township received a Minor Permit Modification application from the IESI Bethlehem Landfill on January 16, 2013 for Adjustments to Final Grading. Township landfill consultants have reviewed this application and have technical comments that have to be forwarded, with Township Council approval, to PA DEP by March 31, 2013. We have some additional news which Linc will go over.

Attorney Treadwell said we had the Township staff, Jim Birdsall, Laressa McNemar, Judy Stern Goldstein, Leslie Huhn, Chris Garges and himself meet with some representatives from the IESI Bethlehem Landfill on Monday, March 18<sup>th</sup>. Jim Birdsall had prepared a February 19<sup>th</sup> review letter for the minor modification. We met for 3-1/2 to 4 hours to discuss that, along with some other issues. At the end of that meeting, we basically determined that IESI would make some changes to their minor permit modification plan that they had submitted to DEP subject to DEP agreeing to extend the Township's comment period to the end of May 2013. There were some communications with Bill Tomayko of DEP and today there was a letter from DEP that said basically if IESI is going to make modifications then DEP would consider that to be a new submission and they would not take any further action on the current application. We then

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received an email from Mary Ann Garber who represents IESI Landfill this afternoon agreeing that the re-submittal will start DEP's review period as well as the Township's comment period. At this point, he thinks the suggested procedure would be to wait for IESI to submit its new minor permit modification which will then restart the clock and DEP has confirmed that they will not review the current one. He doesn't think there's any need to send the comment letter and Mr. Birdsall and Laressa would agree.

Mrs. deLeon said this is covered under their Plans and Appeals account the meeting that was held on Monday? Attorney Treadwell said he doesn't know the answer to that. Mr. Cahalan said he can't confirm it 100% right now, but he can get back to her on that.

Attorney Treadwell said there's no action necessary. He just wanted to update you on the discussions and what the result was.

Mrs. deLeon said hopefully they will correct a lot of these points that we have. Attorney Treadwell said there was as a 3½ to 4 hour discussion on the issues that the Township consultants had with the way the minor permit modification was submitted. Mrs. deLeon said you are confident they will cure all these problems? Attorney Treadwell said no. He's confident they will resubmit something.

**B. TOWNSHIP COMMENTS ON IESI PROPOSED DRAFT TITLE V AIR QUALITY PERMIT**

Mr. Maxfield said the Township received a proposed draft Title V Air Quality Permit from PA DEP on February 11, 2013, which has been reviewed by the Township landfill consultants and the Township air quality consultant who have provided comments which must be forwarded to PA DEP by March 31, 2013.

Attorney Treadwell said again, this was another item of discussion at the meeting on Monday. Laressa has a letter, he thinks, dated February 27, 2013. They discussed that with the Landfill representatives, and at the conclusion of that discussion, it was the consensus of everyone there that the Township should send Laressa's letter on to DEP. You would need a motion to have Jack send that to DEP.

Mr. Maxfield said do you recall, because of the BRE site sharing the little parcel, what were some of the thoughts to that? Attorney Treadwell said some of the discussion revolved around BRE having a separate Title V air quality permit from IESI and one of the main issues that Laressa brought up was where does the line stop? He knows one of the IESI Air Quality Consultants is here, and he can correct Linc if he's wrong, but he thinks the answer to that was at the valve. Everybody agreed that Laressa had some valid questions that DEP needs to answer.

Mrs. deLeon said here we sit with IESI and wanting to know all this valuable stuff about their Title V and we're clueless of BRE's Title V and they share the same site. Attorney Treadwell said he's not familiar with BRE's Title V. Mrs. deLeon said as far as any of the state documents for air quality especially, we're clueless. How do we handle that? Here we are with pages of comments, it doesn't say we are picking on IESI, but you are put through the ringer with this and going to DEP, but where were our comments to BRE? Mr. Maxfield said he saw the report earlier today and he thought it referenced Title V language from the original application of 2006. Attorney Treadwell said he doesn't know the answer off the top of his head. We can certainly check the file and see if BRE's Title V permit application and/or permit is in the file. Mrs. deLeon said that would be great. Mr. Horiszny said if that was the letter we saw this afternoon and the information is in there, it does get on the BRE section of it where it lies within the overall space and what the analysis should and will be. We should approve that letter and he'll move that we do so.

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**MOTION BY:** Mr. Horiszny moved for approval to send the February 27, 2013 letter to DEP.

Mrs. deLeon said she hears him, but her point is there are certain requirements that they are supposed to report to DEP if certain things like exceedances happen. Do they happen and we're left clueless? She's just curious what's going on over there. She forgot to ask that question at the last meeting. Mr. Maxfield said the report he read this afternoon says something about the 2006 statistics where they imagined that not too much has probably changed because in the interim the operation stays the same. Mrs. deLeon said she's not sure what report you are talking about. Did she miss something? Mr. Maxfield said he asked for a report as he knew they'd be voting on it. Mrs. deLeon said it's the February 27<sup>th</sup> letter? She's looking at the same letter and is quite aware of this letter. Attorney Treadwell said maybe we'll get some comments from DEP on that. Mrs. deLeon said that would be great. She does ask those questions.

**SECOND BY:** Mrs. deLeon  
Mr. Maxfield asked if anyone had any comments? Mrs. deLeon asked Attorney Treadwell if he wanted to say something. He said he wanted him to confirm the shut-off point was at the valve which he thought they concluded from the discussion. Mr. Maxfield opened it to the floor. No comment.

**ROLL CALL:** 3-0 (Mr. Kern and Mr. Willard – Absent)

Mrs. deLeon asked if this will go with a cover letter from the Township? Mr. Cahalan said yes.

**C. BLACK RIVER ROAD DRAINAGE**

Mr. Maxfield said the Township Engineer, Director of Public Works, and the Zoning Officer met with Messrs. Griggs and Gress out at the intersection of Black River Road and Fire Lane to review their drainage concerns and Hanover has provided a report with their recommendations.

Mr. Miller said one thing that had been considered about a year ago by Roger was the possibility of putting 1700' long stretch of pipe and that was pretty much not considered at the time as it was fairly long and sizeable. More recently it was brought to their attention that one of the neighbors may be willing to provide an easement on their property to take the water from Black River Road back to Black River and basically drain the area in question. At the meeting, it was determined he was not interested in offering that easement because of the lack of any storm sewers in the area and the type. That was what was resolved; there was no easement to be granted. The area around Black River Road is very tight and it's low lying and flat and water sets there. The idea of extending a storm sewer had been considered in 1999 and it was decided at the time that the Township wasn't going to pursue it. That's pretty much the extent of it. Mr. Maxfield said it's just been sitting there since? Mr. Miller said yes. Mr. Horiszny said from your tour of the area, if the water was taken from the west side of Fire Lane, up the road, and then left in the gutter on Black River Road, it would cross the road by itself later on, sheet flow, is that what he read? Mr. Miller said in very high flows it would sheet flow across the road. There's not much capacity alongside the road. Mr. Horiszny said would there be a way to channel it to the other side so it would be going down both sides? Mr. Miller said if you were to channel it, he'd take it you'd want to do a culvert to get to the other side than actually dig a ditch in the road? Mr. Horiszny said right. Mr. Miller said if you did that, then you'd have to daylight that pipe which it would be a long time before you could daylight it. You'd have to make up that 3' or 4'. They could look at that, but it wasn't something that was being considered at the time.

Mr. Cahalan said what they wanted to give you was the first shot at this. The letter indicates when they went out there, they met with Mr. Griggs and Mr. Gress. They are here tonight and were given copies of this information. This project, if it was taken down Black River Road to Black River, would be very expensive, whether it would be done in-house by Public Works. They gave you a memo from the Director of Public Works that indicated that just in materials alone, it would

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be about \$75,000.00. In addition to that, there would be engineering costs and rental of equipment which would run it up to the \$150,000.00 range. According to the engineer, Black River Road has many laterals and utilities running under it and if it was done by our Public Works it would be a very difficult and time-consuming project. It could take them two to three months to get the project done which would tie them up in the event we needed them here for something else. If this was put out to bid, we would probably be talking somewhere in the \$300,000.00 to \$500,000.00 range which would be a substantial capital type of project. What they'd like to do with the engineer is work on a feasibility study of the area and the project and then come back to you with some more details and recommendations on whether it can be done in-house by Public Works or whether it would have to be bid out. At that point, we can talk money and it's up to Council to decide what you want to do. Mr. Maxfield said the estimate was between \$300,000.00 and \$500,000.00? Mr. Cahalan said about \$150,000.00 in-house and somewhere between \$300,000.00 to \$500,000.00 if it was bid out.

Mr. Horiszny said it would be a good idea to investigate further. He'd like to ask that in that investigation we consider an open channel across Fire Lane at the bottom, maybe with a grate over it so it'd would be automatic daylight and just get that water off of that NW part as that's where the biggest problem is. Once it gets on the other side of Fire Lane, it goes on down past the house of Mr. Gress. On the top side, that's where the big problem is right now.

Mr. Miller said they can definitely look at that. The one thing to keep in mind is whenever you shift water from one undersized system to another undersized system, you now have a different set of people who are concerned with what the Township is doing, it's not what the Township has done. We can look at that, but that's something to keep in mind.

Mr. Maxfield said it sounds like you are kind of saying split it up a little bit. Mr. Horiszny said the main concern is the water that is puddling on that northwest corner. It's going to come down to where it eventually goes anyway except right now we're getting a lot of evaporation after weeks or days. That needs to be sped up so it doesn't ice over. Mr. Maxfield said we get saturated conditions.

Mr. Horiszny said he went by there the other day when it was not raining, and there's a lot of water coming down and his earlier comments about all the trees that fell in the most recent storm have changed the drainage. There's not much going into the ground. It's getting to the road now. It's not slowing down very much.

Mr. Maxfield said can you give us any sort of estimate about when we could expect to see a study? Mr. Cahalan said they'll start working on it right away and he thinks we can have something back in 60 to 90 days. In the meantime, we'll continue to do the maintenance as we discussed previously to make sure that we don't have any icing and they will take care of that if it's an issue. Mr. Maxfield said it would be nice to have some sort of fix in place before the next hurricane season in September.

Mr. Maxfield asked if there was any public comment? Mr. Griggs said he wasn't able to give the people an easement as the insurance company wouldn't cover it. He'd like to read a few paragraphs to state his position. The continuous flow of water now coming down Fire Lane on to Black River Road, rain or shine, is a direct result of land clearing and removal of brush and property on the west side of Fire Lane. Why don't we eliminate the source? It's as simple as that. That land had no business being regraded, changed, trees cut down. He doesn't know if they had a permit for that. Why not stop the water from coming down there? During the sub-freezing days we had, a stream of water freezes, the school kids stand out there and have to cross an icy area to reach the bus. A child fell just at the beginning of the winter last year and lacerated her patella and was in the hospital for two days as a result of this water freezing and in front of the school bus. That is unconscionable. There's no question about it. If it was his child, he'd be very, very upset

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as that's a life-threatening injury to a child. He has put a lot of money into restoring this house of his. It's 2-1/2 centuries old. It's been authentically restored. It has water every single day whether it rains or not. He spent a fortune on different drainage and pumps in the cellar, but it's still loaded with water filling up. He can show you pictures. We can't get flood insurance anymore. They've been cancelled. He just can't figure out why we can't establish some sort of protocol here and get this done. That \$50,000.00, he wouldn't want to spend that himself. It's not that kind of a job. Why can't we stop the flow? It's a simple thing. He had an environmental lawyer who happened to be a friend of his and he was appalled by the lack of interest in the source. Why spend this fortune. We have gulleys on either side. Mr. Gress takes care of his property meticulously and it's always well cared for. There's a drain coming down his road and destroying his road, his property and his house. He thinks we could solve it so easily if we can eliminate the problem and the problem is glaring. It hits you right in the face. Why can't we do something about that?

Mr. Maxfield said he's not familiar with what you are calling the source. Can anybody else speak to that? Mr. Cahalan said he thinks the property up the road he's referring to had a grading plan that was submitted and reviewed by the engineer. It went through all of the ordinance requirements of the Township. The only thing he'd say is we gave you copies of minutes from 1999. Historically, that pre-dates the development you are talking about and the minutes show that the exact same problem was happening then when Mr. Gress came in 1999. He's not sure that you can point the finger at that and say that's the ... Mrs. deLeon interrupted and said can you tell if it's gotten worse? Mr. Griggs said we never had a problem until the last three years. Never a problem. He's lived there for about almost 32 years. The house is 2-1/2 centuries old. His only problem now is he's going to have to have the house destroyed, removed. He can't live there. It's going to be lost. It's a shame. He spent a lot of money and he thinks it's a gem that should be salvaged, but that thing started three years ago and not years before that. He can walk up there with you and point out the streams that are there. The ignorant way that place was plowed and smoothed, trees were cut down and grass, it's a swamp. You can see the two streams and two sources right there. It didn't happen 20, 30 years ago. He doesn't understand this.

Mr. Miller said let him restate it in different words so he understands what Mr. Griggs is saying. Mr. Griggs said he never had a problem until three years ago. Mr. Miller said he understands that. He was looking for additional clarification on your comment is other than it's not an issue of new development as an issue of re-grading the land that got the earth to be lower than the water table so there were springs coming up and those springs are contributing to your problem and it's a continuous thing, independent of storms? Mr. Griggs said right.

Mr. Maxfield said how could we have okayed grading with springs popping out? Isn't that like as soon as you see a spring, an alarm goes off? Mr. Miller said nature's not made that way. When they do their review of the plans, one thing they do not look for is the depth to the water table unless they are proposing sewage or they are proposing infiltration. Mr. Maxfield said maybe we should start looking at that because around here, you can dig down around 6" and hit water in places.

Mr. Horiszny said where was this grading done? Which side of Fire Lane? Mr. Griggs said the west side. Mrs. deLeon said if she's going up Fire Lane, the left would be west? Mr. Griggs said if you are going up, yes. Mr. Horiszny said did we get anything three years ago, he doesn't remember. Mrs. deLeon said Chris would approve it. Mr. Cahalan said the grading plan would come into the Township and go to the engineer's office. Mr. Griggs said they are still grading and working on it. Mrs. deLeon said it doesn't come to a Council meeting. He said he didn't remember that, but we wouldn't have seen it. Mrs. deLeon said it would be on a chart we get. Mr. Griggs said maybe they don't want to afford you any information about what they are doing. Mrs. deLeon said there are certain procedures that are done on a day-to-day basis that do not need Council approval. Council does not approve everything that comes in the door. She's saying whoever the owner is that did that had to come in and give a grading plan and went through the

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Zoning Officer, Chris Garges, and received his approval and then went to the engineer and got different reviews. It never came to a public meeting to Council as it didn't have to. The regs aren't set up that way. Mr. Griggs said did it come anywhere? Was it done without any consideration for anybody? Is he misunderstanding that? Mr. Miller said is it possible it was done without a grading plan? Mr. Griggs said they are still doing it. Mr. Cahalan said if we are talking about the same property, we covered this subject at the previous meeting. Mr. Miller said the property you are referring to is on the east side of Fire Lane, so it would not be this property. This is different than the grading plan property. Mrs. deLeon said nothing was approved then? Mr. Miller said we don't have enough information right now to say whether was approved. Mr. Cahalan said he thinks we need to go out in the field with Mr. Griggs and he has to point out the property that he's talking about. Mrs. deLeon said can we do that? Mr. Miller said we can do that. Mr. Maxfield said can we make that part of the feasibility study that we identify the source of the water that we're talking about, even if it's multiple sources, if it's runoff like on the place on the east and the west. He'd like to know if it's both. Mr. Horiszny said to have taken down a whole lot of trees, they would have had to have permits. He doesn't think we saw that. Mr. Maxfield said unless it was associated with development, like you can take down lots of trees if it's inside a building envelope. Mr. Horiszny said there's no building there that he knows of. Mr. Maxfield said it should have been a permitted activity then. Mr. Horiszny said the trees that he's thinking of have fallen and are all over that hillside. The water is coming from that whole mountainside and it's coming faster than it did before because so many trees are down. Mrs. deLeon said nothing to keep it back. Mr. Griggs said thank you very much.

Mr. Gress said he lives in this Township since 1958, and has been down here since 1966. He's seen it growing. He's been coming to meetings here and now. It's been 47 years and that was about the storm water down there which froze up in the winter. Once again, credit to Roger and his crew, they always came down and did an excellent job of cleaning it up. This today is spring water. This doesn't stop. Before with the rain water, it rain two or three days and it stopped. This doesn't stop. Now what's happening is there's pot holes under the water and where they are turning around, they are dropping in the holes. We saw a PPL truck slide through the ice and hit another car. Then there was one other accident we saw plus what Ted said the children having to walk through the ice and the water. The difference is, and like Mr. Cahalan said, before 1999, that was rain water. When he bought on Black River Road, he didn't think he was buying a riverfront property. It has really gotten bad, it doesn't stop. Credit to Roger, when he came down and met with Ted and his wife and Mr. Gress, he found two springs down there, and now it looks like there's another one on the other side of the road. The east side of the road is where you are talking about where the development was, the sediment pond and there was a three lot subdivision which the Township had looked to buy that at one time, but somebody else bought it and built a couple of homes and there's a sediment pond over there, which never gets any water in, but that's another thing. There's one little spring coming from there and two springs coming from the other side. They are running pretty decent. Somebody else would really like a spring, but he doesn't think anyone here wants to settle for a spring running down the road constantly. Mr. Maxfield said if we're going to come up with any real solution for this, it's holistic and we have to look at the entire system, identify the source and figure out where it's going so that has to be part of the feasibility study. Mr. Gress said like Mr. Horiszny said both sides, now the Township again, wherever credit is due, dug a little trench on Mr. Griggs side and paved it all the way down to Old Philadelphia Pike. That helped, but now with the spring water coming and when it rains on top of the spring water, there's a lot of water that comes down. It's amazing how much water comes down. What scares him is he watched Bethlehem Township develop that big sinkhole and he doesn't know how prone we are. Mr. Maxfield said we are. Mr. Gress said that scares him. Mrs. deLeon said second highest prone area on the state. Mr. Maxfield said the worst part is building on it already like over where Starter's is. It's the worst that's been told by geologists and it's capped already. It's not good. Mr. Gress said he hopes that will all of your input, someone comes up with some sort of a solution as it's really gotten bad.

**D. SAUCON VALLEY COMMUNITY CENTER – APPROVAL OF 2013 SUMMER RECREATION PROGRAM AGREEMENTS**

Mr. Maxfield said the agreements for the Saucon Valley Community Center 2013 Summer Recreation program have been prepared for Council review and approval.

Mr. Cahalan said we do this annually at this time. We approve the contract and the money has been budgeted in the 2013 budget. There are two programs. One is at the parks and the other is for younger kids at Seidersville Hall. The park program runs from June 18<sup>th</sup> until August 9<sup>th</sup>. It's at Town Hall Park and Southeastern Park. They are able to handle 75 kids at Town Hall Park and 40 kids at Southeastern Park. It runs in two sessions. It has potential to serve up to 230 kids. Some of the kids do participate in the first session and then there are some carry over's into the second. It has a breakdown of the parks program. It's a well run program. It's free to Township residents and the amount for that portion of the program is \$19,837.62. That money is budgeted in the 2013 budget. The second program is a children's program for children ages 3 to 5 years. There are three of them, summer art, science fun and bookworm. That runs from July 8<sup>th</sup> to July 26<sup>th</sup>. Each of those can accommodate 15 children. The cost of that program is \$3,207.92. The funds are budgeted for that purpose.

Mrs. deLeon said Leslie said the information in our packet is wrong. There are three parks in here. Mr. Cahalan said we gave you information about the dates of the program. Mrs. deLeon said the amounts of money are wrong. Mr. Horiszny said on page 5, he has a question on the Whereas, the fourth one, we should drop the word citizens after children. Then on paragraph 3, on page 5, the written out number is different than the numerical number in parenthesis. Ms. Huhn said the one that's in their packet has to be revised with what Erin submitted to us today. This went out before we got it from Erin. Mr. Cahalan said we'll correct the dates and the amounts to what he quoted and will make those corrections.

- MOTION BY:** Mr. Horiszny moved for approval of the 2013 Summer Recreation Program agreements, with corrections.
- SECOND BY:** Mr. Maxfield
- Mr. Maxfield asked if anyone had any comments. No one raised their hand.
- ROLL CALL:** 3-0 (Mr. Kern and Mr. Willard – Absent)

**E. BID RESULTS FOR LAWN TREATMENT SERVICES**

Mr. Maxfield said a bid opening for lawn treatment services for the period of March 2013 to December 2013 was held on Friday, March 15, 2013 at 11:00 am. The Manager will recommend to Council the lowest bidder.

Mr. Cahalan said we had some bids received on this, but he is going to ask you to reject all of the bids for two reasons. The first reason is the bids are way higher than was budgeted. The second reason is he looked at the bid documents that were handed out and we used acreage in the parks rather than the field dimensions. This is just for treatment of athletic fields, not for lawn mowing. We need to make some corrections on that. Based on those two reasons, he's asking you reject the bids received that were opened on March 15, 2013.

- MOTION BY:** Mrs. deLeon moved for rejection of the bids for the lawn treatment services because they are over budget.
- SECOND BY:** Mr. Horiszny
- Mr. Maxfield asked if anyone had any comments.
- ROLL CALL:** 3-0 (Mr. Kern and Mr. Willard – Absent)

**VI. MISCELLANEOUS BUSINESS ITEMS**

**A. APPROVAL OF MARCH 6, 2013 MINUTES**

Mr. Maxfield said the draft minutes of the March 6, 2013 Council meeting have been prepared and are ready for Council's review and approval.

Mr. Horiszny said on page 17, line 16, the word "ROLL CALL" shouldn't be there as there wasn't one. On page 19, line 37, with corrections, shouldn't be there as we didn't do any.

**MOTION BY:** Mr. Maxfield moved for approval of the March 6, 2013 minutes, with corrections.

**SECOND BY:** Mrs. deLeon

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

**ROLL CALL:** 2-1 (Mr. Horiszny – No; Mr. Kern and Mr. Willard – Absent)

Ms. Huhn said motion fails. This will come back to the April 3, 2013 meeting.

**B. APPROVAL OF FEBRUARY 2013 FINANCIAL REPORTS**

Mr. Maxfield said the February 2013 financial reports have been prepared and are ready for Council's review and approval.

**MOTION BY:** Mrs. deLeon moved for approval of the February 2013 financial reports.

**SECOND BY:** Mr. Horiszny

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

**ROLL CALL:** 3-0 (Mr. Kern and Mr. Willard – Absent)

**VII. PUBLIC COMMENT/CITIZEN NON-AGENDA ITEMS – None**

**VIII. COUNCIL & STAFF REPORTS**

**A. TOWNSHIP MANAGER**

- Mr. Cahalan said the EAC and Parks and Recreation and Mr. Horiszny have been out at the Dravec parcels walking them for the purpose of planning to install access and trails out there so the public can visit the parcels and enjoy the property. They can do nature walks, bird watching and other passive recreation activities. What we need to focus on in order to do that is parking for the public so that when they come there, they can leave their car and get onto these trails on the property. We acquired for fee simple purchase, several parcels there that are down off of Apple Street. There's a gravel lane with a 50' access easement that takes you down to the bottom of the property. It crosses over a bridge that goes over the East Branch of the Saucon Creek and then crosses over an access easement that the Columbia Gas has and then it gets onto the property. In order to install parking, we looked at several areas there adjacent to the bridge. One of the issues that we would have with the installation of the parking is that our riparian buffer ordinance would prohibit us from doing any permanent disturbance within 100' on either side of the creek. That eliminated the two spots we were thinking we could use for parking. What we did, and Ron had been out there several times, is we looked at the parcels we own and one of them which is identified as Q8-1-1, which is the first one you come to from the access lane, which may have potential for parking. What we'd like to do is have it surveyed by Hanover Engineering and we asked Brien Kocher for an estimate and it's in the range of about \$2,000.00 to \$2,500.00 to do a boundary survey, the survey plan, and to set the monuments for that parcel. We'd like to ask for Council approval to spend that money to have that

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survey done and he'd also ask that we charge that to the Open Space fund as necessary expenses for an open space parcel.

**MOTION BY:** Mr. Horiszny moved to approve to spend \$2,500.00 for a survey to come from the Open Space Fund.

Mr. Horiszny said that lot is just confusing as to how it lies along the pipe line and that's where a critical site would be, so he hopes we can get a trail out there of some type soon as it's a beautiful piece of property.

**SECOND BY:** Mr. Maxfield – he said he's hoping if we do a survey of that area, it will identify the riparian buffer, something to guide us by so we could maybe restore that someday too.

Mr. Miller said when you say identify the riparian buffer, are you referring to existing features. Are you trying to find the top bank? Mr. Maxfield said right now it's been determined that the parking lot is inside part of the riparian buffer. The current existing parking lot, so someday that gravel area will have to be restored into a regular riparian area, so it would be nice to have it identified where that edge is where we'd have it restored or to close proximity. Mr. Miller said a ballpark? Mr. Maxfield said yes. Mr. Horiszny said where the existing parking is, it's on the easement, not on Q8-1-1. Mr. Cahalan said if we were to do this, we would have to have gotten an easement from Mr. Dravec or Columbia Gas to park there, but they are both within that 100' buffer distance, so that eliminates them. Mr. Maxfield said that identifies them just in case conditions change in the future.

**ROLL CALL:** 3-0 (Mr. Kern and Mr. Willard – Absent)

### B. COUNCIL

Jr. Council – No report

Mr. Kern – Absent

Mrs. deLeon

➤ She said there is a map up on the screen. At the last Council meeting we approved the request from the 153<sup>rd</sup> for a Special Event Permit. The SVC invited members of the 153<sup>rd</sup> group to participate with activities on History Day on April 27<sup>th</sup>. They thought it would be educational to include a firing demonstration. Because of the firing demonstration, the 153<sup>rd</sup> requested permission to perform this using reproduction Civil War rifles in addition to their living history displays and they completed a Special Events Application. She asked them to do that. The demonstration will include how Civil War soldiers loaded their rifles and the formations and sequences on how they fired them. The rifles use only black powder, no live ammunition and the strength of the powder is less than 70 grams. Qualified personnel will inspect the rifles for safety prior to each firing demonstration. This inspection will be part of the demonstration. No spectators would be allowed to handle a loaded rifle. This demonstration would take place four times throughout the day and not for every group of spectators. They would have set times. This was based on an approval from the Parks & Recreation Board at the March 4, 2013 meeting. The next day, Carol sent the 153<sup>rd</sup> an email saying “your special event for the 153<sup>rd</sup> on April 27<sup>th</sup> at the Heller Homestead Park has been approved subject to complying with the Fire Marshal's recommendation about fire extinguishers and safekeeping of the black powder which was in the Parks & Recreation thing. You will also need to mail a \$25 application fee and a \$250 deposit fee, both made payable to the LST by April 1<sup>st</sup>. Our Fire Marshal would like to discuss the actual location where you will be holding the firing demonstration. Kenny will be in touch with them, contact Carol with any questions”. If Council recalls, in the

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past, the other group that had asked for permission to use the site on our History Day, their charge for \$25 was always waived. She doesn't ever remember them paying a \$25 fee. She apologizes for not asking for a waiver, but she doesn't think she ever asked for one in the past. She would like to ask Council to waive the \$25 fee because they are part of their activities and they have always done that in the past. Mr. Horiszny said he'll second it.

**MOTION BY:** Mrs. deLeon moved to waive the \$25 application fee for the 153<sup>rd</sup> regiment re-enactors event on History Day.

**SECOND BY:** Mr. Horiszny  
Mr. Maxfield asked if there were any comments?

Mr. Cahalan said he's not sure it was waived. He checked back to see if they paid it. He doesn't think we checked back to see if we waived it, but they didn't pay it. It's a fee that's in the Special Events Policy. Other groups that are using park properties pay it. It's Council's decision. Mr. Maxfield said has anybody that used the park paid that? Mr. Cahalan said yes, the Boy Scouts are going to be camping out there. They pay it. Mrs. deLeon said she was horrified when she heard that the Boy Scouts pay it because to her, we should be encouraging use of our parks and to her, this special activities wasn't for the Boy Scouts or part of a History Day celebration, it was part of the Homestead. We are there to do educational programs. If another group was coming in and making money, she'd have no problem with the \$25 fee, but the Boy Scouts are going to be requesting to be there again on History Day and she's thinking that's \$50 and it's only been two months of the year. Did Ron pay it the last time, the \$25 fee? Mr. Cahalan said as far as he knows, everybody has paid it. The youth sports group that use Polk Valley Park paid it. Cub Scouts, Boy Scouts, its part of the policy. Mr. Maxfield said it's only \$25. In one respect it's like you can waive \$25, but we're only asking \$25 for an application fee. Mrs. deLeon said she just thinks this is supposed to be a partnership and there's a lot of things that get waived. She just thinks that it only sounds like \$25, but to a group of volunteers who are trying to educate the public, they don't even get paid to do this. If you just want to hold that motion and let her finish reading some of the other parts. They did meet with Kenny on Monday. They went over and Kathy Hudak put together this wonderful map that's up on the screen. They went over different areas. As you come into the park and go past the barn ruins and you stay closer to the Saucon Creek, you'll see the port-a-potty and you come in and there's a grassy lane in here. They figured that would be the best area to do it and there would be three men across. Let her read to you what Cornelius put together. He says for the site walk today with you and the Fire Marshal here are the proposed firing demonstration times. They can be adjusted to fit other activities that are ongoing. They are going to do 10 AM, 11:30 AM, 1:00 PM and 2:00 PM. Also, the following is a listing of events where our members have participated in firing demonstrations. Historic Bethlehem provided a rifle firing demonstration for the start of the 150<sup>th</sup> anniversary of the Civil War in Bethlehem. They did the demonstration in the historical complex. They were invited and not charged a fee. Whitehall Historic Preservation Society provided a rifle firing demonstration during the open house at the Grist Mill in Whitehall Township for several years. National Park Service participated in educational events and rifle firing demonstrations on the Gettysburg Battlefield for several years. Kreidersville Bridge Festival provided support and firing demonstrations for the preservation of the covered bridge at Kreidersville. All fees were waived since they were providing an educational experience for the public. Schnecksville Elementary School and the Parkland School District for each year, for the past eight years, they provided a rifle firing demonstration for 5<sup>th</sup> grade classes. Kratzer Elementary School in the Parkland School District provided a rifle firing demonstration for the 5<sup>th</sup> grade classes for the past four years. Their members have also participated in several large re-enactments without any incidents. All of the above activities were completed without any injuries to the public or property damage or fees or deposits being charged. They do use paper cartridges and

metal clips. They will have a safe area for spectators to stand and watch the demonstration and police the area afterwards to clean up the paper and caps. They are not getting paid. They were guests from the Conservancy as part of their History Day. As she said, they were there on Monday. The other thing was unaware to her, the Township is also asking for a \$250 deposit in case there are damages. She felt that information should have been on the Parks & Recreation member so, she as a Council person, would have seen and known that for anytime they charge extra fees like that. They really can't pay the \$250 fee. She feels their activities are within the 2.2 acre leased property of the Conservancy and you guys have to decide what you want to do. On the map, she said see the oval. That is the brushy or grass path along the creek and there's that oval and on the upper part of that oval, there's another grassy area to go in there so the spectators would stand there and look on that oval down on to that. They figured that would be the safest place to do it. Nobody is going to be walking in and have a gun pointed at them. The other thing is that if you do not waive the fees, both fees, they will be part of their group. They didn't have to ask for a Special Event approval because they are part of their group. They'll be there and will be going through their demonstrations and will show people what it would be like shooting a gun and they just won't shoot. It's your choice. They either do or they don't do it, but it'll still happen if that makes any sense. Mr. Horiszny said because of the precedence setting, it makes it a tougher issue, is there the chance the Conservancy would pay their fees? Mr. Cahalan said the \$25 is a fee. The \$250 is a security deposit that's refundable. Mrs. deLeon said the policy does say that Council can choose to waive fees. It's written in the policy and is online if you want to look at it on the website. Mr. Maxfield said if the reason is education, that makes sense to him, but how is that going to apply like you mentioned earlier about the Boy Scouts. Mrs. deLeon said that's a whole separate thing you are asking about the Boy Scouts. That's a whole other issue. She's here asking about an invited guest of the Conservancy and she apologizes as she never even gave it a thought as she was not aware that they were even charged a fee. It wasn't in the letter. Mr. Maxfield said this is for the Special Event Policy. What else would qualify under our existing policy for the fee? Mrs. deLeon asked the \$25 or the \$250? Mr. Maxfield said the \$25? Mrs. deLeon said the \$25 is a fee for anybody. Mr. Cahalan said it is for applying for approval of a special event on a park property. Mr. Maxfield said that could be someone's wedding reception? Mr. Cahalan said whatever the policy permits. Mostly they are non-profit, not for profit groups, but we do have payments and fees for pavilion rentals that people pay for the pavilions at the parks. They also pay a security deposit, so it's standard practice that there's a minimal fee and a security deposit in case there are damages. That's part of the policy for all of our facilities. Mr. Horiszny said he's willing to leave his second in there on the \$25 fee waiver, but he thinks the damage deposit we ought to go ahead and require if the Conservancy or group have to put their money up just in case. Mrs. deLeon said if that's the case, she guesses technically the application is withdrawn, but the fee is still the fee. If they had to pay the \$250, they would still do the demonstrations, they will still be there as an invited guest of the Conservancy. They will do their demonstrations. They will go through all the motions, but when they go to shoot the gun, it's not going to be with black powder. She would really appreciate if you would waive the \$25. Now we know then. They are staying on their 2.2 acre track and they are their guests. Mr. Maxfield said he agrees with Mr. Horiszny. Things can happen. You can never predict. He would be okay if the \$25 was waived, but they need the \$250. That's fair as they are asking everyone to do that. Mrs. deLeon said no, we're not asking everyone. It's subjective. If you read the policy, it says LST reserves the right to waive the policies in whole or in part to waive restrictions or conditions to impose restrictions and conditions, to require additional security, she doesn't know where additional came from as we don't ask for any security. To waive fees in whole or part, to impose additional insurance requirements, we do ask for insurance and they did provide it. To require Township inspections and approval and to take such steps as may be necessary to insure the health, safety and welfare of the residents of the Township and the users of the park.

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Mr. Maxfield said he's thinking that most of the requests we get is here at Town Hall Park. A wedding reception or someone who wants to have a band for a party, we ask them for \$250. Mr. Cahalan said yes, it's a refundable security deposit for using facilities at Township parks. Mr. Maxfield said he thinks it's fair, they get it back. Mrs. deLeon said the motion was just for the \$25, there wasn't really a motion on for the other. Mr. Maxfield said right. We have a motion on the floor made by Priscilla, second by Ron to waive the \$25 application fee for the 153<sup>rd</sup> regiment re-enactors event on History Day. He asked if there was any comment from the public?

Keri Maxfield said it actually might be a better idea if they don't load and shoot off the guns because of the 3,000 year old wetland and bird sanctuary that's nearby. Mr. Maxfield said we have a motion on the floor.

**ROLL CALL:** 3-0 (Mr. Kern and Mr. Willard – Absent)

Mrs. deLeon asked what the process was for withdrawing an application for a special event as that may happen. Mr. Cahalan said he doesn't know that you have to withdraw it. The application is a review process for the event that we bring to Council to approve. He doesn't know. Mr. Maxfield said a phone call. Mrs. deLeon said she thinks in the future if the administration is going to assess fees, it should be somewhere in the Parks & Recreation letter so that she as a Council person knows that in advance and ahead of time. Mr. Cahalan said it's from the policy. He will have that on the application in the future so that people are aware of the fees. Mrs. deLeon said the fees not even on the application. You could go to the Internet, as that's what she did, and pulled the form off to send it to Neil and today when she went to look at it, she saw the policy, of course, we approved the policy and she was part of that, but you forget. Mr. Cahalan said the form refers them and asks them to read the policy, but he will put the fees on the application form. Mrs. deLeon said okay. Mr. Maxfield said are you saying there's a Park & Recreation form for the fee? Mr. Cahalan said it's a Special Event Application. This is a Township form. Mr. Maxfield said it isn't a Park & Recreation Board form? Mr. Cahalan said no, it goes through them for review and recommendation.

- She said the Hellertown-Lower Saucon Chamber on Thursday, March 28<sup>th</sup> from 11:30 AM to 1:00 PM there is a luncheon program at Braveheart. It's \$20 per person and the presenter is going to be Wayne Packer, Director of HR Field Operations for Lowes. He's going to talk about effective strategies to leverage the skill of the tech savvy generation.
- She said honorees for the 91<sup>st</sup> Annual Hellertown-Lower Saucon Chamber banquet will be held on Friday, May 31<sup>st</sup> at Silver Creek Country Club. It's \$40 per person. It starts at 5:30 PM. The honorees will be Lost River Caverns, Josh Popichak, and the Saucon Valley School District. They will also be recognizing the \$1,000 scholarship honoree for the Phyllis Schnaible award. The deadline is April 1<sup>st</sup> if anyone needs to apply for that.
- She said she talked about SV History Day, which will be Saturday, April 27<sup>th</sup> from 9 AM to 3 PM. There's going to be special activities not only at the Homestead, but also at the Grist Mill and Lutz-Franklin Schoolhouse. Hellertown-Lower Saucon Chamber is also going to have their pathway to progress with booths set up by the Grist Mill. She hopes to see everybody there.

**Mr. Willard** – Absent

**Mr. Horiszny**

- He said he noticed in the PSATS magazine that Clean-Up Your Community Day is coming up. In the past, the landfill has waived dumping fees for that and we have waived our fees. He wondered if we were anticipating to do that again.

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- He said in the March issue of the PSATS magazine, there's an article on Northampton County Township's formula that works for land conservation. We should be looking at that. It's pretty nice stuff and complimentary.
- He attended the LS Authority meeting last night. Planning and work has already begun on the summer projects and the leak detection system is working extremely well.

**Mr. Maxfield**

- He said the Community Center will be honoring our Hellertown representative on the EAC, Terry Boos and his family.
- He said he'd like to keep in their heart, President Glenn Kern who is spending his time with his mother who is in the last stages of her life.

**C. SOLICITOR** – No report

**D. ENGINEER** – No report

**E. PLANNER** – No report

**V. ADJOURNMENT**

**MOTION BY:** Mrs. deLeon moved for adjournment. The time was 8:10 pm.

**SECOND BY:** Mr. Horiszny

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

**ROLL CALL:** 3-0 (Mr. Kern and Mr. Willard – Absent)

Submitted by:

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Jack Cahalan  
Township Manager

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Glenn C. Kern  
President of Council