

**I. OPENING**

**CALL TO ORDER:** The General Business & Developer meeting of Lower Saucon Township Council was called to order on Wednesday, May 3, 2017 at 7:07 p.m., at Lower Saucon Township, 3700 Old Philadelphia Pike, Bethlehem, PA with Mr. Ron Horiszny, presiding.

**ROLL CALL:** Ron Horiszny, President; Sandra Yerger, Vice President; Priscilla deLeon, Glenn Kern and Donna Louder, Council Members; Leslie Huhn, Township Manager; Linc Treadwell, Township Solicitor; Brien Kocher, Township Engineer; Junior Council Member Kelsey Gatchel; Township Planner: Not needed.

**PLEDGE OF ALLEGIANCE**

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

Mr. Horiszny said Council met in Executive Session to discuss property acquisition and eminent domain possibilities.

**MOTION BY:** Mr. Horiszny moved to authorize the Township to obtain a second appraisal for a property being considered for the Open Space program that is identified as Northampton County Tax Parcel R8-3-4 in an amount not to exceed \$2,500.00.

**SECOND BY:** Mrs. Louder

**ROLL CALL:** 5-0

Attorney Treadwell said he'll speak about the second item they talked about in Executive Session when we get to agenda item IV.C.

**PUBLIC COMMENT/CITIZEN AGENDA ITEMS**

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

**II. PRESENTATIONS/HEARINGS**

**A. PUBLIC HEARING & CONSIDERATION OF ADOPTION – ORDINANCE NO. 2017-02 – STEEL CITY MENNONITE CHURCH – LEWIS AVENUE ROAD VACATION**

**MOTION BY:** Mrs. Yerger moved to open the hearing.

**SECOND BY:** Mrs. deLeon

**ROLL CALL:** 5-0

Attorney Treadwell said this ordinance vacates a portion of Lewis Avenue in Steel City, which is about 25' wide and owned by the Steel City Mennonite Church. This was advertised for adoption, and the adjoining property owners were also notified. The church purchased the adjoining property and they are trying to combine two properties into one; the 25' strip of land was preventing them from doing that. To vacate means the Township doesn't have any right to open that as a public street anymore. Pastor David Kochsmeier said the paper street prohibits them from combining the square footage of the lots at 4283 Matthews and 2137 Mixsell for impervious coverage. Combining them would enable them to get more parking.

**MOTION BY:** Mrs. Yerger moved to close the hearing.

**SECOND BY:** Mrs. deLeon

**ROLL CALL:** 5-0

**MOTION BY:** Mrs. Louder moved for approval of Ordinance No. 2017-02.

**SECOND BY:** Mrs. Yerger

Mrs. Louder thanked the church for maintaining the property as good as they do.

**ROLL CALL:** 5-0

**III. DEVELOPER ITEMS – None**

IV. TOWNSHIP BUSINESS ITEMS

A. ZONING HEARING BOARD VARIANCE – STEEL CITY FIRE COMPANY – 2121 RIVERSIDE DRIVE – VARIANCE FOR SIDE AND REAR YARD SETBACKS FOR POLE BUILDING.

Mr. Scott Nocek, Jr. from Steel City Fire Company was present. He said they initially went with one door, 26'x12' and they advised it would be more practical to do two 12'x12' doors, so they need additional room for their framing. They are looking to make the building 30'x50' instead of 20'x50' and move the originally proposed 15' variance to 10' to side and rear. Mr. Horiszny asked were the neighbors notified? Mr. Nocek said there was one neighbor notified who is cleaning up that area of his property and he was in favor of it. Council took no action.

B. IESI SOUTHEASTERN REALIGNMENT – AUTHORIZATION OF RESPONSE LETTER REGARDING HARMS VS. BENEFITS TO DEP

Mr. Horiszny said PA DEP issued their environmental assessment of IESI's proposed Southeastern Realignment. The Township consultants drafted a response letter to DEP and seek Council's approval to forward. He doesn't think the letter is a good idea as we are sending them way too many letters, and they are repetitious. We want to change DEP's definition and we have to go with what DEP calls it. If we want to send a letter, we should send an acknowledgement of DEP's letter and thank them for setting up the May 23<sup>rd</sup> meeting on the technical review.

Mrs. deLeon said she doesn't see this as repetitious as there are phases the expansion goes through and this is a phase we are allowed to provide input. Maybe the letter could be revised, but something should be sent indicating that the Township reviewed this.

Mr. Kern said he agrees with Mr. Horiszny's comments; he'd like to see this done the most effective way. If there is a way to rewrite it, that would be great.

Mrs. Louder said she doesn't agree with Mr. Horiszny. She thinks known harm/benefits should be included because the day they uncover the old trash, they need to have a new quality system set up. She agrees with the letter and it should be sent. The health impact for the DEP study that we had done was declared inconclusive and an air study should be done. The other issue is the reports from HEA; LMC-6, 7 and 8, with 8 being historically high and 6 rising and we don't know why; the Southeastern Realignment has a waterway going through it, she doesn't think that issue is being considered. They mention a decrease in odors, and that's because the landfill isn't running at full capacity; where's the second flare? Before you expose old waste, we've got to make sure what that waste is. She can hear the landfill running every day. There's two properties being purchased and one is not done yet. These are all things that need to be deemed harmful.

Mrs. deLeon said this is part of the process; to not address it, is irresponsible of the Township.

Mrs. Yerger said she doesn't have a problem with the word "known". Any landfill has harms. We can say it again, but it is redundant, it already exists and that expansion isn't going to make the other stuff go away or make it that much worse. Mrs. Louder said what they dig up, if air hits that, you don't know what's going to happen. Mrs. Yerger said that's why they have inspections. Mr. Horiszny said they are going to go down to the liner, not digging up other stuff, just wells and drains on the liner and are going to re-cover and not expose the old garbage.

**MOTION BY:** Mrs. Louder moved for approval to authorize the Manager to send the response letter that the Township Consultant drafted, to DEP regarding their Environmental Assessment Analysis of IESI's proposed Southeastern Realignment.

**SECOND BY:** Mrs. deLeon

**ROLL CALL:** 3-2 (Mr. Horiszny and Mr. Kern – No)

Mrs. deLeon said DEP did agree to have a meeting on May 23<sup>rd</sup> at the SV School District auditorium from 6:00 p.m. to 9:00 p.m. for the technical review. Statements will be able to be made and she asked the Manager to ask DEP if we have a time limit. Attorney Treadwell said if they have other rules, check and see what they are.

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**MOTION BY:** Mrs. deLeon moved for approval to send a representative from the Technical Consultants Committee to attend and present a statement, per the minutes.

Mrs. Louder said this letter going out now is to represent the Technical Consultants Committee. Mrs. deLeon said she disagrees. Mr. Horiszny said this letter is about economic harms and benefits; the Technical Review is a different meeting. Mrs. deLeon said that's why we need to have our representatives there. Mrs. deLeon said Mrs. Huhn will decide who she wants to send.

**SECOND BY:** Mrs. Louder

**ROLL CALL:** 5-0

**D. RESOLUTION #40-2017 – RECOGNIZING NATIONAL POLICE WEEK – MAY 14 - 20, 2017**

Mrs. Louder read the resolution. She thanked Officer Bartholomew for his bravery and taking care of our community and she asked him to pass that on to all the other patrolmen.

**MOTION BY:** Mrs. deLeon moved to approval Resolution #40-2017.

**SECOND BY:** Mr. Horiszny

Chief Guy Lesser thanked Council for taking the time to recognize our officers and all officers across the nation.

**ROLL CALL:** 5-0

**C. BLACK RIVER ROAD STORMWATER PROJECT DISCUSSION**

Attorney Treadwell reviewed the original plan which puts more water under the existing building. They've had conversations with the owner and have been unable to come to an agreement in obtaining an easement in order to accomplish it. He asked HEA to prepare an alternate that would divert the water around the building. When they got appraisals for the property it was based on Option 1; in order to proceed they need a second appraisal for Option 2.

Attorney Treadwell said what was discussed in Executive Session and what he's asking Council to authorize tonight, is that we obtain an appraisal for the easement depicted in Option 2, and also that you authorize him to prepare the necessary eminent domain documents to acquire that easement from the owner, which is identified as 3632 Route 378.

**MOTION BY:** Mr. Horiszny moved for approval as stated above by Attorney Treadwell.

**SECOND BY:** Mrs. Louder

**ROLL CALL:** 5-0

Attorney Treadwell said the next step is to get this appraisal and then put a resolution on the next available agenda after it's received, which will authorize eminent domain to acquire that easement. Mr. Kocher said there will be additional construction costs associated with the project if this is the route they plan to go, and it will be about \$115,000 more. They have some unknowns they have to inquire about. Mr. Horiszny asked if there was any possibility to continue the line down to Route 378 and come over so we wouldn't cross the corner property at all. Mr. Kocher said we could probably continue it down Black River to Route 378, but there are so many pipes in the ground that they didn't think they could squeeze it through.

Mrs. Louder asked if it would be easier to just take a straight line and get the easement through the parking lot. Mr. Kocher said there would be another water crossing, but that minimizes the amount of property they have to get an easement for which is the biggest reason. Mrs. Louder said this has been a long time coming and we need to address it ASAP.

Mr. Gordon Gress, Black River Road, said he hates to see it's going to cost more money but happy to see an alternative. Mrs. Louder said this will pay off in the long run as it's future infrastructure.

**E. RESOLUTION #41-2017 – RECOGNIZING THE 24<sup>TH</sup> ANNUAL RELAY FOR LIFE**

Mr. Horiszny said this event will be held at Dimmick Park on May 20<sup>th</sup> and 21<sup>st</sup>.

**MOTION BY:** Mr. Horiszny moved to approval Resolution #41-2017.

**SECOND BY:** Mrs. Louder

**ROLL CALL:** 5-0

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**V. MISCELLANEOUS BUSINESS ITEMS**

**A. APPROVAL OF APRIL 19, 2017 MINUTES**

**MOTION BY:** Mr. Horiszny for approval of the the April 19, 2017 minutes.  
**SECOND BY:** Mrs. Yerger  
**ROLL CALL:** 4-1 (Mrs. deLeon – No)

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

**VII. COUNCIL & STAFF REPORTS**

**A. MANAGER**

- Mrs. Huhn said the DEP meeting on May 23<sup>rd</sup> will be advertised by DEP; we will also advertise that there may be a possible quorum of Council at the meeting.
- Mrs. Huhn said Mrs. deLeon received a complaint about bicyclists on the Rail Trail not dismounting their bicycles at Meadows Road. The SRTOC requested additional fencing at this intersection to prevent accidents. Anchor Fence provided a quote for two sections of 4' high chain link fence that would be on the inside of the current gate that is there. The cost is \$1,690 for Meadows Road crossing, both sides.

**MOTION BY:** Mrs. deLeon moved for approval to spend \$1,690 for the offsets of the fence at Meadows Road crossing.

**SECOND BY:** Mrs. Yerger

**ROLL CALL:** 5-0

- Mrs. Huhn said we received notification from PennDOT of plans to perform priority maintenance repairs to the Bingen Road bridge over Black River; it will begin May 22<sup>nd</sup> with a 60-day detour. The contractor notified our PW, PD, Emergency Services and the SVSD; we will contact Lehigh University and Hellertown Borough. Chief Lesser said most schools hire officers for their graduations at Stabler. Mr. Horiszny asked if Lehigh officers would be allowed to man traffic lights? Chief said he would look into it.
- Mrs. deLeon said regarding the DEP meeting, the beginning of their ad is not worded very well. Mrs. Huhn said when she speaks to Ms. Connelly, she can ask about it, but believes it is a question and answer period for residents.
- Mrs. Huhn said we received a recommendation from P&R for a deposit of the Du Minor Minor Subdivision fee of \$3,310.00 into the Polk Valley Park fund. Mrs. deLeon said Du is in the Leithsville Road area.

**MOTION BY:** Mrs. deLeon moved to have the Director of Finance deposit the fee of \$3,310.00 into the Polk Valley Park fund.

**SECOND BY:** Mrs. Louder

**ROLL CALL:** 5-0

- Mrs. Huhn said the Seidersville Hall roof has been completed and the contractors did a great job. No major issues were found during the installation.

**B. COUNCIL/JR. COUNCIL**

**Kelsey Gatchel**

- Every Saturday from 1:00 to 2:00pm, there's a special needs track event going on for the next five weeks. They have high school volunteers running the event; any special needs children in the district are invited to come. Last Saturday the kids had a great time.

**Mrs. Yerger**

- She said the LST Historic Society will be meeting at Seidersville Hall on June 14<sup>th</sup> at 7 pm, and the author of a book, South of Main Street, will be in attendance for a signing.

**Mrs. deLeon**

- She attended the PSATS conference – one seminar was “Secrets of the Township Code and Other Laws.” She asked about fire escrows when a property burns, do insurance companies call to see if there are any outstanding tax debts and withhold some money. Attorney Treadwell said it's also for costs that the Township may incur in removing a building that's been damaged by a fire if the owner doesn't do it. Mrs. deLeon asked if we have laws in place to do that? If not, we should.

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- At PSATS she went to several seminars including Right-to-Know, Cooling Down Hot Heads at Meetings, Recent Planning and Land Use, Laws and Court Decisions, Economic Development-Charting Your Own Course. One seminar was about tax credits for volunteer firefighters; you're legally allowed to pass an ordinance and give tax credits to your volunteer firefighters. Attorney Treadwell looked into it and it's on the agenda for the Fire meeting tomorrow evening.
- She had a conference call with Leslie, Cathy and the President of Discover Lehigh Valley; to discuss financial training and reporting and establishing internal controls for organizations that we give money to, they will do it for free – it's May 31<sup>st</sup> at 7:00 p.m. at the Township. At PSATS, she talked to Megan McDonough about conducting a seminar on how to be a better board member and she would partner with us to do a program in September. Send PSATS a letter that Council agrees to be a partner with this. Council agreed to the idea.
- On September 9<sup>th</sup>, the SVC is holding their annual Historic Barn tour.
- On September 16<sup>th</sup> and 17<sup>th</sup> the Historic Barn & Farm Foundation of PA is holder their annual meeting and Barn Tour.
- On May 22<sup>nd</sup> Freemansburg PD is holding a workshop on addiction. It's something that is needed in the SV and she'd like to have our PD look into putting on a program like this and opening it to the public. She's going to ask the SVP to go together with us.
- She reviewed the upcoming Chamber events including Restaurant Week in SV is July 23-29 and Dimmick Park's Music in the Park series starting June 11<sup>th</sup>.
- We received a letter about an incident at BRE that she was not happy to read because we are supposed to be notified and this incident happened August 2, 2016.

**Mr. Kern** – No report

**Mrs. Louder**

- She attended the PSATS conference for the first time and got a lot of information.
- She said the Bethlehem ZHB variance for the UGI liquid natural gas was taken off and will be put on their May 24<sup>th</sup> agenda.
- She said everyone should come out to the Relay for Life, it's a great time.

**Mr. Horiszny**

- He said tomorrow is Firefighters' Day and we have a meeting tomorrow night.
- The LST Fire Rescue truck is in and probably won't be in service for two weeks.

**C. SOLICITOR** – No report

**D. PLANNER** – Not needed

**E. ENGINEER** – No report

**VIII. ADJOURNMENT**

**MOTION BY:** Mrs. Yerger moved for adjournment. The time was 8:19 p.m.

**SECOND BY:** Mrs. deLeon

**ROLL CALL:** 5-0

Submitted by

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Leslie Huhn  
Township Manager

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Ron Horiszny  
Council President