

I. OPENING

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

II. PRESENTATIONS/HEARINGS

- A. Resolution #44-2017 – Proclamation Honoring Junior Council Member Kelsey Gatchel
- B. Resolution #45-2017 – Proclamation Honoring Junior Council Member Rachel Panek
- C. Resolution #46-2017 – Proclamation Honoring Junior Council Member Ryan Smith
- D. Resolution #47-2017 – Proclamation Honoring Junior Council Member Jake Nichols
- E. Resolution #48-2017 – Proclamation Honoring Junior Council Member Brynn Bambu

III. DEVELOPER ITEMS

- A. Estates at Stonehurst – 1905 Wilhelm Road – Request Extension of Approval
- B. Project Mustang – Littletown LLC – Proposed Warehouse in City of Bethlehem

IV. TOWNSHIP BUSINESS ITEMS

- A. IESI Bethlehem Landfill – Applebutter Rd. – Quarterly Report from Township Technical Consultants
- B. IESI – Applebutter Rd. – Technical Review of Major Permit Modification – Southeast Realignment/Expansion
- C. Zoning Hearing Board Variances
 - 1. Tracey Henig – 2174 Kistler Avenue – Variances in Conjunction with Minor Subdivision
 - 2. David & Tracy D’Agostino – 1530 Highland Drive – Variance for Zoning Violations Associated with Construction of Pool
 - 3. Louis Pavelcze, Jr. – 1766 & 1776 Friedensville Road – Variance Required in Conjunction with Proposed Lot Line Adjustment
- D. Ordinance No. 2017-03 – Removal of “Except Right Turn” Signs – Alice Drive & Willowbrook Drive – Authorize Advertisement for a Public Hearing & Consideration of Adoption
- E. Ordinance No. 2017-04 – Removal of “Except Right Turn” Signs – Schwab Avenue & Ivywood Drive - Authorize Advertisement for a Public Hearing & Consideration of Adoption
- F. Resolution #49-2017 – Authorization to Execute DUI Grant
- G. Resolution #50-2017 – Revised Fee Schedule for Onlot Sewage Systems
- H. Painting – Town Hall Complex – Authorize Advertisement to Bid

V. MISCELLANEOUS BUSINESS ITEMS

- A. Approval of May 17, 2017 Council Minutes

VI. PUBLIC COMMENT ON NON-AGENDA ITEMS

VII. COUNCIL & STAFF REPORTS

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

VIII. ADJOURNMENT

Next EAC Meeting: June 13, 2017
Next Zoning Hearing Board Meeting: June 19, 2017
Next Council Meeting: June 21, 2017
Next Planning Commission Meeting: June 22, 2017
Next Saucon Rail Trail Oversight Commission Meeting: June 26, 2017 @ CB
Next Park & Rec Meeting: July 3, 2017
Next Saucon Valley Partnership: September 13, 2017 @ HB

I. OPENING

CALL TO ORDER: The General Business & Developer meeting of Lower Saucon Township Council was called to order on Wednesday, June 7, 2017 at 7:30 p.m., at Lower Saucon Township, 3700 Old Philadelphia Pike, Bethlehem, PA with Mr. Ron Horiszny, presiding.

ROLL CALL: Ron Horiszny, President; Priscilla deLeon, Glenn Kern and Donna Louder, Council Members; Leslie Huhn, Township Manager; Township Engineer, Kevin Chimics & Township Planner, Judy Stern Goldstein. All Jr. Council members from all the Boards/Commissions were also present. Absent: Mrs. Yerger, Council Member and Linc Treadwell, Solicitor.

PLEDGE OF ALLEGIANCE

ANNOUNCEMENT OF ANY EXECUTIVE SESSION (IF APPLICABLE)

Mr. Horiszny said Council did meet in Executive Session prior to the meeting. The subjects were the UGI liquified natural gas tank and potential litigation regarding it; and also a personnel issue.

PUBLIC COMMENT/CITIZEN AGENDA ITEMS

Mr. Horiszny said if you are on the agenda, you have Council and Staff's undivided attention. If you choose to speak, we ask that you use one of the microphones and state your name for the record so the transcriptionist knows who is speaking for the minutes. He asks that you give your fellow public the courtesy of the floor. Mrs. Huhn said Item IV.C.1 and IV.C.2 have been taken off the agenda.

II. PRESENTATIONS/HEARINGS

A. **RESOLUTION #44-2017 – PROCLAMATION HONORING JUNIOR COUNCIL MEMBER KELSEY GATCHEL**

B. **RESOLUTION #45-2017 – PROCLAMATION HONORING JUNIOR COUNCIL MEMBER RACHEL PANEK**

C. **RESOLUTION #46-2017 – PROCLAMATION HONORING JUNIOR COUNCIL MEMBER RYAN SMITH**

D. **RESOLUTION #47-2017 – PROCLAMATION HONORING JUNIOR COUNCIL MEMBER JAKE NICHOLS**

E. **RESOLUTION #48-2017 – PROCLAMATION HONORING JUNIOR COUNCIL MEMBER BRYNN BAMBU**

Mr. Horiszny read the resolutions. Council expressed their thankfulness for all the Jr. Council members, said they were very proud of them, and appreciated their input in the meetings.

MOTION BY: Mrs. deLeon moved for approval of Resolutions #44-2017 through #48-2017.

SECOND BY: Mrs. Louder

ROLL CALL: 4-0 (Absent – Mrs. Yerger)

III. DEVELOPER ITEMS

A. **ESTATES AT STONEHURST – 1905 WALDHEIM ROAD – REQUEST EXTENSION OF APPROVAL**

Mrs. Huhn said this is a one-year extension that the applicant has requested to satisfy their conditions of approval. There's a draft motion dated June 7, 2017 to extend that time period.

MOTION BY: Mr. Horiszny moved for approval of a one-year extension for Estates at Stonehurst at 1905 Waldheim Road to complete their conditions of approval.

SECOND BY: Mrs. deLeon

Mrs. deLeon asked about the letter being in after it expired on June 4, 2017, is it an issue? Ms. Stern Goldstein said they will have to reapply for their NPDES permit as there are revisions on the stormwater and they would have to meet the current regulations for their NPDES permit which will require revisions to their plan and on the stormwater end.

ROLL CALL: 4-0 (Absent – Mrs. Yerger)

B. **PROJECT MUSTANG – LITTLE TOWN LLC – PROPOSED WAREHOUSE IN CITY OF BETHLEHEM**

This property was formerly MFS on Easton Road. Mrs. Louder asked if PennDOT would be responsible for the roads and do they bond the roads so they are responsible for repair? Mr.

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Garges said the only time we typically get involved with bonding is when there are overweight vehicles traveling a weight-restricted road. He doesn't think there would be bonding done with the PennDOT road. Mrs. Louder asked if there are any pipes on Easton Road that heavy trucks would damage? Mr. Garges said on the LST side of Easton Road, there's no public sewer, and they did a water line extension toward Ringhoffer Road. There may be storm sewer pipes owned by PennDOT.

Mr. Garges said the applicant proposes to develop it for the permitted use of manufacturing. Mrs. Louder said she'd like it to go to the Planning Commission. Mr. Garges said we checked with the City and their deadline is July 31st, so we could take it to the June 22nd P/C. There should be a letter from Maser Consulting on the traffic, and we could have our engineer comment on that letter.

MOTION BY: Mrs. deLeon moved to contact Barry Isett to review the traffic study that's already been done and review the comment on how or if there would be an impact on what he already did. Council said they needed more information on this project between now and the next meeting i.e., minutes of the scoping meeting, what they are manufacturing.

MOTION BY: Mrs. deLeon amended her previous motion, and moved to have the Manager contact Barry Isett to review the traffic study with the additional impact of what is already proposed out there, pending the review of the scoping meeting minutes; and to request our consultants to review prior to the next Council meeting.

SECOND BY: Mrs. Louder
Mr. Kern asked if we are asking for a copy of the traffic study from the City for our consultants to review. Mrs. deLeon said the City didn't do a traffic study as they didn't think it was warranted. Mrs. Huhn said we are requesting the minutes of their scoping meeting when they discussed this and direction to the Township consultants to gather what we need.

ROLL CALL: 4-0 (Absent – Mrs. Yerger)

IV. TOWNSHIP BUSINESS ITEMS

A. IESI BETHLEHEM LANDFILL – APPLEBUTTER ROAD – QUARTERLY REPORT FROM TOWNSHIP TECHNICAL CONSULTANTS

Mr. Birdsall was present and reviewed the quarterly report. He said the tonnage was up in 4Q16. He said 65% of waste is coming from out of the state and the daily tonnage is about 1,100 tons as opposed to the limit they could go to of 1,375. The BRE plant was operating at full capacity in the first quarter. A letter was received indicating that IESI asked DEP for abandonment of some of the 144 vertical wells. A gas well would be abandoned if it's no longer producing or identifying methane or landfill gas odor. Mr. Birdsall said this is the beginning of their process.

There was an incident in May of black smoke from the flare and the IESI staff fixed it right away. The surface emission monitoring conducted by IESI's consultant is improving, continue to be monitored, and indicated no methane as a result of their test on February 1, 2017. The committee found no concerns regarding Leachate Management. Mrs. Louder asked about the area they are trying to piggyback that for the SE Realignment, will the weight of the new trash act like the squeezing of a sponge? Where will the leachate be and where will the concentration be? Mr. Birdsall said they don't know any of those answers, and that is a concern. The area of the old landfill does have a cap over it, so there's not much moisture, but there could be some and it could squeeze out a little bit. Mrs. Louder asked how will that affect LMC-6 and 7, could it trench into that? Mr. Birdsall said he doubts it. Mr. Horiszny asked how many chambers are above non-lined areas? Mr. Birdsall said all these leachate collection chambers are in the newer sections of the landfill. In the unlined sections, there is no leachate collection. Mr. Birdsall said during 4Q16, IESI completed their investigation of the piping and metering within LMC-6, 7 and 8, which revealed some pipes were clogged and leachate flow meters may have been out of calibration. They will be watching those flows over the next few quarters to see if there are any major changes.

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There was one odor complaint in January and one in April 2017. Mrs. deLeon said the resident reported it to her, and not DEP. She stated DEP should be called about odors.

As of May 1, 2017, Exelon was in the process of filing a permit extension request that was turned down because they had a pollution incident in August 2016 which was reported to DEP, but not to LST. Mrs. deLeon said she'd like to see a letter sent to Exelon reminding them of their duties, and one to IESI asking them for more information on the elimination of their gas wells.

MOTION BY: Mrs. deLeon moved to have the Manager send Exelon a letter reminding them of their responsibilities with the Township regarding their site approval and a letter to IESI asking them for more information regarding the elimination of the certain gas wells.

SECOND BY: Mrs. Louder

ROLL CALL: 4-0 (Absent – Mrs. Yerger)

B. IESI – APPLEBUTTER ROAD – TECHNICAL REVIEW OF MAJOR PERMIT MODIFICATIONS – SOUTHEAST REALIGNMENT/EXPANSION

Mr. Birdsall said we are coming to the end of the last round for the Township to provide host municipal comments to DEP regarding the proposed expansion. The Technical Committee has finished their review and provided Council a comment letter dated May 31, 2017. DEP allows a 60-day review period from when the application was first submitted, which will expire June 21, 2017.

Mr. Birdsall reviewed the letter. Their “review comments” are things Council already knows, which is construction traffic, and a list of various movements of the daily operations and activities occurring in other areas. The applicant indicated at the May 23, 2017 public meeting they would be stockpiling on final cap areas which is prohibited by the approved land development plans, and by way of notes on the PA DEP application. We ask that DEP pay special attention to this and clear up the differences between what is shown on one plan and on another plan. Mr. Birdsall said they request that DEP impose a permit condition which addresses protection of existing systems, requires those areas to be shown on construction drawings, and marked off-limits in the field.

Mr. Birdsall said DEP will conduct on-site inspections of both the daily operations and construction operations. Regarding slope stability, one of their documents explains what will happen if they encounter metal objects or voids as they dig into old waste. This requirement should be included in the permit application and construction specification documents, or an explanation given as to why it is not included. Regarding gas collection they questioned if a second separate flare would be needed and installed.

Mr. Birdsall said the most important comment should be the landfill closure plans, to make sure everyone focuses on the length of time the landfill should be monitored and there's enough bonding money to do that for 31 years.

The North Slope should be monitored every month and after every storm. Mrs. deLeon asked how long will gas be produced from the landfill once it is closed? Mr. Birdsall said he doesn't know scientifically, but that doesn't mean the flare and BRE are shut down, so there must be a transition period and that's not described clearly in any of the documents.

Mrs. deLeon said DEP would be taking comments up to June 15, 2017 from the public and we should put that on the website. Also, refer the residents to the technical part on the Township page so they can read some of the comment letters we have. Mr. Birdsall said he's asking Council to authorize the Manager to submit the May 31, 2017 letter to DEP, as they should be Township comments.

Mrs. Louder said she does not understand why the western end of phase IV is not being permanently closed. Mr. Birdsall said to save cost. They must go down and dig out material, move it to the other site and reshape the bottom of the landfill and put in a different liner. Mrs.

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Louder said this brings back the question of their timing as that is going to create major odor issues; she had a leachate odor yesterday in her backyard.

MOTION BY: Mrs. deLeon moved for approval to submit the Landfill Technical Consultant Committee's comments on IESI's Southeast Realignment/Expansion Technical submission, as prepared by HEA in their letter dated May 31, 2017, to the PA DEP.

SECOND BY: Mrs. Louder

ROLL CALL: 4-0 (Absent – Mrs. Yerger)

Mrs. deLeon asked about the view from the corridor. Mr. Birdsall said there would be no increase above the levels that were identified as visible from those points.

C. ZONING HEARING BOARD VARIANCES

1. TRACEY HENIG – 2174 KISTLER AVENUE – VARIANCES IN CONJUNCTION WITH MINOR SUBDIVISION

Tracey Henig said she has no plans of building anything immediately, if ever. The hardship and what's unique is this road was put in prior to her buying it, but it makes the property across the street unusable and it's just woodland. She stated the County said they think it should be two lots.

Mrs. deLeon asked if this street was put in when the subdivision was formed? Ms. Henig said it was put in sometime in the 80's. Lot 2 is where they need variances. Ms. Henig said there is access on Connolly Avenue also; on the original deed, it shows there was an easement on there. Mrs. Louder asked what she believes should be done to rectify it as far as the road? Ms. Henig said there's really nothing to do but leave it there as there are six other homes there. She's been paying taxes on the road.

Mrs. Louder said the Township maintains it and plows the road. Ms. Henig said the Township collects gas taxes on her road and said her plan is to apply for the money she paid taxes on, which is .023 acres. Mr. Garges said that both properties are the same tax parcel number, so that's what is at issue.

Mrs. deLeon asked why it is going to the ZHB? Mr. Garges said there's a subdivision application on file for a minor subdivision. When they do the calculations for a new dwelling on the vacant half, it doesn't meet the steep slopes, impervious coverage and woodlands which the applicant needs relief from those sections of zoning.

Mrs. deLeon said she is uncomfortable creating a lot where we are going against all our ordinances. Mr. Horiszny said the numbers are way off and some people are going to get water; he thinks we need to oppose this. Mrs. Louder asked if there is an easement? Mr. Garges said there's one for the sewer in the street. Ms. Henig said she would never do anything with the property. Mrs. deLeon said they would like it in writing and it could go along with the property if it's sold. Ms. Stern Goldstein said it's rare to approve a subdivision to create a new building lot and restrict it as it would negate the purpose of the subdivision; it would be a waste of time to do this.

Ms. Henig said this should have been taken care of years ago. Mrs. deLeon said we have a lot of unanswered questions and she'd like some legal opinions from our Solicitor. Mr. Kern said there are so many issues with this plan and it's in violation with so many ordinances.

Mrs. Louder asked Ms. Henig if this subdivision is in her heart, or does she just want to get this road situation taken care of? Ms. Henig said both.

Mrs. deLeon said you have two options, we are going to vote no to the ZHB and oppose it to protect the Township but you have an option to continue so you don't lose the money you put into your ZHB application. Mrs. Louder asked the Manager to ask Attorney

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Treadwell to look into this again and see if there would be a way we could give an easement. Mr. Garges said perhaps we want to buy a conservation easement on it.

Ms. Henig said she was in front of the P/C and Attorney Treadwell was there and they were fine with everything if she could get the variances; no one was talking about the stormwater until now. Ms. Stern Goldstein said in the P/C minutes, Mr. Noble's main concern was stormwater runoff and that it would not affect downward property owners.

- MOTION BY:** Mr. Horiszny moved for approval to oppose this application if it goes unchanged to the next ZHB meeting.
SECOND BY: Mrs. deLeon
Ms. Henig said she will request to continue this and will seek alternatives.
ROLL CALL: 4-0 (Absent – Mrs. Yerger)

2. **DAVID & TRACY D'AGOSTINE – 1530 HIGHLAND DRIVE – VARIANCE FOR ZONING VIOLATIONS ASSOCIATED WITH CONSTRUCTION OF POOL**
Tabled
3. **LOUIS PAVELZE, JR. – 1766 & 1776 FRIEDENSVILLE ROAD – VARIANCE REQUIRED IN CONJUNCTION WITH PROPOSED LOT LINE ADJUSTMENT**
Tabled

D. ORDINANCE NO. 2017-03 – REMOVAL OF “EXCEPT RIGHT TURN” SIGNS – ALICE DRIVE & WILLOWBROOK DRIVE – AUTHORIZE ADVERTISEMENT FOR A PUBLIC HEARING AND CONSIDERATION OF ADOPTION

Mrs. Huhn said we brought this to Council at the end of last year. Tonight is to authorize the advertisement of this ordinance.

- MOTION BY:** Mr. Horiszny moved to authorize advertisement for a public hearing and consideration of adoption of Ordinance No. 2017-03.
SECOND BY: Mrs. deLeon
ROLL CALL: 4-0 (Absent – Mrs. Yerger)

E. ORDINANCE NO. 2017-04 – REMOVAL OF “EXCEPT RIGHT TURN” SIGNS – SCHWAB AVENUE & IVYWOOD DRIVE – AUTHORIZE ADVERTISEMENT FOR A PUBLIC HEARING AND CONSIDERATION OF ADOPTION

Mrs. Huhn said this is the same issue as the ordinance discussed before.

- MOTION BY:** Mr. Horiszny moved to authorize advertisement for a public hearing and consideration of adoption of Ordinance No. 2017-04.
SECOND BY: Mrs. deLeon

Atom Kallen asked if this will do anything to address the increased parking in that section, because people are parking on both sides of the road and turning Schwab into a single lane. Mrs. Louder said it turns into a one lane and the stop sign is probably a good idea, but in the same token, the parking situation has to be addressed. Mrs. Huhn said we can look into this before it's adopted. Chief Lesser said he can have the officers observe that intersection and parking within 30' of a stop sign.

- ROLL CALL:** 4-0 (Absent – Mrs. Yerger)

F. RESOLUTION #49-2017 – AUTHORIZATION TO EXECUTE DUI GRANT

- MOTION BY:** Mrs. deLeon moved for approval of Resolution #49-2017.
SECOND BY: Mr. Horiszny
ROLL CALL: 4-0 (Absent – Mrs. Yerger)

G. RESOLUTION #50-2017 – REVISED FEE SCHEDULE FOR ONLOT SEWAGE SYSTEMS

Mrs. Huhn said we look at our fees for our reorganization meeting; and this one came to our attention that we didn't make any increases, so the Township was paying some of the fees and it

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wasn't passed onto the resident. Chris Garges will review it in coordination with other municipalities. Mr. Kern said he is in opposition of increasing the fees because the person this affects is someone who can't afford it.

Mrs. Louder said we have multiple sewer systems failing in Steel City. Maybe we need to look at a different engineering firm to keep the cost down. Mrs. deLeon said she has a problem with the Township paying the fees.

MOTION BY: Mrs. deLeon moved for approval of Resolution #50-2017.

SECOND BY: Mr. Horiszny

Mrs. Louder will agree with this, but for only new construction. Mrs. Huhn said she would have to look into this and revise it and come up with two separate fee schedules. Upper Saucon has more of an a la carte schedule, but they will look at that going into next year.

ROLL CALL: 2-2 (Mrs. Yerger – Absent; Mr. Horiszny & Mrs. deLeon – Yes; Mrs. Louder and Mr. Kern – No) Motion fails

H. PAINING – TOWN HALL COMPLEX – AUTHORIZE ADVERTISEMENT TO BID

Mrs. Huhn said there are specs put together for the Town Hall Complex Painting. She asked Council what color they would like for the Town Hall pavilion roof; Mr. Horiszny said rust.

MOTION BY: Mr. Horiszny moved for approval to authorize advertisement for exterior painting at Town Hall Complex as stated by the Manager.

SECOND BY: Mrs. deLeon

ROLL CALL: 4-0 (Absent - Mrs. Yerger)

V. MISCELLANEOUS BUSINESS ITEMS

A. APPROVAL OF MAY 17, 2017 MINUTES

MOTION BY: Mr. Horiszny for approval of the May 17, 2017 minutes.

SECOND BY: Mrs. Louder

ROLL CALL: 3-1 (Absent - Mrs. Yerger; No - Mrs. deLeon)

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

VII. COUNCIL & STAFF REPORTS

A. MANAGER

➤ Mrs. Huhn said the old sedan in Public Works is out of commission and she needs Council authorization to dispose of it; they will first check with the volunteer fire companies.

MOTION BY: Mr. Horiszny moved for approval to dispose of the old sedan in the PW Department.

SECOND BY: Mrs. deLeon

ROLL CALL: 4-0 (Absent – Mrs. Yerger)

➤ Mrs. Huhn said there's a vacancy on the P/C and she is recommending Kathy McGovern to be appointed to the unexpired term ending December 31, 2019.

MOTION BY: Mrs. deLeon moved for approval to appoint Kathy McGovern to the P/C with her term ending December 31, 2019.

SECOND BY: Mrs. Louder

ROLL CALL: 4-0 (Absent – Mrs. Yerger)

➤ Mrs. Huhn said she has a request for amplified sound at Town Hall on September 10, 2017 from noon to 6:00 p.m.

MOTION BY: Mrs. Louder moved for approval of amplified sound at Town Hall on September 10, 2017 from noon to 6:00 p.m.

SECOND BY: Mrs. deLeon

ROLL CALL: 4-0 (Absent – Mrs. Yerger)

➤ Mrs. Huhn said we always sponsor a sign at the David Lang golf outing and the cost is \$125.00. This donation would fall below our 501(c)(3) policy and it's in our budget.

MOTION BY: Mr. Horiszny moved for approval for a sign at the David Lang golf outing for \$125.00.

SECOND BY: Mrs. Louder

ROLL CALL: 4-0 (Absent – Mrs. Yerger)

B. COUNCIL/JR. COUNCIL

Mrs. Yerger - Absent

Mrs. deLeon

- She attended the Hop Hill fundraiser for Angel 34 – it was a nice event.
- She attended the DEP meeting on May 23, 2017, and last Wednesday they had a financial workshop; she'd like thank you letters to go out to the two presenters. Not all the fire companies attended and she's disappointed in that. Megan McDonough from PSAT's attended and they are going to plan another workshop in September.
- She asked to get an update with the Leithsville sewer. Mr. Horiszny said they are working on a pump station in the Leithsville area, so that would be handled first. She'd like a report from the manager and a copy of the 537 plan also.

Mrs. Louder

- She sent an email to Leslie and Roger requesting all the work that has to be done at the Steel City Park. She read a long list of items she believes still need to be done by Public Works, and would like to see all this work bid out. Mrs. Louder said a thank you note should be sent out to Mr. Farrante for cutting the grass around the perimeter on Schwab Avenue. She said this park needs to get completed and if it means bidding it out so PW is relieved of it, then that's what we need to do. Mrs. deLeon said the person responsible for the lack of getting that park done is not sitting here; she thinks Leslie has been doing her best to get this project done. Mr. Horiszny said he's sure these are not intentional delays.

Mr. Horiszny

- He asked if we sold the boom mower. Mrs. Huhn said we did; they picked it up today.
- He gave Mrs. deLeon a plaque for the Hall of Fame.

C. SOLICITOR – Absent

D. PLANNER – No report

E. ENGINEER – No report

VIII. ADJOURNMENT

MOTION BY: Mr. Horiszny moved for adjournment. The time was 10:09 p.m.

SECOND BY: Mrs. deLeon

ROLL CALL: 4-0 (Absent – Mrs. Yerger)

Submitted by

Leslie Huhn
Township Manager

Ron Horiszny
Council President