

**I. OPENING**

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

**REVISED**

**II. PUBLIC COMMENT PROCEDURE**

**III. PRESENTATIONS/HEARINGS**

- A. Resolution #39-2013 – Honoring Josh Popichak & Hellertown/Lower Saucon Patch for Community Service
- B. Resolution #40-2013 – Honoring Lost River Caverns for Community Service
- C. Resolution #41-2013 – Honoring the Saucon Valley School District for their Efforts During Hurricane Sandy

**IV. DEVELOPER ITEMS**

- A. Gus's Crossroads Inn – 3760 Old Philadelphia Pike, Bethlehem – Architectural Site Plan Review
- B. BRE Minor Land Development Amendment to Final Land Development Approval
- C. IESI Minor Permit Modification for Grading Adjustments – Township Comments

**V. TOWNSHIP BUSINESS ITEMS**

- A. Zoning Hearing Board Variance – Keith Bredbenner, 2289 Polk Valley Road, Hellertown – Request Variance of Front Yard Setback
- B. Consultant Report on Review of BRE PPC Plan
- C. Report of Observations of Western High Wall at IESI Bethlehem Landfill
- D. Resolution #42-2013 – Authorize Shredding of Township Documents per PHMC Guidelines
- E. Authorize Advertisement of Ordinance No. 2013-02 – Amending Township Park and Rail Trail Rules

**VI. MISCELLANEOUS BUSINESS ITEMS**

- A. Approval of May 1, 2013 Minutes
- B. Approval of April 2013 Financial Reports

**VII. PUBLIC COMMENT/CITIZEN NON-AGENDA ITEMS**

**VIII. COUNCIL & STAFF REPORTS**

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

**IX. ADJOURNMENT**

Next Joint Planning Commission/Council Meeting: May 23, 2013  
Next Park & Recreation Meeting: June 3, 2013  
Next Council Meeting: June 5, 2013  
Next EAC Meeting: June 11, 2013  
Next Zoning Hearing Board Meeting: June 17, 2013  
Next Saucon Rail Trail Oversight Commission Meeting: June 24, 2013 @ Coopersburg Borough  
Saucon Valley Partnership: September 11, 2013 @ Hellertown Borough

**I. OPENING**

**CALL TO ORDER:** The General Business & Developer meeting of Lower Saucon Township Council was called to order on Wednesday, May 15, 2013 at 7:00 P.M., at Lower Saucon Township, 3700 Old Philadelphia Pike, Bethlehem, PA with Mr. Glenn Kern presiding.

**ROLL CALL:** Present: Glenn Kern, President; Tom Maxfield, Vice President; Dave Willard, Priscilla deLeon and Ron Horiszny. 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.

**PLEDGE OF ALLEGIANCE**

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

Mr. Kern said Council has not meet in Executive Session between our last meeting and this meeting.

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

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

**III. PRESENTATIONS/HEARING**

**A. RESOLUTION #39-2013 – HONORING JOSH POPICHAK & HELLERTOWN/LOWER SAUCON PATCH FOR COMMUNITY SERVICE**

Mr. Kern said Resolution #39-2013 has been prepared honoring the community service of Josh Popichak and the Hellertown-Lower Saucon Patch. Josh will be presented with the Community Commitment Award at the annual Hellertown-Lower Saucon Chamber Banquet on May 31, 2013.

**A RESOLUTION HONORING THE COMMUNITY SERVICE OF JOSH POPICHAK  
AND THE HELLERTOWN – LOWER SAUCON PATCH**

**WHEREAS,** The Patch is a local news and information source which operates over 850 hyper local news sites in 25 states; and

**WHEREAS,** the Hellertown – Lower Saucon Patch was launched in November 2010 with Josh Popichak as its editor; and

**WHEREAS,** Josh, who grew up in Bethlehem and attended Bates College, began his newspaper career working as a reporter for the Saucon News, a local newspaper that covered the Saucon Valley and Southern Lehigh areas; and

**WHEREAS,** Josh became a familiar face to all of us covering meetings of the Hellertown Borough Council and the Saucon Valley School District Board as a reporter for the Bethlehem Press; and

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**WHEREAS**, under Josh's leadership the Patch began covering government meetings and writing articles on the diverse happening in the Saucon Valley; and

**WHEREAS**, the Patch, through features like its Facebook page, Twitter account, breaking news stories, and its spirited and lively public discussion forums, has established itself as a go-to source for information in Hellertown Borough and Lower Saucon Township; and

**WHEREAS**, Josh will be recognized for going above and beyond his job for the good of the community with the presentation of the Community Commitment Award at the Annual Banquet of the Hellertown-Lower Saucon Chamber of Commerce on May 31, 2013.

**MOTION BY:** Mr. Horiszny moved for approval of Resolution #39-2013.

**SECOND BY:** Mrs. deLeon

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

**ROLL CALL:** 5-0

**B. RESOLUTION #40-2013 – HONORING LOST RIVER CAVERNS FOR COMMUNITY SERVICE**

Mr. Kern said Resolution #40-2013 has been prepared honoring Lost River Caverns for their community service. They will be presented with the Small Business Leadership Award at the annual Hellertown-Lower Saucon Chamber Banquet on May 31, 2013.

**A RESOLUTION HONORING THE COMMUNITY SERVICE OF  
LOST RIVER CAVERNS**

**WHEREAS**, Lost River Caverns, which has been in operation for over 80 years, is the longest running, family-owned business in the Saucon Valley; and

**WHEREAS**, the cave, which was discovered in 1883 during quarrying operations in Hellertown, was purchased by Erwin (E.C.) Gilman in 1929 who named it Lost River Caverns; and

**WHEREAS**, Mr. Gilman developed the cave, installed walkways, railings and lights and opened it to the public for tours in 1930; and

**WHEREAS**, the business was operated from the late 1950's to the 1970's by E. C. Gilman's son Robert who expanded the original souvenir/snack shop into the Gilman Museum of Rocks and Minerals and added a large Tropical Garden; and

**WHEREAS**, the business is currently owned by E. C. Gilman's grandchildren, Robert (Bob) G. Gilman Jr. and Beverly Rozewicz, who have added an expanded jewelry and gem shop; and

**WHEREAS**, throughout the years the cave has been used for such things as hazing fraternity pledges, as a hideaway still and storage for bootleg whiskey during Prohibition, as a dance floor in the horse and buggy era, and as a chapel where over 80 weddings have been held since 1949; and

**WHEREAS**, the Lost River Caverns has been a longtime community attraction and a shining example of success to other small businesses; and

**WHEREAS**, Lost River Caverns is being recognized with the presentation of the Small Business Leadership Award at 91<sup>st</sup> Annual Hellertown – Lower Saucon Chamber Banquet on May 31, 2013.

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**MOTION BY:** Mrs. deLeon moved for approval of Resolution #40-2013.  
**SECOND BY:** Mr. Horiszny  
Mr. Kern asked if anyone had any comments. No one raised their hand.  
**ROLL CALL:** 5-0

**C. RESOLUTION #41-2014 – HONORING THE SAUCON VALLEY SCHOOL DISTRICT FOR THEIR EFFORTS DURING HURRICANE SANDY**

Mr. Kern said Resolution #41-2013 has been prepared honoring the Saucon Valley School District for their unselfish efforts during Hurricane Sandy. The school district will be presented with the Good Samaritan Award at the annual Hellertown-Lower Saucon Chamber Banquet on May 31, 2013.

**A RESOLUTION RECOGNIZING THE EFFORTS OF THE SAUCON VALLEY SCHOOL DISTRICT DURING HURRICANE SANDY**

**WHEREAS**, the Saucon Valley School District serves students from Hellertown Borough and Lower Saucon Township on its campus which includes a high school, middle school and elementary school; and

**WHEREAS**, Saucon Valley, with a school population of 2,469 students and staff, is directed by Dr. Sandra Fellin, the school district superintendent; and

**WHEREAS**, during the period from October 29, 2012 through November 4, 2012 the Saucon Valley experienced the impact of the Hurricane Sandy storm whose wind gusts, which reached up to 70 mph, caused damages to numerous residences and buildings and widespread power outages which kept most of the region in the dark for up to a week or more; and

**WHEREAS**, lacking power, many residents were unable to take showers or charge their cell phones for several days at a time and had limited sources of heat; and

**WHEREAS**, to address these needs, the school district opened up the middle school gym and locker rooms to allow residents to warm themselves, have a hot meal, take showers, recharge their electronic devices, and even spend the night if necessary; and

**WHEREAS**, the school district staff under Dr. Fellin’s leadership enlisted the help of community organizations and arranged to have food supplied by area businesses to provide for the residents who flocked to this warming station; and

**WHEREAS**, it was estimated that a total of 1,500 people were served by this facility during the aftermath of the storm; and

**WHEREAS**, for these unselfish efforts, Dr. Fellin and the Saucon Valley School District will be honored with the presentation of the Good Samaritan Award at the Annual Banquet of the Hellertown-Lower Saucon Chamber of Commerce on May 31, 2013.

**MOTION BY:** Mr. Horiszny moved for approval of Resolution #41-2013.  
**SECOND BY:** Mrs. deLeon  
Mr. Kern asked if anyone had any comments. No one raised their hand.  
**ROLL CALL:** 5-0

**IV. DEVELOPER ITEMS**

**A. GUS’S CROSSROADS INN – 3760 OLD PHILADELPHIA PIKE, BETHLEHEM – ARCHITECTURAL SITE PLAN REVIEW**

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Mr. Kern said the applicant is seeking site plan approval for proposed architectural improvements as required by the zoning ordinance for the VC District.

Heather Schmidt, Associate Principal for The Architectural Studio was present. She said she is assisting John Zannakis, who is part owner of the restaurant. They are assisting him in some of the schematic design. It's a façade improvement. There's no expansion of the building. There are discussions of removing part of the false façade out front which is sloping. It appears to be a terra cotta roof with metal siding. They want to simplify it and make it a similar aesthetic to the inside. What was submitted to you shows a dome skylight. There is a good chance that won't occur and it will just be a flat roofed area in that spot for budgetary reasons. They are here tonight to seek approval to continue with the process and to move along to the permit stage.

Mr. Horiszny asked if they had any pictures? Ms. Schmidt said they submitted ten copies. Mr. Maxfield said he thinks they went to the P/C. Mrs. deLeon said we should see them, we are Council, the governing body and should have them in our packet. Ms. Schmidt shared her own personal copy. Right now there's a skylight there that needs some repair. The dome was to act like a clear story skylight, but it will probably just most likely be a flat roof as currently shown. The façade will be smoother stucco. Mr. Maxfield said the new things are going to be the pergola on top and a new sign? Ms. Schmidt said correct. They'll be seeking an approval for a new sign. It will be back lit lighting applied to the façade.

**MOTION BY:** Mrs. deLeon moved for approval of the architectural site plan.  
**SECOND BY:** Mr. Maxfield  
Mr. Kern asked if anyone had any comments. No one raised their hand.  
**ROLL CALL:** 5-0

**B. BRE MINOR LAND DEVELOPMENT AMENDMENT TO FINAL LAND DEVELOPMENT APPROVAL**

Mr. Kern said the applicant is seeking final land development/site plan approval to install temporary storage tanks for a liquid by-product of their facility.

Present were Attorney Preston, Bob Hollis and Roger Williamson. Attorney Preston is the attorney for the applicant and Bob and Roger work for the applicant. You've already seen the plan. They've been to the P/C. There was some back and forth and they spent time there working on turning traffic patterns at the site and so forth. They satisfied the P/C which explains why they are here. They are here seeking approval. He notices that further down there's a review of the PPC Plan. They got a copy of the review and they are okay with those comments in there. They would accept those.

Mr. Kern said let's start with the staff's recommendation letter and see if there are any comments or concerns.

Mr. Maxfield said when he read through the review of the PPC plan, the two temporary tanks are single or double walled? Mr. Williamson said in the final drawing they are actually three smaller tanks and they are single walled tanks with a secondary containment. They are temporary and the permanent tank will be a double walled tank. Mr. Maxfield asked if that was standard for a temporary tank? Mr. Williamson said yes. You look at construction sites and that's what they typically have, a single wall tank with secondary containment. The final tank will be double walled.

Mrs. deLeon asked the consultants to go over their review letters. Mr. Miller said the comment A.2. has to do with any applicable maintenance and covenant provisions. Anything that the Township requires or that the fire company or police chief requires will need to be in there. BRE

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should have its local address for emergency response purposes. Right now, it's listed as the same address as the landfill. There are two different entrances so two different addresses would help so the emergency responders know where to access. Mr. Williamson said that application has been made.

Mr. Miller said C.1. is the applicant is certain that he does not have any outside agency reviews. They are not as certain, but they can't verify that there's aren't any. They are going to go with what the applicant's belief is of that is. That's just a statement that says "if and when the Township approves of this, it's not indicative that they don't necessary have outside agency approvals they need to get".

Mr. Miller said C.2. is a waiver from the developer's and improvements agreement and liability insurance because there is no construction proposed.

Mr. Miller said C.3. is a waiver from the maintenance agreement for the same reason.

Mr. Miller said C.5. is their waiver from showing the existing and proposed features because some of it is very far away from the site and it's outside of their control. They are part of the IESI tract so to comply with that, they would need to show the 500' around the entirety of the IESI tract which has really no bearing on what they are proposing.

Mr. Miller said C.8. is a waiver has been requested from sending the notification letter to adjoining property owners that adjoin the IESI tract. They did send a notification letter to the properties adjoining IESI. The ordinance requires that those property owners as well as property owners adjoining those property owners need to be notified. Since IESI is a very large tract and that would require notifying property owners as much as a mile away, and because they had already done their mailing, they asked for the waiver and they were recommended to have the waiver at the P/C meeting.

Mr. Miller said C.9. is they need to sign and seal all the plans.

Mr. Miller said C.11. is that they get a waiver from frontage improvements, basically it's going to be the same frontage as its' been all along, and if they didn't get a waiver, they'd need to improve the entirety of the Applebutter Road frontage of the IESI tract.

Mr. Miller said D. is requirement that they get a review by the professional who is up for discussion tonight and they must address those comments.

Mrs. deLeon questioned A.13. where it says BRE should have its own local address for emergency response purposes. What address? They have their own mailing address. Mr. Miller said they have a mailing address in Virginia. We're looking for a Bethlehem, PA street address. Mrs. deLeon said IESI host agreement says in there that the City of Bethlehem is supposed to respond to any fire. It gets confusing. How do you address that? Mr. Miller said when they have an address, everybody who wants to find them will go to that address. Mrs. deLeon said just so we are clear that it wouldn't be the City of Bethlehem. The host agreement goes to the 224 acres. Mr. Hollis said they will have their own street address. Mrs. deLeon said you don't hear what she's saying. The host agreement, the covenant that runs with the land which is 224 acres, you occupy almost an acre of that. That's the recorded address in the courthouse. Attorney Preston said they aren't seeking to modify, change or affect the host agreement. They are not associated with that in any way. What the comment is saying is there needs to be a distinction as to the location of the two driveways. The address provides that distinction. That's all he's reading into the comment. Mr. Miller said correct. You are correct in that is what the intent of that comment is. Your concern is that the way the agreement may be worded with the City of Bethlehem; it may say the address rather than the parcel. Attorney Treadwell said he doesn't think it says the address of the property.

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It identifies the tax map parcel. Mrs. deLeon said she just wants to make sure that everyone is on the same page as if something happens out there, as we had an incident a year ago. If she worked there, she'd want someone responding to her. Every now and then Northampton County gets confused on who to dispatch. Mr. Horiszny said do we need to send a letter to the City of Bethlehem fire department saying this address is yours also? Mrs. deLeon said she's uncomfortable. Mr. Horiszny said if it's the host agreement and you are saying the host agreement says 224 acres and their acre is in there, then the City of Bethlehem fire department has to cover it. Mr. Maxfield said if the purpose of this condition is to allow emergency responders to respond in a timely fashion, not in a confusing way, the host agreement doesn't enter into that whole scenario. It's for a purpose. It's for emergency personnel so they don't even know we have a host agreement. He thinks we should just get a good, clear address and they'll be satisfying that condition. Mr. Miller said Ron's suggestion is a good one. You might want to notify the City of Bethlehem that this address also goes to this parcel. Mr. Cahalan said when the facility was opened in the past, BRE did supply funding to the Steel City Fire Company for a Knox box, so Steel City Fire Company has the Knox box key that gets into that facility. He doesn't know where the City enters into that, but Steel City is prepared to respond to emergencies up there. Mrs. deLeon said she just wouldn't want to see pieces of paper interfere with response time. It has to be clear and it's not. Mr. Horiszny said Jack's right. The local fire company did visit the site and trained there. If the host agreement does cover it, and the City of Bethlehem is supposed to cover the situation, they'll come. They have the address too. Mrs. deLeon said doesn't 9-1-1 know when you call from a phone where you are calling from? Some cities don't have that and you have to tell them where you're at. They identify your address. The phone number there would have a street address which would be your mailing address which would help the dispatcher know that. That's only if the call came from your site. If someone else was calling in a problem, people don't know. They would just say Applebutter Road.

Mrs. deLeon said No. 8 under C., waiver has been requested from sending a land development notification letter to property owners that adjoin properties that adjoin the IESI facility. Please explain that again. Mr. Miller said every land development and subdivisions of a certain size are required to send notification letters to the people who own properties directly adjacent to the property and also owners of property that adjoin adjoiners, so it's the radius of two properties around this parcel need to be notified according to our ordinance. That was a revision made several years ago after the last overhaul of the SALDO. What they did was they notified the adjoiners and that was a lot of adjoiners as that was everybody who was surrounding the IESI tract including those properties that are east to the IESI tract very far away. At that point, they were coming to the P/C meeting and they asked to not require them to notify those property owners that adjoined the adjoiners, so basically they did one property radius around IESI rather than two property radii around IESI.

Mrs. deLeon said she's uncomfortable with that. She doesn't know why you wouldn't want to notify the people who live in a zoned community knowing they have protection of certain things and here we have a company that is storing toxic materials and they don't want to be notified. She can't go along with that.

Attorney Preston said he thinks what happened is that the requirement was characterized correctly. You need to notify the adjoiners, consider that the first ring. The second ring is the adjoiners beyond those. Waivers are intended to deal with quirky or unique situations. That's the purpose of a waiver. He would submit this is an extremely quirky and unique situation. You have the BRE property which is leasehold, so it doesn't technically have its own tax parcel number, but it's to define property. It's property that is the subject of all this land development. The first ring around that is the IESI landfill and they've had notice. The second ring around the property are the adjoiners to the IESI landfill and they've had notice. You could argue that they met the requirements of the ordinance, but for the technicality that they don't have their own tax map parcel number, so you say to yourself, was that such a bad thing, what's the harm in that? What is

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it that BRE is doing? Are they instituting a new land use, are they bringing something new into the Township? No, they are not. It's really an amendment to an existing land development plan that's assigned to and identify property that doesn't have its own tax map parcel. Because of that, you fall into this situation where technically they would need to have gone out to what he would call the third ring. He thinks the waiver is an appropriate one. It's been reviewed by the P/C and they felt it was appropriate. He would respectfully submit that it's an appropriate request.

Mrs. deLeon said let's use the shopping center as an example. Do they have each have their own tax parcel ID map or is it just the shopping center? Attorney Treadwell said he thinks they are condominiums and he thinks they have individual tax map parcel numbers. Attorney Preston said they do. Mrs. deLeon said she doesn't agree with your explanation. Attorney Preston said he didn't think she would, but they do have tax map parcel numbers there. It just would seem at this point, having been reviewed to this extent, and at the point they are at this evening, given the actual condition of these properties on the ground, and what is it they are trying to do. It would seem a tremendous waste to force the whole process to start over again which is essentially what would have to happen. Mr. Maxfield said he thinks the P/C recognized that this waiver made sense. It comes down to a matter of distance. For a regular piece of property for two to four acres, notifying owners two tiers out makes sense, but here we're talking about probably even in the first year, notifying people who are hundreds and hundreds of feet beyond that kind of requirement. He thinks the P/C recommended it for that reason. They thought it was a reasonable thing to do and especially since there's no real disturbance, development or anything like that happening, nothing brand new, nothing is expanding on the site, they thought it was a reasonable request. Mrs. deLeon said now we're going to have trucks coming in and out on a regular basis, transporting toxic materials on Applebutter Road and various roads surrounding BRE.

Mr. Willard was going to request the waiver and letter as well, and he understood Dan's explanation and also what Tom said was the P/C considered it a practical matter. He thinks it's a little bit equivocating to say the first ring is IESI considering the relationship between the two companies. He would be more concerned about distance and proper notification of people who are in a practical sense to be concerned if they hear about this after the fact. If it starts the whole process again, he understands why they wouldn't want to do that, but just as a matter of good relations with the community, let people know after the incident occurred last year and the efforts BRE has made to find a better solution. He's a little surprised you would ask for the waiver rather than just make it public to the surrounding community. Mr. Maxfield said there may be instances where the second tier may be across the river if you are notifying someone like the bike club. Mr. Willard said without seeing the actual properties involved, it's hard to make a judgment.

Mrs. deLeon wants to hold her comments on the PPC plan and wants to hear all the other conditions first.

Ms. Mallo said the Boucher & James letter, most of the comments refer to the transportation issue. At the P /C meeting, the applicant showed a short video of how a 30' truck could maneuver in and around the site. Some of the considerations they changed originally were two holding tanks which were larger in size. Because the containment unit expanded out, their fence line was further out than it currently is shown. They reduced two tanks to smaller three tanks thus reducing the size of the containment unit and therefore being able to use the current fence line. With that, and using the video they showed us that a 30' truck could easily turn around on the site and maneuver. That pretty much eliminated their outstanding comment. The only other comment was as scale drawing waiver. Mr. Kern said how is the fact that it will be a 30' truck. How is that going to be safeguarded? Ms. Mallo said they are recommending that you make that as part of your recommendation, a condition of approval.

Ms. Donna Louder said she thinks that with BRE being part of IESI's property, they are all in one. Everything you read here, says they are all in one. The only way to differentiate between them and

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IESI, for an emergency situation, would be to label the driveways – Driveway 1, Driveway 2. That must be stipulated when you dial 9-1-1. That might save a lot of headaches. The second thing is the trucks carrying the toxic fluids, any roads they travel, anybody living on those roads, they need to be notified. If there's a spill, everybody need to know exactly what they are dealing with. Mr. Maxfield said that be notified outside any of the IESI truck traffic using the roads. All of that stuff that's being separated out at BRE comes from the landfill which is trucked. Ms. Louder said the methane gas is sent down to BRE, then they use the turbine, then they make condensate and they use the oil/water separator, then this little bit of water comes out and it's supposed to be clean water. It's not clean water, it's toxic water. She wanted to know if the temperature has to be regulated on this condensate, how is that going to happen in these poly storage units? It's easy clean 2400 poly tank, that's the word, and it looks like a sack covering a little tank. If the temperature has to be taken care of during the winter months, unless you are going to have new construction of your second permanent tanks in October or November, how is this going to work? Attorney Preston said the problem with trying to answer the question is that the question is not applicable to the project. There's no requirement that the temperature be regulated in the tank, so he doesn't know how to answer the question of how the temperature is going to be regulated. He's confused by that. He doesn't get the question. Mr. Miller said they were told it's going to be done through heating blankets, like low grade heating blankets covered with other insulative blankets. Ms. Louder said it's 100 degrees, that's what the temperature has to remain according to one of the meetings she's at. Mr. Miller said no, it has to stay below 100 degrees and that's overly cautious as well. The only concern their office only brought up was that the liquid inside does not freeze thus popping the tank. Cooling it has never been an issue that they've brought up. Attorney Preston said Mr. Miller on behalf of the Township having reviewed the plan, you are satisfied with those controls, are you not? Mr. Miller said with heating it in the winter and nothing in the summer is fine. Ms. Louder said how do we heat it in the winter? Just the blankets? Mr. Miller said yes.

Ms. Louder said seriously, does this look professional – no letterhead, no nothing. She's very discouraged with that. The other thing it reads is Mr. May also toured the facility with Ken Mitten on April 10, 2014 – time warp. April 16, 2012 the violations – twenty-two violations for failure to properly operate and maintain a pre-treatment facility causing potential harm to the environment/POTW from February 7, 2012 through March 1, 2012, the BRE was taken off line March 1, 2012. There was also something written, coming from the City of Bethlehem and it reads based on information provided by your office, IESI understands that on February 8, 2012, BRE caused the sludge of oil and heavy condensates to enter the sanitary sewer system, discharged to the city's public waste water treatment. This sludge originated from BRE's compressor condensate which passed through BRE's water separator prior to discharge to the sewer line. IESI further understands that the City has determined that the BRE's poor maintenance and operation of its oil/water separator was the direct cause of the February 8, 2012 release. Specifically during subsequent cleanup of BRE's oil/water separator, a City inspector reportedly observed that the unit was in overall poor condition with broken pieces of equipment noted and photographed and sludge and other materials were removed. Who is watching over them? Mr. Kern said we discussed this at a previous Council meeting. Ms. Louder said yes, we did. Before we start going further and further into allowing BRE to set up shop and run the trick, then we need to make sure they are going to be doing it to the standards that this Township deserves, not these standards. Not their standards, our standards. The DEP has no oversight on these people at all. We as a Township need to make sure that we have a handle on the businesses at hand. Mr. Kern said one of the reasons DEP doesn't have a handle or control on this is because the waste that's produced here is not covered by DEP because they don't consider it hazardous. Ms. Louder said they consider all waste hazardous until otherwise proven. Are the going to take a sample and test each and everything that gets put into the truck that gets hauled through our Township streets? Are they going to do that? Are you going to make them do that? She would appreciate if you would make them do that. They are going down Applebutter Road. There's a whole bunch of baby sheep down there. Mr. Kern said if the spill required a hazmat response, he would definitely do that. If a spill requires someone with a pair of gloves to clean it up with a pair of gloves, he would not. Ms. Louder said on their

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property it states they have to have protective gear to go into the facility – hardhat, gloves, goggles, all of the above. If we're just splashing water, why are we not worried about that? Mr. Kern said we are worried about it, that's why the ZHB took extraordinary measures to protect the Township by considering it toxic when it really isn't. That's fine. Ms. Louder said she was here, she heard him say it. The attorney who sits on that board is wonderful. Mr. Kern said we're going to be extra cautious on something that is really not toxic and that's good. Attorney Preston said BRE is not resisting that. They acceded to that claim that it was toxic waste and proceeded accordingly and are living within the confines of that on the ordinance.

Mrs. deLeon said she was going to comment on the PPC plan and we as a Township hired this firm to do this document to review the PPC plan. There's no letterhead and it's not even signed. She is disappointed and she expected more. Attorney Preston said they didn't do the PPC plan. Mrs. deLeon said she's embarrassed to say we did. Attorney Preston said they did underwrite it and agreed to pay the costs. Mrs. deLeon said she takes that back. The Township did not pay, the Township authorized it. Attorney Preston said it's important as BRE has been trying to cooperate in every way it can to make sure the Township gets what it's looking for. He suspects there are some people they will never satisfy and they have to live with that. They did pay for this. He does note that it is draft. They went through it and they have no problem with the comments in there. Mr. Maxfield said let's not worry about the letterhead and worry more about what the contents of the letter are.

Mrs. deLeon said having read the documents prior to this, different agencies had to review this and revise PPC plans, she's just disappointed. She thinks we had protection in the current PPC plan and now they are gone. Hanover's letter went line by line pretty much and said what was missing from the document. She's very disappointed that those protections aren't in there. Mr. Kern said would you be a little more specific? Mrs. deLeon said she'd have to pull it up. Mr. Kern said it concerns him without specific backup from what she is saying. Mrs. deLeon said she'll just have to take a minute and find Hanover's letter. Mrs. deLeon said there were 43 comments. Mr. Kern said he'd like to hear the ones that she thinks are no longer protected. Mrs. deLeon said you are putting her on the spot. Mr. Kern said you are the one who brought it up. He's not meaning to put her on the spot at all. Mrs. deLeon said February 27<sup>th</sup>, on page PPC A.4. has been revised that the facility will develop and maintain a complete file of all pollution events for review. Was that deleted? To her, that's something very significant. Attorney Preston said the letter you are talking about, that's the February 27<sup>th</sup>, the HEA letter where they make comments about the PPC? It begins saying it needs to be reviewed by a professional and that they are not that professional. He doesn't have the document and remembers those comments. That was the genesis for the discussion about getting an outside agent to review it. He doesn't know that those comments are controlling anymore. He thought that Hanover said what needed to be done was exactly done. Really what has happened here is that there seems to be dissatisfaction over the fact that they followed HEA's recommendations. They just reviewed the PPC plan by an appropriate professional. That's what they did. They followed their recommendation to the letter. Mr. Maxfield said let's not forget that our own ordinance calls for approval of the PPC by the Manager and by emergency personnel, not by Council. We can make all the comments we want, but those are the appropriate approvers of the PPC plan and we may also have a misunderstanding in the same way that a lot of the public has a misunderstanding about the Comprehensive Plan. The purpose of the PPC plan is how pointed it needs to be. No one has defined that. No one has the expertise to define that yet. Mrs. deLeon said she just came by that letter and Mr. Kern can look at it if he wants to. In the letter, it's the deficiencies of the proposed PPC plan to what we already have on record. Mr. Miller said it was things that were differences as well as suggestions to potential improvements. Attorney Preston said to the extent that you are looking for them to respond to the comments, they are not able to do that. What they did was they agreed to underwrite an independent review which they've been waiting for. They now have that. They view that as the controlling document for obvious reasons. They did not go back and look at HEA's comments with respect to the PPC. They thought it was dealt with in the appropriate way which was to get a

competent professional to review it. They have been waiting for that. They paid for that and they have it. They've looked at it and they are not bucking it. Whatever the gentlemen wants, he gets.

Mr. Kern said we haven't fully reviewed the PPC draft at this point. Mr. Willard said it's a later agenda item. Mr. Kern said we should discuss the PPC at this point. It's hard to comment when we haven't even addressed it yet. Let's move to that item.

**V. TOWNSHIP BUSINESS ITEMS**

**B. CONSULTANT REPORT ON REVIEW OF BRE PPC PLAN**

Attorney Preston said how it appears to be styled is there's some narrative there, but he believes that the comments, the changes are the bolded items in each section. Some of them are couched in the alternative. For example, the first section it talks about waste water storage. He reads that as two options, a permanent pump and piping with direct discharge to the storm drain or the overflow alarm. They are agreeable to either one, but they would prefer the overflow alarm. It's a better system and you would probably prefer that is why they would agree to that. If you go down these as they did, their methodology was to pay careful attention to the bolded items. If you go to the third page, No. 1 was just some narrative. No. 2 talks about remote wireless level indicators such as the AST float level devices which they were okay with. Moving down to No. 2, it talks about a second method to prevent overfills is to have a permanent meter pump that can be preset to shut off automatically. They think that's probably the best and they are okay with that. What they did in each case was go through the comments. They migrated toward the one which they thought would be the most effective and not necessarily the cheapest, if for no other reason than to avoid a protracted discussion of the PPC.

Mr. Kern said we have Mr. Robert May from Synergy Environmental, Inc. present. Mr. May said he's an Engineer with Synergy Environmental. He's the author of the draft report with no letterhead. His background is he's a professional engineer. He worked extensively in industry, especially in SPCC plans, PPC plans. He's a professional engineer in PA and several other states. He's also a waste water treatment operator, licensed in PA. He's also a member of the Berks County LEPC. He's an elected official in his Borough, a Council President and he also sat in as a Township Engineer reviewing SALDO and zoning ordinances. This was a draft report. He was given three reports to review. He also visited the site and that's where his comments come from. He's willing to answer any comments from you. Mrs. deLeon said were you aware of the incident that happened with the City of Bethlehem and them issuing a NOV? Mr. May said he's familiar with that. In their company, they also do other types of remedial activities, primarily impact the groundwater and impact the soil. They actually hold probably 30 some permits where they discharge to other POTW's or a permit where there is a discharge of groundwater where it gets cleaned up, it gets discharged to the ground under a permit with PA DEP. He's totally aware of how that happens. With pre-discharge limits, they have the ability to fine you or tell you to make modifications or don't send us the stuff anymore. That's certainly what happened. Mrs. deLeon asked if he read the letter from IESI to the City of Bethlehem about the \$45,253.00 fine. Mr. May said he's not sure if he read that letter. Mrs. deLeon said she thinks when he would have read \$45,243.00 fine, that would have remembered a little bit. Mr. May said they have clients that have five more times those fines for other things. Mrs. deLeon said she doesn't care about other municipalities, she cares about this one. There are 22 violations and she's very disappointed that he didn't read the letter or you weren't provided with it. Mr. May said he thinks he was provided with the general knowledge that's in his narrative that they violated their pre-discharge permit. Mrs. deLeon said for her, as an elected official sitting here, she wants to make sure this doesn't happen again. They've been very nice. They have been talking to us the last couple of months, and all this stuff, words back and forth. She wanted to make sure a PPC plan would cover an incident and make sure that their employees are following this. We are not going to be there watching them. She wants to make sure as an employee if something happens, they know where to go to. To her, that's the simplest way to understand what a PPC plan is. Mr. May said he went a little bit

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beyond that as he looked at their operational narrative and the draft PPC plan he reviewed, he saw some things that although met industry practices, he tried to get something with best management practices and more of a risk analysis for employees and how they would operate. What would be a minimal risk if he was truly concerned, which the Township is about having any type of discharges to the soil or groundwater or storm water to the roads. That's the basis of his comments. Mrs. deLeon said this incident closed the city's treatment plant for more than 24 hours. People had to be evacuated from the treatment plant because of the air stuff. She doesn't want to put any employee at risk and wants to make sure that the PPC plan is as best as it can be, and she doesn't see that yet.

Mr. May said he's not familiar what the levels were. He's sure it was due to the volatile organic compounds which are typically what you have in gasoline and in condensate from methane or leachate. He just wanted to add that when you make a reference to toxic, some of the materials that sit in their leachate are what you have on your Township property as a motor fuel. If you were going to look at the same management risk of just having tanks of gasoline, there's enough chemical compounds there and concentrations that you know if you are going to look at this condensate, the same level of risk management would be to refueling stations and it would be the same type of risk of those transports going down the road. There are probably enough nasty chemicals in gasoline that have the same risk. It's probably higher for a direct type of contact of that material than the condensate. He's trying to give you a perspective.

Mrs. deLeon said again, she's sorry to put you on the spot like this, but she had assumed you would have been given all the information. If she was you and she was evaluating this and putting the information on a piece of paper, she would want to have all the information.

Mr. Willard said before Mr. May took the podium, he was going to read this summary paragraph from his report, his recommendation. He appreciates Mr. May being here in person to do that. He does not agree with Priscilla that the historical background plays any role in this. You were asked to evaluate the PPC that BRE is proposing going forward. They are proposing it because of the incident that happened, so whether that's known to you or not, you were asked to use your expertise and knowledge to evaluate the plan, so we should accept what you have written, as such, and he would like Mr. May to read or paraphrase his summary document.

Mr. May said let him go through the comments so it gives you a little bit better information. At the time, when he reviewed the documents, there were only two tanks, not three tanks nor the heating. That's part of the reason there may be a disconnect on his report versus what might be in front of you right now. One of the issues they talked about was they have above ground storage tanks and the material they are putting in there is not regulated up PA DEP. However, they made comments that they were going to manage the material, especially the storage tanks and things like that as if they were regulated ASTs by doing daily inspections, monthly check lists and things like that which are currently in the regulations. Based on that information, they are much more willing to go beyond what they are regulatorily required to do. He also made comments that said if you are going to look at it in that manner, there are some other best management practices that you could also employ. The thing about the accumulated precipitation, he just mentioned there was no discussion on how, they just talked about the removal of the precipitation in the secondary containment and that they would take measures so it wouldn't cause some sort of eroding from the pump discharge. The comment there is if you are going to have an impounded area like that, it probably makes sense to have that permanently piped to your storm water so there are no erosion issues. It's all completely contained. Then second, there was really no protocol for how they were going to fill or prevent an overflow of the storage tanks, which he thought, if you are going to go to the means of inspecting them daily and a monthly checklist, they ought to adhere to some of the other best management practices for other more risky materials, i.e., petroleum products and things like that, acid, caustics and things. He made a recommendation they need to have some sort of automated overflow device where they can't overflow it. He's not saying that's a high risk item. He's just saying it sort of made sense to him to prevent an overflow into the secondary containment where

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then they would have to take that out. Those are the two comments on the storage itself. Where he got a little bit more critical was on the transport and loading. Because in their narrative, they even talked about they will send a guy up to the top of the tank and he'll measure how much is in there and to him, that's a high probability that when you put that much responsibility on an operator, that sometimes that doesn't always occur. There's a real cause analysis when something happens, so you try to design things where they don't have all of these opportunities where if it's a bad day or their knee hurts from a weekend activity or something like that, they don't want to really climb there and get an accurate reading, so why not go ahead and do some things that you would do even if you had a permanent tank situation which would be some sort of tank device where you can see the level in the tanks standing from the ground. That was that comment right there. He also went a little bit deeper based on the fact that he thinks the potential here is for transport overfills. He didn't see a lot of narrative on how that was going to occur, and he asked if this was in his Borough, what would he want, and one of the best management practices is some sort of regulated pumping discharge where you pre-set how much can go in based on the transport that comes and you know you are going to have a minimal overfill because of that. It's already preset how much is going to go so you're not there sort of gauging when do I turn this off, it's getting close to the top. How much is there? That takes out a lot of risk if you can automate that. His thought process was some of these things would be included in a permit anyway that could possibly share, when it went from the temporary to the permanent and some of the components could be moved over to the permanent tank system. He didn't think this was going to be an outlandish expense or something extraordinary that they probably should have thought about if they have a permanent tank. Generally, that's where his comments are and he's willing to try to explain more of his thought process on the comments.

Mrs. deLeon said does this plan ever get revised after it gets approved? Mr. May said it can get revised when you do major changes either to your process or to your facilities change. Mrs. deLeon said by an incident? Mr. May said if you look at best management practices on anything, they tell you any time you have an incident you try to come back and say what went wrong, do I need to retrain an operator or if I had equipment failure, I need redundancy now, but almost every time you have an upset in what your planned risk management is, you need to come back with some sort of a review and say these other additional other conditions and equipment procedures need to be put in place.

Mrs. deLeon said let's jump forward and say this incident that happened back with the City of Bethlehem with the NOV, what if that happens two months from now? Mr. May said technically what will happen is the oil/water separator wasn't performing adequately in order to remove probably floatable petroleum-type products like that. Right now they are going to be put in the storage tank and now they are going to be taken off site. Mrs. deLeon said it's not the same situation, but say a NOV happens, who's going to be the person saying you have to change your PPC plan. Mr. May said it's not a regulated substance; however, if you spill anything on the ground essentially you've violated PA Clean Stream Law or EPA Clean Water Act. You can spill milk technically and if it's not been processed yet that would be some sort of actionable item. Your question is, if they have an incident that gets out into the soil or in the groundwater, or out on a permeable surface and now runs off their site, and goes into the storm drain system and out into the ditches and adjoining road, what is going to happen? Those things are reportable to DEP. Mrs. deLeon said yes, they are supposed to be reportable to DEP. The Township, as host municipality, with the landfill is supposed to get copied under Act 101, that little act that people forget about. Then you start reading air quality reports from BRE, which thank you, you provided them as she asked for them. She sees Allan signing all of the things, so he knew about this well in advance and we stumbled over this information. At least, if her memory serves her right, six weeks went by before the Township even knew that this incident happened. She wants to know what provisions are going to be in the PPC plan so that the Township gets notified if there is some kind of an incident. How are we supposed to know? Mr. May said the provisions and notifications you are asking for are probably covered more in some sort of agreement of operation than under the

regulations for PPC. If you would ask them, their operator usually keeps a daily log of their activities. You could certainly ask for copies of that on a weekly basis, monthly, whatever you want. That's all probable if that's what your concern is. He's just trying to explain all the things they have in their plan is to prevent any type of discharge going out into the environment. Mrs. deLeon said she sees the paper trail he is suggesting, but yet, somebody has to review that. Somebody has to make the decision. Sitting up here, she's sorry, she doesn't see that happening. To her, the safe place would be having language in this PPC plan. We're not doing any agreements; we're waiving all that stuff. Mr. May said once again, he understands her concern and her classification of the liquids as toxic, he doesn't consider that truly factual. He would be willing to say you probably have the same type of risk management to the environment if you have an overfilling of a municipal vehicle out here at your fuel station, and that would get off into the soil. That would probably be a bigger impact to the environment than their discharge. That's just based on volatile organic compounds, benzene, things like that. They have heavy metals that are in there. All of those things can either be, if you wanted to get very fancy, you could remove them from your waste stream, you could probably get it back into the POTW. At this point, it's probably just better to haul it off. Mrs. deLeon said she's just not limiting her focus to just the liquids or the waste products. She's looking at the broad operation of the site. Mr. May said in general when you have things taken off to some facility, they have an operating permit and they discharge out to the water somewhere. They have to meet some sort of permit discharge. Their whole goal is not to get things coming into their treatment facility that's going to go out and be in violation of their permit. If it's metals or VOC's, or whatever, they want assurances either by the generator, by signing off his life, know there are no such things in here or they make test requirements as part of the disposal. Some places test things that come in so they know whether to accept it or not. He doesn't know what their treatment facility does. He's just trying to explain the operation of when things get sent off-site what happens. Mrs. deLeon said she doesn't think they know where it's going yet. Mr. May said you still have to apply to get it into the facility. Mr. Williamson said he knows where it goes, but doesn't have that information in front of him. Mr. May said in real life, there is a paper trail because it's a waste stream. It's not a toxic waste stream, but it's a waste stream. You can either get it from them or get it from the facility. There's ways if you wanted to have more of a paper trail to look at the operation and make sure what was in the plans were actually being adhered to. He's sure you can get that information. Mrs. deLeon said it should be somewhere easily obtained. She shouldn't have to stumble upon something. The Township is the Township. She's only a piece of the Township. Mr. May said once again, he's looking at the actual impact of the material that's in there versus really some quite more nasty waste stream. You are certainly able to elevate any level of concern you have on what's being hauled off, but the same procedures will be held if that was a transport of raw milk going out and suddenly discharged. That would be the same type of thing. Someone is going to have to go out and do some sort of soil sampling analysis. Someone is going to have to go out and do some sort of biological analysis maybe E. Coli, if it was on someone's private property. There's other protection in there. The transporter himself is regulated by whatever state he operates in. If it's out of state somewhere, he's regulated there also. There's a paper trail of all of this as it's a waste stream. Mrs. deLeon said what can the Township do to get notified of an incident? Where can that language be put? Attorney Treadwell said he wanted to clarify that the only agreements that are the subject of the waiver request are the agreements that deal with the construction and maintenance of public improvements and there aren't any public improvements. Those are the agreements that are the subject of the waiver request. You can ask them to send you notification or their log sheets or whatever it is. Mrs. deLeon said she doesn't want a verbally have it in the minutes. She wants some sort of document. That's why she thought the perfect place would be the PPC plan. Attorney Treadwell said in order to put it in a document and he's sure he and Attorney Preston could draft something, he needs to know what it is you want to see. Mrs. deLeon said how do we find out. Do you want her to write it for you? Attorney Treadwell said no, he just wants someone to tell him what we are looking for. Mrs. deLeon said she's looking for proper notification to the Township if there's an incident of an environmental impact. Attorney Treadwell said does the current PPC plan have notification provisions in it? Mr. Williamson said yes, the current PPC plan has notification

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processes in it. There are federal agencies and POTW. Attorney Treadwell said he believes what happened the last time was the proper notification procedures were in place in the PPC plan, but human error broke that plan down. There's no way he can write an agreement to guarantee that it doesn't happen again. Mrs. deLeon said she agrees, but according to what she read in Hanover's letter, she thought they deleted those. He's saying the current one, but what about the proposed one? Attorney Treadwell said while we are having this discussion, let's pull out Hanover's letter and see if that's what it said. Mr. May said it also depends on what level you want notification. If someone goes into the secondary containment, do you want notification of that? Because typically if it goes into the design secondary containment, that's not reportable for regulated substances. It's what level risk and knowledge do you want to have. The reason you have secondary containments is there's a probability it may not all be contained. There's weeps and drips sometimes from valves and there's secondary containment. The secondary containment is made so it's impermeable to the liquids. If that gets properly cleaned up or pumped back into the tank, is that the level of detail you want?

Mr. Maxfield said he thinks we were talking about notification to the Township; we're also talking about levels of what happened. The incident we've all been talking about here never really left the system. It made it down to the sewage disposal plant. If we were talking about ground water being polluted or something like that, yes, instant notification, but then that brings in a whole new set of agency regulations too. He thinks reasonable notification to the Township would be good. Mrs. deLeon said she just wants to clarify yes, it went down to the city of Bethlehem's treatment plant, but it was also airborne. Because of what was in the air, toxic air, they had to evacuate the treatment plant because of the smell and whatever else was in that odor. Two sites had the odor because when the City went down Applebutter Road to figure out what was causing this, they were drawn to the smell at BRE. It was also in our Township. Mr. Miller said as a point of clarification, that nastiness that got to the City of Bethlehem was a very concentrated version of what was in the oil/water separator. That is a much, much higher concentration than what's going to be stored in these tanks. Mrs. deLeon said she understands that. She's using this as an example. She hopes this never happens.

Mr. Maxfield said that's why he was very concerned about expressing that there's some generality to the PPC plan because we can't predict what's going to happen and it has to be a plan that will tell us and direct us no matter what happens and he appreciates this. It gives you an outline of what to do. That was his understanding of what a PPC plan should be. Is he right about that? Mr. May said it's what level of scrutiny do you want in the operation? For instance if you are going to say anytime any type of this material gets out of the piping, gets out of the tank, gets out of the transport, we want written notification. If that's your level of concern, then he would stand back here and say you should have that same concern any time you overfill one of your municipal vehicles. You should look at yourself that way. That's your decision. If it's in the containment designed to keep it there, that's typically not even reported with a regulatory substance. If that was gasoline, it would not be any type of regulation requirement to DEP who regulates above-ground storage tanks. It has volatile organic compounds similar to gasoline in it. That's why he's trying to draw some examples. Mrs. deLeon said she thinks there should be easy language somewhere in the PPC plan that says if there's a spill or there's something, just let us know. We'll decide what to do about it. We should be notified.

Mr. Maxfield said we don't do anything with it though. They are responsible for treating it. All we are is for notification. We don't address it. Attorney Treadwell said he thinks it's in there. Mrs. deLeon said yes, the current one, but from what she read here, it's being deleted. Mr. Miller said you are referring to comment D.24. of their letter. That was the more important ones. Mr. Kern said explain that again. Mr. Miller said there's a requirement that currently, if there's a pollution event, they need to make a file of it and make notification of it. He suspects as a clerical error, it got deleted.

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Mr. Maxfield said are you talking about a pollution event of any level? Mr. Miller said he believes it was any level. Unfortunately, what he has in front of him, their PPC plan, he does not have in front of him the current, active PPC plan. Mrs. deLeon said the proposed one does not have that in there. Attorney Treadwell said we don't know that. Mr. Miller said he knows the new one does not have it. The old one, he's not sure what the requirement was. Attorney Treadwell said no notification provision in the new plan? Mrs. deLeon said what has she been talking about. Do you understand English? Is she speaking English? Attorney Treadwell said evidently not. He asked Mr. Miller if he had the new plan and there's no notification in it whatsoever? Mr. Miller said the phrase that was removed, and it's his belief that they intend to do this anyway, it's just not in the PPC plan is the facility will develop and maintain a complete file of all future pollution events for review. Attorney Treadwell said where's the notification part? Mr. Miller said it's not in there. Attorney Treadwell said there's no notification that if an incident happens at BRE, the Township gets notified. Attorney Preston said it's in there. Mr. Williamson said it was in the original one. That part has not been deleted. Mrs. deLeon said she's just going by what our consultant said. She didn't get a copy of it. Attorney Treadwell said that doesn't say the notification is taken out. It says about keeping a file was taken out. Emergency notification list, page 18 of the PPC plan - A complete list of agencies and phone numbers has been developed in the case of an emergency or a spill. This list will be posted in each building, Exhibit B, and additional information is described below. There's St. Luke's hospital, and then there's directions. Fire, police, Lower Saucon Authority, City of Bethlehem, Northampton County Emergency Management Agency, City of Bethlehem Waste Water Treatment Plant, Lower Saucon Township. Agencies to be notified immediately by telephone under the following conditions. In the event of a fire or other emergency, DEP Bureau of Waste Management, DEP Bureau of Waste Management, Bethlehem District Office, and it goes on for another two pages. Mrs. deLeon said does it have the Township on there then? Attorney Treadwell said he just read the Township. Mrs. deLeon said what is an emergency? Obviously, that's subjective, so what is an emergency? Attorney Treadwell said in the case of an emergency or spill. Mrs. deLeon said if the \$45,000.00 fine wasn't an emergency. Attorney Treadwell said that issue was not a notification issue. The plan covered the notification. The person who was supposed to notify us didn't do it. It was human error. It wasn't the plan's problem.

Mr. Horiszny said (could not hear him). Mr. May said this would be when they take the material from the storage tank to the temporary or permanent and actually put it in the transport truck itself. Because there was no real language on how that was going to happen, he made a couple of scenarios, whether he bring a back truck in, which is very common. Sometimes it's very common that the transporter has a transfer pump on his thing. Once again, that puts all the burden of filling the tank on the transporter whom you all have no really concern or business relationship with. His recommendation was if they have a permanent type of discharging and filling station, where you would minimize the risk of overfills. He sees that is where your risk is at the site. If that transport truck overfills, it's now on the pavement area, you have storm drains there. Will it reach the storm drains? In their plan, they talk about and rightfully so under other regulations, the SPCC plan, as long as you have maximum cover of the gratings on it, storm drains, etc., that's perfectly acceptable in lieu of secondary containment. What he was trying to do was show a method, with their operation, it would be highly and a best practice to have it metered into the tank. There would no longer be a truck driver deciding how much gets carried away. It's on the operator. As different transporters come in with freeboard, how much can go in, and then that would also prevent a little bit more. Sometimes people hit the button and you can hit it in another 30 seconds, there's no control. All these other best management practices would minimize the risk of overfilling the transport truck. Mr. Maxfield said in other words, we're attempting to standardize the process as much as we can. Mr. May said correct; and to put all emphasis on the operator of the facility as a responsible party. Certainly you don't want to have a spill and someone come back and say it was the transport guy, he said he could take an x amount more and he was wrong. This now is all on the operator of the facility and put it in the transport truck. Mr. Horiszny said what's the third one? Mr. May said the counter measure is in the event of a spill during the transfer, they

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talked about it was on impervious surface, he was concerned that they never really looked and saw the curbing and how much would flow. A thousand gallons seem highly improbable but he's throwing a number out. Many times when you are looking at spills, you want to see how far it migrates or flows. You can simply do it by taking a gallon of water and putting it on and see how much of an area that covers, if it's an eighth of an inch or just wets. He was trying to put some more emphasis back on the plan. They claim that they have impervious surface there, but maybe they should do some sort of analysis of how much before it actually reaches the inlets for the storm or could there be a certain volume that would overwhelm the paved area, get off it the grass area, does it really migrate towards that wetland area or not? He's looking at it by eye. He didn't have a topo map to look at. He was just trying to give you some more information on where they could get more precise in their analysis in if a spill would occur, they'd then have some sort of level knowing what it is. If they know and the pump is running at 400 gallons per minute and a thousand gallons hits this storm water, it would have to run two minutes of it bubbling out over the transport before it gets there. He was just trying to get more of an operational background for any type of an event like that. That's the emphasis of that comment. That would be something if he was going to be an operator there and he'd want to have in the back of the mind, this is the Alamo, it can't get down in the storm drains, can't get off the site, I got to know how long the pump can run. Mr. Williamson said what you are looking at is analyzing the worst case scenario. Mr. Maxfield said right and that would be a best management practice to know exactly how much time he has with the pump running before it goes off the property. This is something you have no problem with doing? Mr. Williamson said no, not at all.

Mrs. deLeon said she has an idea. She doesn't like the idea of having another agreement because it's another place where people have to look. It's better to be on this motion, and there could be another condition added that explains (could not hear her). This will take the place of an agreement. They can come up with a definition of what an emergency is and that way the Township will get notified. She's still not happy about those other waiver things. Attorney Preston said they would agree to a condition like that. Mrs. deLeon said she would be more happy. Mr. Maxfield said every time a condition attached to the land development or to the PPC plan? Mr. May said it might just be a point of clarification for a definition for an emergency event and the other term used was a pollution event. If you're PPC plan has some things in there you want completely defined, maybe that's what you say, based on that resolution as we now defined these events, this is when the notification has to occur. Mrs. deLeon said if you don't then you're in violation of your approval. Attorney Preston said understood.

Mr. Kern thanked Mr. May. He said not only was nothing deleted from the plan, but you enhanced it significantly in thinking of what the operation will be and the safety features that will even make it safer. Mr. May said he appreciates their comments. He asked if there were any other questions?

Mr. Maxfield said very impressive experience. He thanked Mr. May.

Mr. Gene Boyer, Saucon Avenue, said he appreciates the Engineer and all the comments that are made and the suggestions, but from an independent resident sitting here and listening to these meetings. He's not been to all of them, but he has a question. The plan that's in front of the committee tonight is for a temporary situation with three tanks? Mr. Kern said a temporary situation to become permanent. Mr. Boyer said when is it going to become permanent? Mr. Kern said within a year. Mr. Miller said by August 2014 they will have the permanent tanks in. Mr. Boyer said all the containment and all that will apply to the temporary ones as well as the double wall in the new one? Mr. Kern said correct. Mr. Maxfield said the spill prevention tray is based on the gallonage. It was 1-1/2 tanks or something like that. Mr. May said what EPA and DEP require, which is 110% of your biggest container, and that 10% is essentially rainfall. If something occurred with the biggest tank spill plus rainfall in there, it would still all be contained.

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Mrs. deLeon said what condition can you come up with? Attorney Treadwell said they'll add a condition No. 9 that states the applicant shall notify Lower Saucon Township and we'll come up with a time period that mirrors what's in the PPC plan within 24 hours or whatever the time period is of any emergency or pollution event, and then we'll find what an emergency or pollution event is. Mr. May said you may want to amend that also to say within seven days of the verbal notification, any written reports to any agencies or things like that, also be copied. Seven days is what you are pretty much allowed under PA DEP if something goes into the soil or groundwater. You have a suspected release, then you either figure it out in seven days or you have to call it in, we have a release, we have to do more information to remediate or get it back within levels. That initial notification is what you want, but then you also want copies of all communications to any other agencies or request that you be cc'd on all those communications including emails.

Ms. Donna Louder said when the permanent tanks are put in, it has been said once before and she thinks it came from Hanover Engineering that if there was a leak in the tank, it would be quite a while before they would find it in the catch-all plan. Do you have any information on that? Mr. May said he thinks their plan actually talked about they would do a visual inspection daily and that monthly they have to do walk around with an actual form which is what you would have to do if that was a regulated substance. You could have a rain event you're not aware of and most facilities like that carry a rain gauge. Ms. Louder said she's talking about a break in the tanks. Mr. May said to be very honest with you, most events don't occur from a break in the tanks anymore. That's been such a big problem every since over in Ashland Oil in Pittsburgh, tank manufacturers don't like getting sued. More of your problems with spills are operational things where something didn't work. There was no level of redundancy or people just weren't paying attention at the time. He doesn't think there's much risk at all based on the material the tanks are using, even the temporary tanks are using if that's ever going to be an issue. Once again it's going to be contained 110% of the full capacity of that tank. Typically, it's never going to get at full capacity if they operate like a regulated tank. You can only fill the tank to 90%. He's sure they are going to have some sort of management practice how much there is. It's not a big deal as they can always call a transporter to come and take more away. He didn't see that as a high risk of big failure. There is other guidance if you have a regulated tank on what you have to do, projected it on its life, five, ten years, some sort of inspections. They mention in the plan that they would follow that same type of practice. The practice says if you inspect it monthly, and it's double wall, you don't have to do anything else for years down the road. A lot of this is written for steel tanks, not for poly tanks and most tanks are warranted for 30 years. They show you these are all the compounds that can go in the tanks, alcohols, acids, things like that. Ms. Louder said the poly tanks are only the temporary tanks. Mr. May said right. Ms. Louder said the permanent tanks are going to be made of what? Mr. May said he's not sure. Mr. Hollis said he doesn't remember. Mr. Williamson said it's in the plan. It's double walled. Mr. May said he thought it was a poly tank. Mr. Williamson said it is. Ms. Louder said Hanover Engineering brought it up in one of their letters stating that if there was a leak in the tank, if one of the trucks pulling in to empty it out, didn't drive so good, and hit the tanks and the tank was damaged, to find that damage underneath into the second area, do you know what she's talking about? Mr. Williamson said if it would get hit, it would be in an area you can see. Ms. Louder said she understands that. She's just giving you a hypothetical situation. Mr. May said you have a double walled tank; it has what you call an interstitial space. Ms. Louder said the interstitial space is going to start filling up. Mr. May said no, the damage will be from the outside first, the outer wall. Ms. Louder said she used the wrong example. The damage is done to the inner tank. This is a hypothetical situation. Forget that one. The inner tank was damaged. The tanks surrounding it to protect it would start to fill up with the toxic material. By the time we found that filling up because of the tank...Hanover Engineering had it in a letter one time and Chris wrote it down that it would be hard to determine if there was damage to the tank into the second barrier. Mr. Mays said what would happen is that second barrier will in fact start filling up. It has sort of a vent to the atmosphere anyway. It's going to come up out of that vent and now go into the containment, but he'll called it a diked area, but technically it's a containment area with the berms. It's all going to eventually come there. It would have to be pretty catastrophic failure to get it from

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the interior into the interstitial and fill the complete interstitial up, and then out into the containment. Ms. Louder said this is catastrophic error in her mind. She doesn't know if you saw the list of garbage that went out there. It was vapors and other stuff. This is ridiculous. Would you want your kids walking around in that stuff. Dump it out on the ground and let's all walk barefoot in it. Now tell me...Attorney Preston interrupted and said may he make one comment that may help solve whatever this is. The interstitial space, if that's breached or if that's material in there, that is alarmed so that we know when that happens. Ms. Louder said thank you. That was the answer. Mr. Williamson said they've said this at every meeting. Ms. Louder said she doesn't think so.

Mr. Horiszny said he'd like to go back to IV.B. and move that we give conditional approval for the Hanover and B&J letters and additionally the PPC plan must be submitted to BRE according to the energy environmental discussions tonight prior to operations. Mrs. deLeon said does that include No. 9? Attorney Treadwell said it includes his additional condition that he and Attorney Preston will work out.

**MOTION BY:** Mr. Horiszny said he'd like to go back to IV.B. and move that we give conditional approval for the Hanover and B&J letters and additionally the PPC plan must be submitted to BRE according to the Synergy Environmental discussions tonight prior to operations.

**SECOND BY:** Mr. Maxfield  
Mr. Kern asked if anyone had any comments.

Mr. Matt McClarin said you guys weren't responsible for this, but for the ZHB whoever it was, maybe you could make a recommendation not to skip over the most important part of it, and that is notify neighboring residents about changes going on in their area. Whether it's relevant or not, or if the trucks haul diesel fuel down the street all day, stuff coming from this plant, the residents who were supposed to be notified be notified of that every time. It sounded like the stuff was so toxic, the stuff that entered Bethlehem Waste Treatment Plant, but he said it's more concentrated because it was stuck in that thing and shot out. The stuff that's going into these tanks is not going to be nowhere near, it's just going to smell real bad is what you are saying. Would you rather have a fuel truck spill out in of your house or this stuff spill in front of your house? Mr. May said in terms of risk management, a fuel truck is exponentially worse because now you have vapors and much concentrated chemicals. You have 213 chemicals, they are not good for the humans and gasoline is really bad. All your responders are exposed more because now you have liquid fuels plus the vapors. That's where all the problems come in at. In a closed area, that's even worse. That's why most of the recommendations are when a certain percentage of exclusivity goes, you evacuate. It's like 1% and 5% you need to shut down. There's levels of safety built into process control. In the real world, gasoline is probably nastier than the stuff they are storing, but they are using a lot of the practices and follow if it was a regulated substance. Mr. McClarin said it wouldn't be a pleasurable thing for this to spill. Another thing is the trucks, are they mandated to use the same design of truck that a diesel fuel would be? Mr. May said no, they probably are a little bit more as they are a regulated waste hauler. There's a lot more paperwork. They have to have a higher rate of inspections and things like that. Waste haulers have more regulations than the motor fuel supplier. Mr. McClarin said he's talking about the actual construction of the truck. Is it going to be like a water truck or in a special thing that hauls diesel fuel? Mr. May said he's not sure. Typically they make the trucks out of the same stuff – stainless or aluminum. Typically, the transport trucks are a lot heavier as compared to a motor fuel truck. They like to get as much fuel on the truck, so the tank construction is all made to haul 8,000 gallons on the road. They aren't hauling anywhere near that amount. The trucks have a much higher level of scrutiny because they are under transport regulations and DEP regulations. Mr. McClarin said in all your experience, have you ever seen toxic stuff come out of a landfill into a plant like this? Mr. May said he doesn't like to use the word toxic because that means different things to different people. None of the stuff is not drinkable. It's not the worst things in the world as compared to some sort of process plant. Probably if you went to a waste water treatment plant like Bethlehem, they have chemicals there if

you would mix up, it would be a lot more harmful with direct contact than this stuff will be based on the chemicals they have and things like that. He's just trying to give you sort of a perspective. If he stuck his hands in this and washed them off, he would certainly eat afterwards. Mr. McClarin said he thinks the neighborhood and the residents need to be informed of things of this nature and toxic and you hear trucks before it's too late at a meeting like this so they can show up with Zoning and Planning and hear all the details. Mr. Maxfield said what you do mean by things? Mr. McClarin said he's saying he wasn't informed of this or the people living on Applebutter Road weren't informed of this. It's the zoning thing. The procedure should be that everybody needs to be notified no matter what kind of zoning is. Attorney Preston said the ZHB was noticed properly. We are not or could not seek a waiver from that. Mrs. deLeon said Matt, it's the P/C. Mr. McClarin said yes, the P/C.

**ROLL CALL:** 4-1 (Mrs. deLeon – No)

**IV. DEVELOPER ITEMS**

**C. IESI MINOR PERMIT MODIFICATION FOR GRADING ADJUSTMENTS – TOWNSHIP COMMENTS**

Mr. Kern said the Township received a Minor Permit Modification application from the IESI Bethlehem Landfill on April 15, 2013 for revised grading adjustments. Township landfill consultants have reviewed this application and have technical comments that have to be forwarded, with Township Council approval, to PA DEP by May 24, 2013.

Mr. Cahalan said they have the letter that was received from the Landfill Consultants dated May 2, 2013. They have a series of comments 1 through 5 and then there are some field conditions 1 through 2. Mr. Miller said the most significant thing that changed in the plan since last time the plan was submitted is now they are no longer calling it the final grading. They are saying at some point in the future, they are going to have to make this either be compliant with the plan that has been approved by the Township previously or they will have to come with another plan that the Township will review as the final closure plan. That's the main reason that the majority of the comments went away. As far as the remaining comments, they are fairly straight forward. Martin and Martin has accepted them in their letter of May 9, 2013. The recommendation would be to forward HEA's comments, Martin and Martin's response as well as HEA's comments on the western high wall which will be coming up at V.C. which is an expansion upon field condition No. 1. which expanded the two pages.

**V. TOWNSHIP BUSINESS ITEMS**

**C. REPORT OF OBSERVATIONS OF WESTERN HIGH WALL AT IESI BETHLEHEM LANDFILL**

Mr. Kern said Township Host Municipal Inspector (HMI) and landfill consultants have prepared a report of their observations from their inspection of the western high wall at the IESI Bethlehem Landfill, which they are recommending that the Township forward to PA DEP.

Mrs. deLeon said seeing the pictures of the steep slope, that little wording in the paragraph just doesn't cut it. Mr. Miller said to summarized the two page letter, it basically says that this area of very steep slope designed to be very steep slope, 4 to 1 the opposite way of what we normally require to be 3 to 1. We normally require three horizontal, one vertical. This is four vertical, one horizontal. It has started to fail and it was perceived it was a result of the spring thaw. It got saturated and when it thawed, it sloughed off. This is a place of instability. The earth behind this wall is supporting LSA's water lines. It is not at the point where the water lines are in imminent danger. The Authority went out there and looked at it. They are comfortable today. They want something resolved soon. They don't want to wait until the final grading plan happens several

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years from now. They would like to have something temporary done by the end of the summer for hurricane season. Mr. Kern asked what was the resolution? Mr. Miller said the resolution was LSA was fine with this for now. They are acceptable with this moving forward for now. They want Martin and Martin to propose something for the landfill to do to hold that wall in its current condition until the final condition is created. Mr. Kern said what was the landfill's response to that? Mr. Miller said Rick Bodner from Martin and Martin said the landfill was fine with that.

Mrs. deLeon said she has concerns as it's going to keep raining and the more it rains the more it's going to affect that steep slope. It's unfortunate we don't have the pictures to show the residents sitting here because the pictures are self-explanatory. We are on the same mountain that Chrin's landfill is on and we all know what happened to Chrin with losing 20 acres of landfill and resting on the road. It's a slippage. Mr. Miller said if anything it would be putting their mind at ease because it's engineering, we think it's very poor as a design. However, the damage that's happened sounds a lot more catastrophic than the pictures show. We think it is still bad and it should be corrected. This would probably be more of a comfort than a cause for concern.

Mrs. deLeon said you're concerned about the water tank if nothing's going on. Mr. Miller said the water line. The vast majority of soils are stable at a 3 to 1 slope, so you don't have to really enforce it. You can get wet, it's fine, it doesn't slough off. When you do a 4 to 1 slope, effectively anything that's in three times the height of that wall is in danger of eventually sloughing off. It depends on the soil and the saturation. We always recommend 3 to 1. Since the LSA water line is within a 3 to 1 slope from where it is, it's a concern that it's currently steeper than that. It's an effectively a sheer wall except from where it's already sloughed, then it has some slope to it. Mr. Kern said you've noticed a potential problem and the landfill has agreed to address it and there's time to address it. That's the bottom line. Mr. Maxfield said we have to make sure it's addressed in a fashion that everybody is moderately comfortable with. Is it possible with the existing grading and the existing plan to make that a 3 to 1 slope or are they going to have to figure out something that works with 1 to 4? Mr. Miller said the grading plan that was approved by the Township shows acceptable slopes. The reason that they have a 4 to 1 slope now is because the slopes they are showing for the landfill right now are a different configuration. If they were to basically raise the landfill as they were permitted to do before, then it would fill in the wall and the landfill would serve as the support and this wall concern would not be there.

Mrs. deLeon said what is the time period for them to be using that as a cell to fill in? Mr. Miller said they just got their extension for ten years. More than likely, it's going to be in the 2 to 3 year range as they are going to run out of capacity.

Mr. Kern said has IESI committed to a time frame for remediation? Mr. Miller said no. In fact, IESI, the organization hasn't commented on this. The only input they have is from Rick Bodner from Martin and Martin and they said they will acknowledge LSA has a concern. It's not imminent and that they will keep LSA happy.

Mr. Cahalan said in Jim's letter, he spoke to Al Schleyer and Mr. Schleyer responded to this inquiring stating he will schedule a work crew to remove the soil and the rock material that has entered the storm water channel in order to return the channel to its original condition in regard to preventing a re-occurrence, Mr. Schleyer stated that IESI will request that their engineer Martin and Martin evaluate the situation and provide measures to prevent a reoccurrence.

Mr. Kern said he'd like to ask that we get a time commitment from them however that could happen and then report back to Council what that time committeeman agreement is.

Mrs. deLeon said we are going to send DEP this letter to make them aware. She liked the letter.

Mr. Maxfield said have they installed any silt fences now? Mr. Miller said not to the best of his knowledge. Mr. Maxfield said maybe that's something we can ask them to do as we don't want the

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muck getting into the storm water swale. Next thing we'll have a clogged swale. Mr. Miller said this does go to a sed basin and the general protocol, you try and maintain it as best as you can. It's one of the old styles of erosion control and the old style was as long as you just get it to the sed basin, everything is going to be fine. They do it a lot more thorough now. It doesn't directly discharge to the stream in case that helps. Mr. Maxfield said we've been talking about erosion and slumping off things. Are there other places in the landfill where there are slopes of that nature? Mr. Miller said this is very irregular. To answer your question directly – no. Whenever a slope of this nature happens, it is stabilized. He forgets the slope of the MSE wall, that may not be this steep and it's mechanically stabilized. This is just earth and it's steeper. Mr. Maxfield said we don't have to worry about common ground creep or anything like that? Mr. Miller said no.

**MOTION BY:** Mrs. deLeon moved for approval to send Hanover's letters of May 2<sup>nd</sup> and May 8<sup>th</sup> regarding the western high wall to DEP and the minor permit modifications for grading adjustments.

Mrs. deLeon said where do you make reference to the western wall in this letter? Mr. Miller said the western wall in the May 2<sup>nd</sup> letter is field condition 1. Mrs. deLeon said can that be expanded a little bit? Mr. Miller said that's expanded quite a bit in their letter. Mrs. deLeon said maybe you can reference that letter that refers to it. It would be a bigger paragraph. Mr. Miller said perhaps. They thought it warranted more commentary as well and that's why they issued their May 8<sup>th</sup> letter. Mrs. deLeon said we would be approving the May 2<sup>nd</sup> and the May 9<sup>th</sup> letter. Mr. Miller said Martina and Martin has a typo on their letter. Their first page says May 9<sup>th</sup>, which is the correct date. Their following pages say April 9<sup>th</sup> which is possibly what you are referencing. The letters in question are Martin and Martin's letter of May 9<sup>th</sup>; Hanover's letters of May 2<sup>nd</sup> and May 8<sup>th</sup>. Mrs. deLeon said where is the western wall in HEA's May 2<sup>nd</sup> letter? Mr. Miller said that would be field conditions, comment 1. Mrs. deLeon said how do you expand a letter that's already been typed? Do you come up with a new letter? Mr. Miller said what they were refraining from was expanding it and letting their May 8<sup>th</sup> letter serve that purpose.

**SECOND BY:** Mr. Willard

Mr. Kern asked if anyone had any comments. Ms. Louder said it says the drainage is clogged, with the slopes and sludge and everything coming down, it's compromised in the drains. If these drains are clogged...she asked if Mr. Miller was with her. Mr. Miller said he's with her, but not sure that's a fully accurate statement. This slough is filling the channel which is between two high points. It's going to go to the low spot. The low spot is still going to be between the high points, it's just not as good at reducing erosion. Primarily, it's an erosion concern that they should clean up the channel and get it back like it was before and it's still going downhill. Ms. Louder said the slope failure occurred toward the northern end of the wall and is obvious that some of the displaced material has entered the head of the storm water drainage channel that is located at the bottom of the wall. Her question is if all this stuff is going to the bottom and heading towards the drainage channel and the drainage channel gets clogged up, what happens to the runoff? Is it going to be compromising anything else? Will it be compromising the cap of anything on that northern end? Mr. Miller said there are concerns that they had with regard to this being a permanent solution. As long as they continue to maintain this, it will be fine. The concern for the erosion there is primarily so the channel works the way it's supposed to. It's all going to go downhill anyway. It's just that it means less sediment getting into that culvert that's downstream of it. Less of that sediment getting into the basin, less need to dredge that basin and bring it back up to where it should have been in the first place. The recommendation is clean the channel. Ms. Louder said she's understanding that, but she's not picturing it. If there's a torrential downpour and it's coming off the hill and it's bringing the sledge down, is there a possibility of that ending up going off onto another capped area? Mr. Miller said it's only going to be along the same cap. It's not going to change the patterns to go to a different capped area. It's going to be the same area. Ms. Louder said thank you, that's what she needed to know.

**ROLL CALL:** 5-0

V. TOWNSHIP BUSINESS ITEMS

A. ZONING HEARING BOARD VARIANCE – KEITH BREDBENNER, 2289 POLK VALLEY ROAD, HELLERTOWN – REQUEST VARIANCE OF FRONT YARD SETBACK

Mr. Kern said the applicant is seeking a variance to add a second floor addition with a porch roof extending 6' towards the road, but will be approximately 20' from the center of the road. The residence was built in the 1800's prior to all these restrictions.

There was no one present representing Mr. Bredbenner. Mr. Kern asked if anyone had any comments? Mr. Horiszny said in one of the areas it said 1.54 acres and another part it said 4 acres. Which is right? Mr. Maxfield said he has property on both sides of the road, it may be the addition of the two together. Mr. Kern said looking at the drawing, the porch extension doesn't extend past the existing house. Mrs. deLeon asked when this was on the ZHB? Mr. Cahalan said May 20<sup>th</sup>. Mrs. deLeon said she doesn't have any issues with this.

Council took no action.

D. RESOLUTION #42-2013 – AUTHORIZE SHREDDING OF TOWNSHIP DOCUMENTS PER PHMC GUIDELINES

Mr. Kern said Resolution #42-2013 has been prepared to authorize the disposal of records per the Municipal Records Act of 1968 and Township Resolution #24-1996.

**A RESOLUTION FOR DISPOSITION OF RECORDS**

**WHEREAS**, by virtue of Resolution #24-1996, adopted June 5, 1996, Lower Saucon Township declared its intent to follow the schedules and procedures for the disposition of records as set forth in the Municipal Records Manual approved on July 16, 1993; and

**WHEREAS**, in accordance with Act 428 of 1968, each individual act of disposition shall be approved by resolution of the governing body of the municipality.

**NOW, THEREFORE, BE IT RESOLVED**, that the Township Council of Lower Saucon Township, Northampton County, Pennsylvania, in accordance with the above cited Municipal Records Manual, hereby authorizes the disposition of public records as listed in the attached.

Mr. Cahalan said this is done every time we prepare to shred documents per the State guidelines. Mrs. deLeon said we all know how we respect history and every time we do this, we're throwing away records and yet we'll go to museums and we'll go to historic sites and look for all these documents of old budgets and old this and old parking violations, yet the PHMC has a policy on what to throw away. She knows we have to do it as we can't keep everything. She always wonders how we are going to document today in the future if we're throwing it all away.

**MOTION BY:** Mr. Maxfield moved for approval of Resolution #42-2013.

**SECOND BY:** Mrs. deLeon

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

**ROLL CALL:** 5-0

E. AUTHORIZE ADVERTISEMENT OF ORDINANCE NO. 2013-02 – AMENDING TOWNSHIP PARK AND RAIL TRAIL RULES

Mr. Kern said Ordinance No. 2013-02 has been drafted to amend Chapter 118, Parks and Recreation, to clarify hunting and the carrying of firearms in Township parks and on the Saucon

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Rail Trail. This ordinance will need to be advertised for a public hearing and consideration of adoption.

Mrs. deLeon said was this because of a discussion not so long ago? Attorney Treadwell said it came from a couple of months ago, maybe even last year. Part of it is about that the Township cannot necessarily enact regulations that are different than the State law allows and the State law allows people who have a permit to carry a firearm to carry it pretty much anywhere with certain, specific sections. This brings our regulations on the Rail Trail in line with that State line and it also adds another section that says there's no hunting or trapping of animals of any kind on the Rail Trail.

Mrs. deLeon said this has nothing do with a special permission like when the Heller Homestead asks for permission. Attorney Treadwell said no.

**MOTION BY:** Mr. Horiszny moved to authorize advertisement of Ordinance No. 2013-02.

**SECOND BY:** Mr. Maxfield

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

**ROLL CALL:** 5-0

**VI. MISCELLANEOUS BUSINESS ITEMS**

**A. APPROVAL OF MAY 1, 2013 MINUTES**

Mr. Kern said the draft minutes of the May 1, 2013 Council meeting have been prepared and are ready for Council's review and approval.

**MOTION BY:** Mrs. deLeon moved for approval of the May 1 2013 minutes.

**SECOND BY:** Mr. Maxfield

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

**ROLL CALL:** 4-1 (Mr. Horiszny – No)

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

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

**MOTION BY:** Mr. Horiszny moved for approval of the April 2013 financial reports.

**SECOND BY:** Mr. Maxfield

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

**ROLL CALL:** 5-0

**VII. PUBLIC COMMENT/CITIZEN NON-AGENDA ITEMS**

- Mr. Mark Wirth, 2438 Black River Road said he has a concern with the excavation across the street with the bridge at Alice Drive. They did a good job. Everything looks good. There is a pipe that was put in by the apartment complex, Don John Property Management. It is to the right of the 30" pipe that comes down Alice Drive that is to the right of Alice Drive bridge. There's a small 4" corrugated pipe that was put in to help drain the parking lot there at Apartment B and C. The heavy rain we had recently, the water was coming out of there like a fire hose. Being back where it is, at the end of the one retaining wall, it was washing out all of the sediment and stone and pushing it into the creek. He would like to see if that could be restored as they did it before. Before the fixed the bridge, they put concrete down in the retaining wall side to keep that from washing out. If they don't do that, they are going to have another problem with the retaining wall that's already there. It's going to wash out behind it. Everything was done very well and he's very pleased with

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that. Mr. Kern asked the Engineer to take a look at that. Mr. Wirth said he's concerned with the pipe and so it doesn't wash any more sediment out and then it creates a whirlpool. He'd appreciate if you have someone look in that. Mr. Miller said this bridge is just serving their property? Mr. Wirth said it's part of the parking lot for B and C. Mr. Miller said he's familiar and wanted to clarify that it's not a Township bridge you are asking us to go out and look at. Mr. Wirth said no, it's the apartment complex. The concern has to do with the sediment into the creek and we don't need any more washout on that road. Mr. Kern said does the Township have jurisdiction to enforce the correction? Mr. Miller said for erosion control, yes. Perhaps you could just notify them. Mr. Wirth said it's a minor fix. He wouldn't want something to get worse when they just did a lot to improve it. Mr. Cahalan said they will take a look at it.

### VIII. COUNCIL & STAFF REPORTS

#### A. TOWNSHIP MANAGER

- Mr. Cahalan said he has a motion made by the EAC for a recommendation that the EAC donate to the PA Environmental Council PEC a \$50.00 membership donation in the basic non-profit government category. They've been doing this every year. They bring it to Council for approval. Mr. Maxfield said it's the cheapest category they can apply for.

**MOTION BY:** Mr. Horiszny moved for approval of a \$50.00 donation recommended by the EAC to the PA Environmental Council.

**SECOND BY:** Mrs. deLeon

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

**ROLL CALL:** 5-0

- Mr. Cahalan said in your folder is the depiction of the sign for the Ehrhart's Historic District. Mr. Willard worked on that. This is a mock up of the sign. If that is okay, he's waiting for a simple sketch to come from the Planner as to where we propose to locate the sign and he'll send that along to Council, the neighbors in that area, and to the Saucon Rail Trail Oversight Commission. Mr. Kern said it's very well written.

#### B. COUNCIL

Jr. Council – No report

Mrs. deLeon – No report

Mr. Horiszny

- The one thing he noticed in PSATs is next week is National Public Works week, so if we see any of our road crew members, we should congratulate them and tell them what a fine job they do.

Mr. Maxfield

- He said there was a letter received a letter from a resident, Tina Krasnansky who lives over near Ringhoffer Road and she had asked that we address the condition of the Bethlehem portion of the road there. There's a place where they re-did the bridge and it collapsed on the side and there's some potholes. There's a definite visual and riding difference between the Lower Saucon section and the Bethlehem section. Bethlehem's section is in the middle and we're on either end of it. She asked we address a letter to Bethlehem addressing the problem. The problem near the bridge may be dangerous.

**General Business & Developer Meeting**

**May 15, 2013**

**MOTION BY:** Mr. Maxfield moved that we have Mr. Cahalan and the staff address a letter to Bethlehem to address that problem as stated above.

**SECOND BY:** Mr. Horiszny

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

**ROLL CALL:** 5-0

**Mr. Willard:**

- He said the Gaming Authority meeting scheduled for May 20<sup>th</sup> is cancelled for lack of business, so he preserves his perfect record of never attending a meeting.
- He said on newsletter matters. There is a newsletter in the final stages. It should be out by the end of June in the current format. He did meet with Leslie and Diane yesterday on the consultant's recommendation for the re-design. We'll bring you our recommendation and all the background for that to the June 5<sup>th</sup> Council meeting.

**Mr. Kern** – No report

C. **SOLICITOR** – No report

D. **ENGINEER** – No report

E. **PLANNER** – No report

**V. ADJOURNMENT**

**MOTION BY:** Mr. Willard moved for adjournment. The time was 9:20 pm.

**SECOND BY:** Mr. Horiszny

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

**ROLL CALL:** 5-0

Submitted by:

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Jack Cahalan  
Township Manager

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Glenn C. Kern  
President of Council