

REVISED

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

III. DEVELOPER ITEMS

- A. Bruce & Ginger Petrie – 2626 Redington Road – Approval of Preliminary/Final Plan and Sewage Planning Module

IV. TOWNSHIP BUSINESS ITEMS

- A. PennEast Pipeline – Approval to Forward Comments from Environmental Solicitor on Tetra-Tech to Inspector General
- B. DEP/Legislative Response to Township Letter Regarding Odor Complaints in Steel City
- C. Resolution #66-2015 – Approval of Township Disposition of Records
- D. Approval to Erect Neighborhood Block Watch Signs on Wildberry Lane
- E. Roof Repair and Lighting Installation at Heller Homestead

V. MISCELLANEOUS BUSINESS ITEMS

- A. Approval of April 1, 2015 Minutes

VI. PUBLIC COMMENT ON NON-AGENDA ITEMS

VII. COUNCIL & STAFF REPORTS

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

VIII. ADJOURNMENT

Next Planning Commission Meeting: April 23, 2015
Next Saucon Rail Trail Oversight Commission Meeting: April 27, 2015 @ HB
Next Park & Rec Meeting: May 4, 2015
Next Council Meeting: May 6, 2015
Next EAC Meeting: May 12, 2015
Next Saucon Valley Partnership: May 13, 2015 @ SVSD
Next Zoning Hearing Board Meeting: May 18, 2015

I. OPENING

CALL TO ORDER: The General Business & Developer meeting of Lower Saucon Township Council was called to order on Wednesday, April 15, 2015 at 7:00 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; Kevin Chimics, Township Engineer; Karen Mallo, Township Planner and Matt Smith, Jr. Council Member. Absent: Glenn Kern, Council Member.

PLEDGE OF ALLEGIANCE

ANNOUNCEMENT OF ANY EXECUTIVE SESSION (IF APPLICABLE)

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

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 – None

III. DEVELOPER ITEMS

A. BRUCE & GINGER PETRIE – 2626 REDINGTON ROAD – APPROVAL OF PRELIMINARY/FINAL PLAN AND SEWAGE PLANNING MODULE

Mr. Andy Woods from Art Swallow Associates was present. They are looking for final approval for the Helm Subdivision. Mr. Chimics said there are some minor drafting errors to be addressed on the plan as well as some legal items. There are some waivers, which are due to infiltration testing on several of the lots, so they are proposing a detention basin to retain the water. Mrs. deLeon asked about the P/C and EAC recommendations. Mr. Maxfield said they recommended approval of the waivers because of the inability to infiltrate.

MOTION BY: Mr. Maxfield moved for approval of the preliminary/final plan, per the draft motion from Hanover Engineering, for tax parcel NE-14-9 including the conservation easement.

SECOND BY: Mrs. deLeon

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

MOTION BY: Mr. Maxfield moved for approval of the sewage planning module.

SECOND BY: Mrs. deLeon

ROLL CALL: 4-0 (Mr. Kern – Absent)

IV. TOWNSHIP BUSINESS ITEMS

A. PENN-EAST PIPELINE – APPROVAL TO FORWARD COMMENTS FROM ENVIRONMENTAL SOLICITOR ON TETRA-TECH TO INSPECTOR GENERAL (7:09 pm)

Mr. Cahalan said we are asking for Council approval to have Charles Elliott forward this information to the Inspector General's office. Mr. Horiszny said we should copy our County and State officials.

MOTION BY: Mrs. deLeon moved for approval to forward the comments from our Environmental Solicitor, Charles Elliott, on Tetra-Tech to the Inspector General's office and copy all our County and State officials.

SECOND BY: Mr. Maxfield

**General Business & Developer Meeting
April 15, 2015**

Ms. Kathy McGovern, 4060 Lower Saucon Road, asked about Lisa Boscola's and Bob Freeman's office? Mrs. deLeon said they are the state officials along with Justin Simmons, Charlie Dent, Bob Casey and Pat Toomey. Mr. Willard asked if the FERC Inspector General, is an Inspector General attached to FERC or an independent office? Mrs. deLeon said she thinks there's only one Inspector General who covers all the federal agencies.

ROLL CALL: 4-0 (Mr. Kern – Absent)

B. DEP/LEGISLATIVE RESPONSE TO TOWNSHIP LETTER REGARDING ODOR COMPLAINTS IN STEEL CITY

Mr. Cahalan said we have not received a response from DEP. He read an email the Township received from Dean Fisher of DEP dated April 2nd. Representatives Simmons and Freeman and Senator Boscola sent a joint letter to John Quigley of PA DEP. They are urging DEP to do testing to determine the source and to meet with DEP.

Mrs. deLeon said the letter refers to months, and it's actually been years. She doesn't like when it says other places the odors may relate to. She knows what landfill gas and the landfill smells like. There was a weekend in August where there was a horrendous odor, DEP inspected and it was a landfill gas. There are reports on the Township's website and one report says it was documented off-site. Mr. Horiszny said we were asked if the Township could enforce any malodor or nuisance odors and he read an opinion from Solicitor Treadwell.

Mr. Cahalan said he was asked to explore the use of Police Officers to log odors in Steel City and he can direct Police Officers while on patrol through Steel City to have their windows open to see if they can detect any outside odor. If they smell something, they can log it in their daily report. It would be for a 30-day period. At the end of the one month period, they will give Council the results. The Police Officers have no enforcement authority for landfill odors. They discussed using an outside consultant with that expertise who could make daily trips to Steel City and note any odors they smell. They reached out to a firm that gave a scope of what they would do and provide a report of their findings at an estimated cost in the range of \$7,500.00 to \$12,500.00.

Mrs. deLeon said we discussed hiring a consultant before and their opinion doesn't count, it has to be DEP's opinion. Attorney Treadwell said the Police Officers can identify they smell something and can give an opinion of what it is, but they are not trained in odor issues. The purpose of the odor expert would be that in the event DEP does not see fit to send out more inspectors, this would allow another expert to do that job. Mrs. deLeon said she thinks we should put the consultant on hold and see if DEP is going to respond to our requests.

Mr. Maxfield said if we receive no response from DEP, and the Police reports are inconclusive on what we need to do, he would suggest we do go with the independent consultant so we know what's happening here. He doesn't want to give it any longer than a month with the Police reporting back to us. Attorney Treadwell said the point of the expert is in the event that DEP doesn't issue any type of an enforcement action, if Council wants to consider the Township enforcing this action, then he needs an expert to testify. Mrs. deLeon said we've been down that route with MFS and we know the Judge is only going to believe DEP. Attorney Treadwell said the point of the memo was we had a lot of questions from the audience and Council as to what we can do about it, so he's telling you what we can do. Mr. Maxfield said the action we had with MFS was good as it was closed down. An independent inspector could only help the situation. Mr. Willard thanked the staff for preparing alternatives. He said we'll wait, but not too long. Mrs. deLeon said we have ordinances in place, but they aren't working. Attorney Treadwell said we have a zoning ordinance that discusses odors and it says if there's an odor problem, the Township should use the Air Pollution Control Act that is the State act. Your ordinance does not address odors; it sends you to the State act. Your question was why don't we have anything in the Township ordinance and we do.

**General Business & Developer Meeting
April 15, 2015**

Ms. Kareen Blead said do we get that gentleman's phone number when we smell it so he can come out? Mr. Maxfield said if we had an independent inspector, he would be there for a few weeks. Ms. Blead said each day is different. Attorney Treadwell said if we hire this independent consultant, his suggestion would be that he would be on call. Mr. Maxfield said he doesn't want this number to go out to the public as it defeats the whole idea of an independent inspector. If there's a call into the Township, we call the guy. Ms. Blead asked who do we call at 1:30 in the morning? Mr. Maxfield said the police. Attorney Treadwell said all these details would need to be worked out.

Mr. Walter Zagwoski said he had his house appraised the other day and the first thing the appraiser asked is what is that godly (sic) smell. This smell isn't going to go away. Why are we wasting all this time? Attorney Treadwell asked him what do you believe the solution is? Mr. Zagwoski said close the dump. Attorney Treadwell said oh, close the dump tomorrow. Mr. Zagwoski said the next day, whenever, stop getting expansions, it has to close someday. Attorney Treadwell said now he knows what he's looking for; and his in his legal opinion of closing it tomorrow, that's highly unlikely. Mr. Zagwoski said not tomorrow, but don't give them any more extensions. Attorney Treadwell said so is that what you're asking for? Mrs. deLeon said you're falling into his trap. Mr. Zagwoski said they controlled it for 30 years and you didn't smell it and now they are smelling it. Mrs. deLeon said they have it all planned. They say it's a malodor and they are going to fix this, we're going to do that, give us 10 days and it's ongoing, ongoing, that's the way it's always been.

Mr. Matt McClarin said you're focusing too much on the problem and not on the solution. If IESI is misting with an odor control, obviously there is a problem. What is in this stuff? Mrs. deLeon said we asked that question in a committee meeting and still have not received an answer. Mr. Maxfield's sitting up here calling us liars and he wants an independent consultant. Mr. Maxfield said will you stop it. Mr. McClarin said what's the point of an independent consultant? You know there's a problem there. Attorney Treadwell said the point of the consultant is to try and stop the odor, which is what he thought we're trying to do. Mr. McClarin said it's coming from the landfill. Attorney Treadwell said in the legal world, it's not enough for him to say he smells a smell and it's coming from the landfill. He has to prove it.

Mrs. deLeon said we have Lou Militana as a consultant, what was the end result when he was here? Why didn't we want to hire him for \$21,000.00? Attorney Treadwell said what Mr. Militana presented, he wasn't going to do it personally. He was going to give out air canisters for the residents to collect air samples. That wasn't going to allow Attorney Treadwell to say in court that the expert had collected the sample and that it would be open to challenge if the sample wasn't collected in the correct manner which was his legal concern.

MOTION BY: Mrs. deLeon moved for approval to have the Police Department log odors for a 30-day period, per Mr. Cahalan's memo.

SECOND BY: Mr. Willard

Mr. John Hulsizer said they are stockpiling dirt up there. Is there a silt fence around that pile and are they spraying it? Can this be looked at tomorrow when the Landfill Committee visits there? Mr. Maxfield said they are exempt from some parts of the grading ordinance because they use that fill every day. Mr. Horiszny thanked Mr. Hulsizer for taking the trees down at Heller Homestead. Mr. Hulsizer has concerns about a Mulberry tree at the Heller Homestead. Mr. Zagwoski expressed his concerns of the dirt sitting there for 20 years and it washed out. Mrs. deLeon said they did fix that where it breached and where it washed out.

ROLL CALL: 4-0 (Mr. Kern – Absent)

Mrs. deLeon asked Mr. Cahalan to send an email to Al Schleyer tomorrow morning and ask him to respond to the request for the data sheets on the chemicals they use in the misters.

Mr. Maxfield said he'd like to suggest to staff that if a month goes by and the Police reports are inconclusive and DEP hasn't responded, we're ready to go with the recommendations for an

**General Business & Developer Meeting
April 15, 2015**

independent consultant. Mrs. deLeon said she would want this consultant to be introduced to all the companies around the landfill.

C. RESOLUTION #66-2015 – APPROVAL OF TOWNSHIP DISPOSITION OF RECORDS

Ms. Huhn said all the documents that the Police Department and Finance Dept. will be shredding are attached to the resolution. The shredding event will be open to the public.

MOTION BY: Mr. Maxfield moved for approval of Resolution #66-2015 for approval of disposition of records as listed with the resolution.

SECOND BY: Mr. Willard

Mrs. deLeon said municipalities are getting rid of receipts, and no one will ever know what it is anymore. Ms. Huhn said a lot of the records from the Finance Department are being scanned in so this would just be the papers that are being shredded.

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

D. APPROVAL TO ERECT NEIGHBORHOOD BLOCK WATCH SIGNS ON WILDBERRY LANE (7:52 pm)

Mr. Cahalan said Officer Kyle Haggerty, our Neighborhood Watch Coordinator, is meeting with residents to set up neighborhood block watch groups. According to our policy, if they request signs, they have to pay for them. We will order them from the approved PennDOT manufacturer and Public Works will erect the signs and maintain them. Mr. Willard said his neighborhood watch seems to be working well.

MOTION BY: Mr. Willard moved for approval to erect neighborhood block signs on Wildberry Road.

SECOND BY: Mr. Horiszny

ROLL CALL: 4-0 (Mr. Kern – Absent)

E. ROOF REPAIR AND LIGHTING INSTALLATION AT HELLER HOMESTEAD (7:54 pm)

Mr. Cahalan said last summer they were given reports that slates on the Heller House were falling off the roof into the flowerbeds. Since October, we've been trying to get a contractor to take a look at the roof and determine what would have to be done to fix that. Mr. Zimpfer from Hellertown thought the job would be in the \$12,000.00 range but when he went up on the roof and removed the slates, there was damage to the wood underlayment, so he has provided an estimate for which also includes the rental of scaffolding, for a price of \$16,052.55. This includes replacement of slates on the roof peak. On the Widow's House, the porch is missing some slates which were broken and his estimate also covers this.

MOTION BY: Mrs. deLeon moved for approval of \$16,052.50 for the roof repair at the Heller Homestead.

SECOND BY: Mr. Willard

Mr. Cahalan said masonry work also has to be done by a stone mason, which is up at the peak where it meets the slate. Mrs. deLeon asked if it would be the lime/mortar mix specified by Andy DeGruchy's as we should follow PHMC's guidelines? Mr. Cahalan said he will find out and he will notify PHMC of the work.

ROLL CALL: 4-0 (Mr. Kern – Absent)

Mr. Cahalan said the second item is the spotlights on the rear of the main house. They were intended to focus on the root cellar and back yard. When Council authorized the electrician to do other work, such as the receptacles inside and outside and Mrs. deLeon asked that he look at the spotlights and they couldn't find any of the wiring. The electrician provided an estimate for replacing the spotlight for \$625.00. Roger Jurczak didn't like the idea of a ground level spotlight because the height is a concern with events and lawn care. He spoke to the electrician and suggested raising it up to the top of the Widows House and that would be for the same amount of money. Mrs. deLeon gave a history of the lighting situation from 2012 to the present time and said it's unfortunate we have to pay \$625.00 for this work. She said this is a public safety issue and we need a porch light back there. Mr. Maxfield suggested making it a motion sensor light. Mrs. deLeon said she would recommend a porch light and a spotlight up at the top, but the most important thing is having a porch light that you turn on with a the switch as you go out the door.

**General Business & Developer Meeting
April 15, 2015**

We need to think about the safety with a porch light. Mr. Horiszny said he thinks a motion sensor device would work.

Mr. Cahalan asked Council where they want the spotlights to go. The electrician told Roger Jurczak that a second digital timer would be needed if it's mounted on the soffit on the Widows House which would probably be more money.

MOTION BY: Mr. Maxfield moved for approval of the \$625.00 for Doelp Electric to install the spotlight at the gutter on the Widow's House and to investigate the use of a motion sensor.

SECOND BY: Mr. Horiszny
Mrs. deLeon asked why can't the spotlight be put on the Heller House instead of the Widows House. She'd like this to be investigated. She's not supporting this and is holding off on this motion.

ROLL CALL: 3-1 (Mrs. deLeon – No; Mr. Kern – Absent)

V. MISCELLANEOUS BUSINESS ITEMS

A. APPROVAL OF APRIL 1, 2015 COUNCIL MINUTES

Mr. Horiszny said the minutes of the April 1, 2015 Council meeting are ready for Council's review and approval. He had one correction, which was made.

MOTION BY: Mr. Horiszny moved for approval of the April 1, 2015 minutes, with correction.

SECOND BY: Mr. Willard

ROLL CALL: 3-1 (Mrs. deLeon – No; Mr. Kern – Absent)

VI. PUBLIC COMMENT/CITIZEN NON-AGENDA ITEMS (8:20 pm)

- Mr. Matt McClarin, Riverside Drive, said he found an old article from 1904 on one of the original settlers in Saucon Valley, Richard Freeman, who lived less than a block from Mr. McClarin's house. There's an old cemetery on the mountain with 20-30 people buried there, one of whom is a Freeman. There's a property across the railroad tracks that he thought Council may want to purchase for open space. Mr. Horiszny asked if the property was for sale. Mr. Maxfield said one of the problems was the property was low and is under water half the time. Mr. McClarin found on the internet an EPA study they are doing for Ringwood Mines in NJ which shows Ford Motor Company dumped toxic paint sludge in old mine shafts in Ringwood. He found a traffic study that said the contaminated soil was taken to the IESI Landfill. It's a little disappointing when other states decide to clean up their neighborhood and then dump it less than a quarter of a mile from his house. Mr. Horiszny said it would all have to be tested before it could go into the IESI Landfill. Mr. McClarin said when the landfill is capped, that's 200 acres that is impervious surface. He expressed concern with the Fox property and the water coming off the landfill into the Saucon Creek.
- Mr. Bruce Petrie said he reached out to Priscilla and wanted to let the rest of Council know that when he and his wife purchased their property he was cleaning out the attic and came upon a map of Northampton County dated 1860. He wants to give it away to a historic group. Mr. Horiszny said he'll check with the Historical Society.
- Mr. Walter Zagwoski asked what was being done with the golf course property, can they walk on it? Mr. Cahalan said there's no access to it yet. The plan is to put access in from Countryside Lane and then put grass trails there. Mr. Zagwoski asked if he could park on Countryside Lane. He'd like to hit some golf balls around. Mr. Cahalan said there's no pathway from Countryside Lane to get into the golf course. We hope to get a gravel parking area done this year. It will be passive park. Mr. Maxfield said one of the conditions from the county, as they funded money for the purchase, was there is to be no golf on the property anymore. There's no horse backing riding in any of the parks either.

VII. COUNCIL & STAFF REPORTS (8:40 pm)

A. TOWNSHIP MANAGER

- Mr. Cahalan said we would like to hold the Volunteer Picnic on Monday, June 8th.

**General Business & Developer Meeting
April 15, 2015**

- Mr. Cahalan review special event requests being held at the Heller Homestead for History Day, Boy Scout Troop 319 Camp Out and the Civil War Living History & Firing Demo, which were reviewed by the Parks and Recreation Board who recommended approval of these events. Mrs. deLeon said on the Conservancy one, the map is not correct.

MOTION BY: Mrs. deLeon moved for approval of the three special events, with the submission of a corrected map showing the correct location of the firing site.

SECOND BY: Mr. Willard

ROLL CALL: 4-0 (Mr. Kern – Absent)

- Mr. Cahalan said they received a request from Cub Scout Pack 349 for the waiver of the rental fee of \$100 for the pavilion at Southeastern Park. Parks and Recreation recommended approval of that waiver.

MOTION BY: Mrs. deLeon moved for approval of the waiver for the \$100 pavilion rental fee for Cub Scout Pack 349.

SECOND BY: Mr. Willard

ROLL CALL: 4-0 (Mr. Kern – Absent)

- Mr. Cahalan said there were two recommendations from the EAC for a Boy Scout and Girl Scout project. Bailey Smith, the Girl Scout will be building bat houses.

MOTION BY: Mr. Maxfield moved for approval of the Girl Scout project.

SECOND BY: Mrs. deLeon

ROLL CALL: 4-0 (Mr. Kern – Absent)

- Mr. Cahalan said the Boy Scout project is being done by August Koehler and he wants to refurbish signs at the Heller Homestead Park Nature Loop Trail. Both projects are funded by the Scouts.

MOTION BY: Mr. Maxfield moved for approval of the Boy Scout project.

SECOND BY: Mrs. deLeon

ROLL CALL: 4-0 (Mr. Kern – Absent)

- Mr. Cahalan said PennDOT responded to the request for the traffic study on Flint Hill Road and they will be replacing and erecting new traffic regulatory signs and pavement markings at the section of Flint Hill and Leithsville Roads. They are also implementing a reduced speed limit of 30 MPH and will put signage up.

- Mr. Cahalan said we have a very nice dog park at Polk Valley Park which is heavily used and was rated as one of the best dog parks in the area. Every spring we usually have to close the fields and dog park due to wet conditions and notify everyone but we receive complaints about the dog park being closed. In addition to posting any closing notice on the website and chaining the gate closed, last year we installed a new sign that says Open or Closed. People were climbing over the fence with their dogs even though the closed notice was posted over the Easter weekend. Someone ripped down the fence and wire to get in and out of the facility and someone stole the Open-Close placard. The Parks and Recreation Board was disturbed that the Dog Park users would cause this amount of damage to enter a facility when it's closed when there are lots of trails in the parks they could use. They recommended that the Township create a Facebook page for the dog park to better communicate with the users. Mr. Horiszny said if people don't want to be responsible, we could charge for people to get into the dog park and they'd have to use a card to get in.

B. COUNCIL/JR. COUNCIL

Matt Smith, Jr. Council

- He said will be attending Misericordia University near Scranton studying physical therapy.

Mr. Maxfield

- He said at the EAC we had a visit from Ken Zinis who is the Environmental Services Coordinator at Northampton and he went over a list of recycling events being held in the area.
- The Township is holding a shredding event on May 9th.
- He said the EAC made a recommendation to Council to establish a link to the County recycling site.

**General Business & Developer Meeting
April 15, 2015**

MOTION BY: Mr. Maxfield moved for approval to ask Staff to establish a link to Northampton County recycling site.
SECOND BY: Mr. Horiszny
ROLL CALL: 4-0 (Mr. Kern – Absent)

Mrs. deLeon

- She said on April 8th, she spoke on SauconFest.
- She updated Council on upcoming events including History Day, Saucon Valley Conservancy and Chamber events.
- The SV Conservancy lost a dear friend, Ginny Blocker, on Easter Sunday.
- She asked that Jack send a letter to the Historical Society and the SV Conservancy reminding them that they need to get permission before they do any repairs.
- She asked if there is any way we can look into the diameter of the pipelines like Columbia Gas. Mr. Cahalan said they have some of that information on our GIS.

Mr. Kern – Absent

Mr. Willard

- He said the second meeting of the Citizen’s Committee is April 30th.
- He thinks the letter regarding Tetra-Tech should go to the US Department of Energy, Office of the Inspector General.

Mr. Horiszny

- He said he received a citizen’s complaint about unwanted newspapers and phone books and we may want to consider having an ordinance against such things.
- He attended the LVPC meeting and it was discussed that County money can be used for maintenance of open space which we should consider.
- He hopes to attend the April 29th or 30th local government forum with Lisa Boscola. Mrs. deLeon asked what they are going to be requesting. Mr. Cahalan said one is bridges and the other is funding for road improvements. We may want to bring up the Narrows. Mr. Cahalan said there was a sinkhole there which was patched.
- History Day at Lutz-Franklin Schoolhouse is May 2nd.
- He said next week is Local Government Week and may want to have our equipment out for display.

D. SOLICITOR – No report

E. PLANNER – No report

F. ENGINEER – No report

VIII. ADJOURNMENT

MOTION BY: Mr. Maxfield moved for adjournment. The time was 9:13 pm.
SECOND BY: Mr. Horiszny
ROLL CALL: 4-0 (Mr. Kern – Absent)

Submitted by:

Jack Cahalan
Township Manager

Ron Horiszny
Council President