

**REVISED**

- I. OPENING**
  - A. Call to Order
  - B. Roll Call
  - C. Pledge of Allegiance
  - D. Announcement of Executive Session (if applicable)
  
- II. PUBLIC COMMENT PROCEDURE**
  
- III. PRESENTATIONS/HEARINGS**
  - A. Resolution #44-2013 – Honoring Peggy Fluck
  - B. Resolution #46-2013 – Recognizing Carolyn Brooks – Jr. Council Member
  - C. Ordinance No. 2013-02 – Amending Chapter 118 – Parks and Recreation – Public Hearing and Consideration of Adoption
  
- IV. DEVELOPER ITEMS**
  
- V. TOWNSHIP BUSINESS ITEMS**
  - A. Discussion on Applebutter Road Rezoning
  - B. Recommendation to Remove “Except Right Turn” Sign from Stop Sign at Apples Church/Bingen Road Intersection
  - C. Riverside Drive Signage
  - D. Bethlehem Area Public Library Action on Split Payment Request
  - E. Resolution #47-2013 – Transfer of Money
  
- VI. MISCELLANEOUS BUSINESS ITEMS**
  - A. Approval of June 5, 2013 Minutes
  - B. Approval of May 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 Saucon Rail Trail Oversight Commission Meeting: June 24, 2013 @ Coopersburg Borough  
Next Planning Commission Meeting: June 27, 2013  
Next Park & Rec Meeting: July 1, 2013  
Next EAC Meeting: July 9, 2013  
Next Zoning Hearing Board Meeting: July 22, 2013  
Next Council Meeting: July 24, 2013  
Next Saucon Valley Partnership Meeting: September 11, 2013 at Hellertown Borough

**I. OPENING**

**CALL TO ORDER:** The General Business & Developer meeting of Lower Saucon Township Council was called to order on Wednesday, June 19, 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; Cathy Gorman, Director of Finance; Leslie Huhn, Assistant Manager; Linc Treadwell, Township Solicitor; Brien Kocher, Township Engineer; and Judy Stern Goldstein, Township Planner.

**PLEDGE OF ALLEGIANCE**

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

Mr. Kern said Council met in Executive Session just prior to this meeting to discuss potential property acquisition. As a result of that, there is a motion.

**MOTION BY:** Mr. Maxfield moved for the Township to get self-contained appraisals for the following property numbers, R7-12-11-G, R7-12-11-J, and R7-12-11-K, and the appraisal shall not exceed \$3,500.00 each.

**SECOND BY:** Mr. Horiszny

**ROLL CALL:** 5-0

**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. Mr. Cahalan said there is a revised agenda.

**III. PRESENTATIONS/HEARINGS**

**A. RESOLUTION #44-2013 – HONORING PEGGY FLUCK**

Mr. Kern said Resolution #44-2013 has been prepared honoring the late Margaret "Peggy" Fluck for her years of dedicated service to the community.

**HONORING MARGARET "PEGGY" FLUCK FOR HER YEARS OF DEDICATED SERVICE TO THE COMMUNITY**

**WHEREAS,** Margaret "Peggy" Ringhoffer Fluck resided in Lower Saucon Township for over eighty years until her passing on April 29, 2013; and

**WHEREAS,** Peggy attended the Lutz-Franklin School for six years, from grades 3 through 8, with her sisters Rose Marie, Geraldine, and Ella, and her brothers John and George; and

**WHEREAS,** Peggy was the devoted wife of the late Charles Fluck, the mother to four daughters: Peggy Sue, Carol, Cindy, and Jacque; and the loving grandmother to five grandchildren and one great-grandson; and

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**WHEREAS**, Peggy, who earned her RN at Temple University and later obtained a B.S. degree from East Stroudsburg University, served as a school nurse in several Lower Saucon one-room schoolhouses and later in the Bethlehem Area and Saucon Valley school districts until retiring; and

**WHEREAS**, Peggy always recalled her childhood days at the Lutz-Franklin School as a happy learning experience which as an adult spurred her interest in joining the Lower Saucon Township Historical Society; and

**WHEREAS**, as a past president of the Historical Society she was instrumental in the restoration of the Lutz-Franklin Schoolhouse and in securing its place on the National Register of Historic Places; and

**WHEREAS**, with her warm smile and wonderful memories, Peggy was a welcome presence at events at the schoolhouse for many, many years; and

**WHEREAS**, on May 2, 2013 Peggy's achievements were recognized posthumously by the Northampton County Area Agency on Aging Advisory Council at their Outstanding Senior Award ceremony.

**MOTION BY:** Mr. Horiszny moved for approval of Resolution #44-2013.

**SECOND BY:** Mr. Maxfield

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

**ROLL CALL:** 5-0

Mrs. deLeon said she'll always remember Peggy. She was one of a handful of board members back in the late 80's when she got involved in the Township. She joined the Historical Society and she was there, she was always there, and she will never forget her. She knows her in other areas too. Mr. Horiszny said not only that, she brought cookies every time.

Mrs. Carol Tavormina said Peggy would be very honored and they thank you from the bottom of their hearts. This will be something they will treasure. Mr. Kern said he always remembered her calm presence and her quiet smile. Just her being there with them was special and they will miss her.

**B. RESOLUTION #46-2013 – RECOGNIZING CAROLYN BROOKS – JR. COUNCIL MEMBER**

Mr. Kern said Resolution #46-2013 has been prepared recognizing Carolyn Brooks for serving as a Jr. Council member to Township Council.

**PROCLAMATION HONORING JUNIOR COUNCIL MEMBER CAROLYN BROOKS**

**WHEREAS**, the Lower Saucon Township Council appointed Carolyn Brooks to serve on Lower Saucon Council; and

**WHEREAS**, Carolyn participated in the meetings of the Council during the 2012-2013 school year and provided input from a student's point of view; and

**WHEREAS**, Carolyn has done a great job and brought with her the eagerness of learning more about local government in her community.

**MOTION BY:** Mr. Maxfield moved for approval of Resolution #46-2013.

**SECOND BY:** Mr. Horiszny

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

**ROLL CALL:** 5-0

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Mr. Maxfield said as a teacher, he applauds her for taking her vacation in the summer and not during the school year.

**C. ORDINANCE NO. 2013-02 – AMENDING CHAPTER 118 – PARKS AND RECREATION – PUBLIC HEARING AND CONSIDERATION OF ADOPTION**

Mr. Kern said Ordinance No. 2013-02 has been advertised for a public hearing and consideration of adoption. This ordinance would amend the regulations applicable to carrying firearms in Township owned recreation places and the Saucon Rail Trail when authorized by the laws of the Commonwealth of Pennsylvania and to clarify that hunting is not permitted in Township owned recreation places or the Saucon Rail Trail.

**MOTION BY:** Mr. Maxfield moved to open the public hearing.  
**SECOND BY:** Mr. Horiszny  
Mr. Kern asked if anyone had any questions? No one raised their hand.  
**ROLL CALL:** 5-0

Attorney Treadwell said it's not much more complicated than what Mr. Kern just read. Your current recreation ordinance and Rail Trail ordinance prohibited the carrying of any firearms. It was pointed out a couple months ago the Commonwealth of Pennsylvania allows people who have a license to carry, to carry them anywhere. What this does is it revised your recreation and Rail Trail ordinance to basically state that if you are legally allowed by the Commonwealth of Pennsylvania to carry a firearm, then you can do so in a Township recreation place or on the Rail Trail. In addition, while doing that, we have clarified and made sure that it is made clear that there is no hunting permitted in any recreation place or on the Rail Trail so those are really the two main things. It amends your Park and Recreation Chapter 118 of the Code of Lower Saucon Township. This is the public hearing to receive public comment and it's also been advertised for adoption.

Mr. Cahalan said this applies to the Lower Saucon portion of the Saucon Rail Trail. Attorney Treadwell said we don't regulate the rest of it.

Mr. Horiszny said if it became necessary to allow hunting on one of our pieces of property, to control the deer herd or something like that, could we do that by special proclamation or resolution? Attorney Treadwell said we would have to come back and address that at some point. He's assuming you are talking about the Township hiring someone to do something on those properties or just leave it wide open. We'd have to change this then. Mr. Horiszny said can we do it at the time it would become necessary instead of having words in there now? Attorney Treadwell said we could look at it then if there are special circumstances and maybe make an exception.

Mrs. deLeon said were you thinking of putting language in here that would cover that so we wouldn't have to come back? Mr. Horiszny said he just wondered if it was possible to do it so we wouldn't have to come back, but if it's not possible, or very difficult, then we ought to have wording in here now to make it possible if we need it. Attorney Treadwell said if you wanted to put it in here, we would say "in the event of special circumstances, the Township may permit limited hunting on recreation areas owned and maintained by Lower Saucon Township" or something along those lines. If you would be more comfortable putting that in, we could certainly put that in. We'd have to re-advertise it and re-do it. That's a substantial change. Mr. Maxfield said wouldn't a controlled hunt like that require Game Commission participation? Attorney Treadwell said he doesn't know enough about hunting to know the answer to that question. Mr. Maxfield said he's thinking if he was a Council person, he wouldn't want to make that decision, but that he would want the opinion of someone like a Game Commission official to make it and he doesn't know if that would supersede this or not. Mrs. deLeon said she would hope the Manager would check into that before he would make the decision. We'd have to wait until the next Council

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meeting and something could come up and we'd have to call a special meeting. She was just trying to think ahead. Mr. Maxfield said if we could gamble it for when the need arises, we should just wait. Mr. Kern said he agrees.

**MOTION BY:** Mr. Horiszny moved to close the public hearing.

**SECOND BY:** Mr. Maxfield

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

**ROLL CALL:** 5-0

**MOTION BY:** Mr. Horiszny moved for approval of Ordinance No. 2013-02 – Amending Chapter 118 - Parks and Recreation.

**SECOND BY:** Mr. Maxfield

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

**ROLL CALL:** 5-0

**IV. DEVELOPER ITEMS** – None

**V. TOWNSHIP BUSINESS ITEMS**

**A. DISCUSSION ON APPLEBUTTER ROAD REZONING**

Mr. Kern said if Council decides to start the MPC process for the consideration of a zoning map and text amendment, the staff recommends that Option D and the draft text amendment be used for that purpose. If Council votes to advertise the potential amendments, a public hearing will be scheduled to receive public comments on the substance of the potential amendments. The hearing would be sometime in August, possibly September, due to advertising, posting, notification, and submissions to the Planning Commission requirements.

**MOTION BY:** Mr. Kern said he moves to begin the MPC process and to have a public hearing for several reasons. The main one is then we have done everything in our power as Council to hear from all of our residents. It's our obligation to do everything we can and hear from all of our residents throughout the Township. That's what the public hearing process is for and that's why he moves to begin it.

**SECOND BY:** Mr. Horiszny

Mr. Kern said does anyone in the audience have any questions or comments? Attorney Treadwell said would that be a motion to advertise Option D and the draft text amendment as included in your packets for this evening? Mr. Kern said correct.

Mr. David Spirk, 1831 Erin Lane, said he's in favor of the zoning going forward, at least through the process as Mr. Kern stated. He's in favor for many reasons. The biggest reason he sees is we need businesses in this community. If we did not have the landfill, aside from the property taxes that come in on the landfill, there's a tipping fee of \$2 million. We have a budget of about \$6.8 million. He's using round numbers. We bring in \$2 million from the landfill. To get rid of that \$2 million with a swipe of the hand and say no, we don't want this business here anymore, a business that has existed in this Township since 1941, a business that's being run today better than any other time in the history since 1941. If we want to get rid of that, the only thing that can happen, if we want to maintain the services we have today, is double the Lower Saucon Township (LST) property taxes. We cannot move forward without more taxes if we get rid of this. There have been a lot of things in quotes that if you take out \$2 million from LST, it won't mean a great property tax uptake. It will because we're only talking about LST taxes. We're not talking about school taxes. School taxes do make up a majority of our taxes; nevertheless, we're only talking about LST taxes. It's a good business. It's been here since 1941. If we were to look at where to put a landfill in Lehigh Valley, should we put it across the street from one of the oldest industrial sites in the

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country? Should we put it across the street from a 600 megawatt electric plant? Should we put it up the street from a sewage treatment plant? Again, he says if you look, even in the big picture, not in LST, you may identify that particular spot as the best spot in the Lehigh Valley for it, let alone LST. Furthermore, if we were to get rid of the business, we would have to wipe out half of LST because we cannot get tipping fees from anything but a landfill. You'd have to wipe out half of LST just to bring in the property tax value.

Mr. Russ Sutton, 2133 Saucon Avenue, said he's been a resident for 30 years. Several months ago he thought the Council came to a conclusion that there was going to be no rezoning. The Planning Commission (P/C) recommended no zoning unchanged by a 6-1 vote. We spent over one year of discussions and meetings. He doesn't understand why this is being brought up again. LST, according to our signs, is a zoned residential community. The original plan intentionally limited the size and the future of the landfill. They did not want LST to become a zoned municipal landfill. As a resident, and a taxpayer, he'd like to know what exactly the cost of the staff, consultations and legal fees for each zoning plan that has been proposed. He'd like to see an accounting of how much this costs the Township. Being a taxpayer, he'd like to know how much this process costs. He doesn't see any information on how much this is costing. He'd like to say, who or what entity is directing this staff for these rezoning plans? He thinks we're up to Plan D now. Who exactly is recommending the staff to do this rezoning plan? Mr. Kern said he raised the motion and has the support of at least one other Council member. We're opening it up for discussion now. We're going to be taking a vote then. Mr. Sutton said it's a funny thing, before the primary election, IESI did a mailing blitz on the value of the landfill. It seems this meeting is taking place today and it seems we're pushing this ahead and he has a feeling that in the November elections, maybe the political climate may change. Steel City is one of the most populated areas in the Township. We're in the shadow of this landfill. Many of the people here don't live right next to it. He doesn't know if you are aware what has happened at Chrin, the whole top cap of the mountain came off. He knows DEP was here. He knows all the experts were here. Possibilities can occur and it did occur there. This is not even capped yet. If you drive down Freemansburg Avenue and you look over towards the dump where the wall faces the hill climb, you can see the garbage piled at least 60' to 70' higher than that wall. The wall is there, he doesn't know how far back it is, he can't tell. He would appreciate if you would go and see how high that mountain is. The only thing covering the mountain are the trees. When the trees are not there, it's an ugly scar on our Township. You can see it from Stabler Arena, everywhere. He knows we need to make money, but he thinks there are other ways to make money. It seems funny that Majestic Industrial Park is putting millions of dollars in warehousing and we can't find anything in the Township to raise revenue. He thinks we should concentrate in the last five to six years of the landfill's existence on finding new revenue makers. He doesn't understand why we are revisiting this. He thought a 6-1 vote was pretty conclusive that no rezoning was to take place. Basically, as a resident, he'd like to know some of these questions and get some kind of response. He's asked other times what the costs are, and he never heard anything about it. He'd really like to know the cost every time these plans are re-visited for consultation, legal fees, and staff to do it.

Mr. Gene Boyer, Saucon Avenue, said he spent a whole day with Glenn at the school at the election in the sun. He'd like to go through his notes and start back in December 2012. Six months to the day, and he asks you Glenn, what was happening about the decision of the rezoning and he asks if there was some story and the words out of the minutes were "Mr. Kern said there's no story. He's waiting to get information and he has not gotten the information and there's no story. Mr. Boyer said how much more information do you think you need that you didn't get at this point? Mr. Kern said it's hard to say. Mr. Kern said the information he was getting was on his own thorough research. Mr. Boyer said he thought Mr. Kern said he wanted the staff to give the information. Mr. Kern said that the information he has gotten from the staff, that he requested". His question is, did you ever get the information you needed from the staff? Mr. Kern said he did. Mr. Boyer said did you ever get the information that you researched for yourself? Mr. Kern said yes, he got most of it. Mr. Boyer said what is the timeframe for this? Your comment was "Mr.

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Kern said January would be good if he could get the information requested". So when did you get the last part of your requested information and your research information? Mr. Kern said that was probably in March or April. Mrs. deLeon said she doesn't know, she didn't get any copies. Mr. Cahalan said it was after January, but he doesn't know the exact date. Mr. Boyer said so since March, you had the information from staff and your own research? Mr. Kern said he had not done all of the research he needed. Mr. Boyer said when did you do the research for yourself that you were talking about? Mr. Kern said throughout that six month period. Mr. Boyer said you got that just recently? Mr. Kern said it's an ongoing process. It's not like all the information suddenly, magically appears. It never ends. There's always information to find. Mr. Boyer said will there be more information you'll need before we make a decision? Mr. Kern said that's what this public hearing is about, to get as much information as we can, to hear from all areas of the Township that we can, so we can make an informed decision. That's how we operate here. That's the beauty of how we operate here. Mr. Boyer said do you think that meetings we had during that period of time that we were in front of the P/C, that the Township was not represented there? Mr. Kern said he doesn't understand the question. Mr. Boyer said you said you want the whole Township to understand it and investigate it. Mr. Kern said it wasn't an advertised meeting; this is going to be an advertised meeting. The P/C is not. Mr. Boyer said you started with an advertised meeting in February. Attorney Treadwell said he thinks what Mr. Kern meant to say is it was not an advertised public hearing. The P/C meetings are advertised. Mr. Boyer said is this going to make it any different as far as the process from this point forward that it's going to be advertised. Will it all be handled here or will it be handled through the P/C like we went through in the last go around trying to find out. Attorney Treadwell said do you recall a year ago when we started the P/C process, there was a document that was prepared and discussed and it was up on the board that outlined what the process was. The process was if Council votes to advertise for a public hearing, Council will pick a date and a time for that public hearing. It will be advertised. The proposed amendments will be sent to the LVPC, to the Township EAC, to the Township P/C again, and the property will be posted. There will be mailings that will go out to the people who own property in the affected area and then there will be a public hearing. Mr. Boyer said he wasn't here in the very beginning and forgive him for not being here, but he didn't get any paper. He understood by the time he got involved with this process that there was a public hearing that IESI made some type of presentation, not necessarily what they wanted to be re-zoned, but the process, and it was held at the schoolhouse and there was a mailing for the people to show up for that. Attorney Treadwell said that was a meeting of the Council that IESI and its representatives came to. It was not an advertised public hearing pursuant to the MPC. Mr. Boyer said do you think, Glenn, that the meetings we had and the discussions we had here, he knows there were people that came here to discuss with you and the Council, were not intelligent because you made a specific point that you wanted an intelligent discussion. Do you think those meetings in the past were not intelligent? Mr. Kern said that's a little miscuing of his words there, Gene. Mr. Boyer said you want an intelligent discussion on the zoning options. Mr. Kern said exactly what it says. Mr. Boyer said then it wasn't intelligent before? Mr. Kern said that's not what it says. That's what you're saying. Mr. Boyer said he would like to present the fact that he's sure there's going to be a lot of people at the hearing and so forth, who will repeat all the things that we said before. The one thing that is important for him and to bring to the Council and ask questions is if he could, and fortunately Cathy is here as well. The gentleman who spoke first, David Spirk, mentioned about the taxes and the revenue. The Council okays the budget for the Township. Mr. Kern said yes. Mr. Boyer said the budgets talked about, as he understands in two areas, one is an operating budget as Jack corrects him on this, and another is the special fund budget. The operating budget is approximately \$6.7 million this year. In that operating budget, in that \$6.7 million, there isn't any landfill revenue that is posted in there other than being transferred into that account. Are you aware of that? Mr. Kern said he's not aware of that. Mr. Boyer said and you are the President of the Council and you okay the budget. Mr. Kern said he doesn't know what Mr. Boyer's point is. Mr. Boyer said the point is that the landfill has an account, according to the Finance Director, its Special Fund No. 4, Landfill. On that page, there's a revenue and an expenditure. The revenue, this is in a special fund, so this \$2 million has nothing to do this point with the operating budget of \$6 million. It's in

the special fund. It's received in the special fund area. This year according to her records, and the final one that's on line, which is for the public and the one you would assume is the same one you okayed in December, is \$2,664,938.00 revenue, and she has an expenditure of the same amount of money which is the balance of the budget. Mr. Kern said he doesn't have the budget in front of him and if you had gone over this with him, he'd be right with you. He has no idea what you are talking about right now. Do you have a point? Are you saying there's something wrong with the budget? Are you saying there's an operation somewhere that needs to be corrected? What is your point? Mr. Boyer said his point is that the monies in the budget, in the expenditures for the landfill, are for basically engineering services, which is \$40,000.00; legal fees \$20,000; consulting fees \$40,000.00, so that's an expense for us as a Township that the landfill exists because we have those fees. We also have monies out of the receipts for loans, which we know we have a loan for the Township; we have a loan for Polk Valley and a loan for land and acquisitions. There are three other lines that have been in the budget since 2009. One of which is transfer funds to the capital budget which now means that that money goes into the \$6 million, not the \$2 million that the landfill has given us. That amount of money this year is only \$300,000.00. There's a transfer to the General Fund which goes into that \$6 million. It's \$335,000.00. There's a \$300,000.00 transfer to the operational reserve. The operational reserve is something we just started back in 2007. Ms. Gorman said yes, when she came here. Mr. Boyer said that fund, as of the 2013, is \$915,260,000. \$300,000.00 went into it this year. The capital fund has a value of \$1,793,657.00 based on Cathy's figures. There's a \$660,934.00 contingency out of the \$1.7 million. Do you agree that contingency funds are monies that are in the budget that are not being spent, but are there in case we need them? Mr. Kern said that's what a contingency is. Mr. Boyer said the General Fund is a \$6,798,328.00 budget value this year and has a contingency fund of \$668,000.00. Mr. Kern said let him interrupt here; you need to get to what the point of this is. If there's something you are objecting to, you need to file a report and submit it so we know what's going on. Is there something you are concerned about? Mr. Boyer said yes. Every one of these transfers, since 2009, that have been made from the Landfill Fund in the Special Fund back to or in the operating budget has no effect on the operating budget because the contingency funds are greater than anyone of those transfers. If we did not have the landfill, if we did not have any of those transfers take place, the budget would still be in balance and would still have in it over \$1 million in reserve. So the \$2 million that people talk about that are necessary in balancing as one-third of the budget, is that all the money that goes into the budget is non-existent as there is more money in the budget than there is necessary to use it. He asked Cathy for a question and she didn't get back to him yet, where the money was being spent that was transferred to the landfill into the budget. The contingency fund is greater than the transfer that she puts in there, so there's no reason to have a greater contingency fund when we already have hundreds and thousands of dollars and some case millions of dollars. The landfill financial asset to this Township is one that it pays our loans. The rest of the money is all in excess. It's not necessary and that goes back to 2009.

Mr. Cahalan said you're summarizing it from your point of view. The landfill money is used for other things other than paying off the building loan, the park loan and the other loan for the historic structures. It's used to purchase fire equipment. If you're reading from the budget document, he wished you'd go to the Fire Equipment Replacement Fund. Mr. Boyer said he doesn't have the whole budget with him. Mr. Cahalan said he thought he did the way he was talking. Mr. Boyer said he took the budget for the landfill. Mr. Cahalan said go to the Fire Equipment Replacement Fund. Maybe he should start asking Mr. Boyer some questions. How much is in that fund for fire equipment? Do you know how much that is? Mr. Boyer said we just started a tax. There's only probably \$100,000.00 to \$200,000.00 in there at the most. Mr. Cahalan said do you know how much a new fire truck costs? Mr. Boyer said from his recollection and from your comments before, millions of dollars. Mr. Cahalan said where are we going to get that money from? Mr. Boyer said you started a tax to prepare for that. Mr. Cahalan said we have \$100,000.00 collected on that tax. How long is it going to take to get the money for a million dollar fire truck? You do the math. Mr. Boyer said how much do we have in reserve in other areas? Mr. Cahalan said that's not for fire equipment. Mr. Boyer said do you transfer from one account to another? Mr. Cahalan

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said ask the Council. The point is you're trying to make a point and he's trying to make a point. The landfill money is used for more things than what you are trying to state here tonight. You need to do a little bit more research. Ask a little bit more questions to our Finance Director before you start asking Glenn Kern and putting him on the spot with questions about the budget. Talk to us and we'll help you with some answers. Attorney Treadwell said he thinks the motion that was on the floor was to advertise the potential amendments to the zoning ordinance and we're taking public comment on that motion. The budget stuff is all very interesting, but do you have a comment on the advertising of the potential amendments to the zoning ordinance? Mr. Boyer said where did Jack get Plan D from, who generated that for this particular motion? Attorney Treadwell said Plan D was generated for the P/C back in August or early September 2012. Plan D was the plan that the Township Planner and himself and the rest of the staff felt made the most sense from a zoning perspective if any change in the zoning of the Applebutter Road area were to move forward. Mr. Boyer said the P/C voted on Plan D then? Attorney Treadwell said the P/C voted in September, and he doesn't remember their exact wording, was to not consider change. Mr. Boyer said they didn't have any plan that they could consider. They just considered to not rezone it. Attorney Treadwell said were you at the P/C meeting? Mr. Boyer said yes. Attorney Treadwell said they had all the plans. They had A, they had B, they had C and they had D. Mr. Boyer said which one did they vote on and say they did not want to happen? Attorney Treadwell said they didn't want to consider it, period. Mr. Boyer said right. Attorney Treadwell said don't tell him they didn't have all the options, they had all the options. Mr. Boyer said there is absolutely a transfer of the fire fund in here and according to Cathy's budget, there's absolutely no transfers ever into that fund from this account. If the budget on line isn't representing what's happening or isn't representing what's really happening with the finances, he thinks we need to really, truly have what's on line for the public to look and it should be what's happening behind the scenes. If they made transfers in the past to fire, then they should be in the budget and they should show. Mr. Cahalan said come on Gene. You read the thing for about ten minutes, and now you're telling us there's something wrong with the budget and what we're doing here. Mr. Boyer said only because you said there were transfers into the fire fund. Mr. Cahalan said there was historically been transfers for fire equipment. There hasn't been any recently. Mr. Boyer said since 2009. Ms. Gorman said since 2009; however, the year prior we've already transferred well over \$1 million since the landfill money started coming in. We paid over a million dollars in fire equipment funding. Mr. Cahalan said come to the budget hearing in October and we'll go over that or come in and ask question to staff. Don't come to the meeting and tell the public that there are problems in the Township with your reading of the budget. Mr. Boyer said he didn't say there are problems in the Township. Mr. Cahalan said you said there are things being done that are not reflected in the budget. Mr. Boyer said he read from 2009 to 2013 there was nothing transferred to the fire department. Cathy said that's true. You tried to tell me there was something to the fire companies. She said it was 2008. That's okay. He agrees.

Mr. Kern said there's a motion on the floor to honor the MPC process and do a public hearing which we have not done. This has not gone to the Council level at all. The only discussion has been at the P/C level. The public hearing is designed by the MPC to enable all the Township to get involved in the process, so all the Township is aware and they can come to the meeting and we can discuss it on a Township-wide level, at the Council level. That's not happened. He wants that to happen, that's why we are here. Mr. Boyer said the first meeting will be at the Council and then it will go to the P/C? Attorney Treadwell said if Council votes to advertise the amendments as he said earlier, it will be sent to the P/C and the LVPC. It will be sent there at least 30 days before the public hearing is scheduled. A public hearing has not been scheduled. It hasn't been voted to be advertised. It will have to be voted to be scheduled if it's advertised. The P/C will see it before that public hearing. Mr. Boyer said how did the P/C get it the first time? Attorney Treadwell said the P/C got it the first time when the Council sent it to the P/C and said please take a look at these areas on Applebutter Road and give us your opinion. It was a motion of Council to ask the P/C to review it. Mr. Kern said we ask the P/C to review a lot of things. Most recently, it was BRE. The P/C made a recommendation. One of our Council members didn't agree with the recommendation.

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We don't have to agree with the recommending body. That's the way it is. The P/C offers their opinion and Council takes it under consideration. Mr. Boyer said is there a reason why it took so long to get to that consideration to do it properly or do it through this process? Mr. Kern said no.

Mr. Willard said he attended four public meetings of the P/C. He recognized many of the faces in the audience. He participated in every Council discussion on this topic, including the October discussion after the P/C had given them their recommendation on the pros and cons of operating a landfill and the regulations required. He came to the September Council meeting ready to make a motion to accept the P/C 6-1 recommendation, to not to make a change in the zoning. After some discussion with the Council, he was advised that no action by the Council meant there would be no action and there would be no zoning change. The motion was unnecessary. He stated publicly he was ready to make that motion as he would have been that night. This is the flip side of that motion. This is to reject the P/C recommendation and go to a public hearing. That's really what we're considering at this point. The deep discussion of the budget really serves no purpose at this point. We are getting \$2 million from this operating business and no Township, no municipality can afford to walk away from that money without due consideration. He thinks the information that he needed to make his decision became clear from all of the public meetings that were held months ago so he also is disappointed that this subject is being re-opened, but we have a motion on the floor and we'll vote and see which way this goes.

Mr. Matt McClarin, 2198 Riverside Drive, said he's going to keep his composure tonight and keep it as cordial as possible. He thinks a lot of people here are here for the wrong reasons and they are not taking the right things into consideration when they are considering a zoning change from Council level to resident level. He wanted to ask Mr. Treadwell a question and it was something that stuck with him from a previous Council meeting on September 19, 2012. At a Council meeting, you, Mr. Treadwell said the first thing you want to emphasize is that the Applebutter Road rezoning question theoretically and legally has nothing to do with the current operations of the landfill. Those are two separate and distinct issues. When you are saying that the P/C or this Council is considering a rezoning, you don't get into the details of the operations of what are going on there today. It is a planning for the future question, not a "what is happening there today" question. That being said, he wouldn't want anyone to confuse the fact that whatever discussion happened on October 3, regarding the current operations going on at the landfill, should not have any effect, anyway on the issue of Applebutter Road rezoning. His question is if the current operations of the landfill are off-limits when considering a rezoning, are their current contributions like the host agreement money and taxes that IESI, as a company directly pays, off the table as well?

Attorney Treadwell said both of you have had this discussion on many different occasions at a public meeting. He believes he's been fairly consistent in stating that when the Township P/C and/or Council are considering a zoning map amendment, that first and foremost, they need to determine whether or not it makes zoning and planning sense. That's in a memo that he and Judy did and it was posted on the Township website as well. He believes that memo also says that if that question is answered in the affirmative that it does make planning and zoning sense, then you can look at other considerations and consider other factors. Mr. McClarin said now relating directly to the operations of the IESI, are we allowed to look and say that anything that goes on at IESI right now, you said it can't be considered legally in this rezoning change? Attorney Treadwell said he thinks he said that when you are considering a rezoning change, you need to consider zoning and land use and planning factors. The fact that IESI operates a well-run landfill or doesn't run a well-run landfill is not a consideration in making those zoning decisions. Mr. McClarin said when you are planning for the future, who says that you turn this LI land into whatever it is, we're going to get this money and that it's going to be there. He thinks on one hand you are saying we can't look at what they are doing, but on the other hand you are saying we can look at what they are giving us is what he is trying to get at. These are Attorney Treadwell's own words from the Council meeting. Attorney Treadwell said he didn't disagree with what you just read. He just reiterated

that, but he hasn't heard anybody on Council say anything about the way IESI is operating now. He's heard people in the public talk about it. He hasn't heard Council talk about it. Mr. McClarin said what about taking considerations in the way IESI gives our host agreement money. Attorney Treadwell said the host agreement is a separate document that IESI has signed with the Township. It's an existing document. Mr. McClarin said is it separate from when you talk about a zoning change. Attorney Treadwell said the host agreement has nothing to do with the zoning change. Mr. McClarin said Applebutter Road zoning change. He wants to make that perfectly clear to Council when it comes time to thinking about the host agreement, it doesn't have as much merit as some of the residents would like to think it does. What does have merit is all the plans and things that everyone was supposed to look at on Council. The Greenways plan, the Multi-Municipal Comprehensive Plan, all those things put together is really what separates it. He's going to stick his own foot in his mouth over this, because he made a comment about trying to remove John Noble from the P/C, but he thinks he hit the nail on the head when he said that it's a perfectly zoned area. He thinks the P/C hit the nail on the head too, because he just feels it's getting mixed up just because of the money. If it was any other thing and the million dollars wasn't mixed in there, there would be no question about it. He just wants to read something from a November 16, 2004 Bethlehem Council meeting, "Tom Maxfield, 2595 Dairy Lane, Hellertown, a member of LST Council stated he is at the meeting representing LST EAC. He informed members that quick reading of the report will point out contradictions and deficiencies. Mr. Maxfield observed that anyone who is familiar with the area will come to the conclusion that the report was prepared by someone who is not familiar with the area at all. Mr. Maxfield stated that there are several contradictions, mislabeling and assumptions in the report that are not true. Mr. Maxfield said that among the things planned for the FAA tower site on South Mountain is a 1,000 gallon diesel storage tank, and he remarked that he can't imagine the consequences of a spill or leak of a thousand gallon diesel tank on top of a mountain. He advised that the VHF State Police Communication Tower is 150' away from the site proposed for the FAA tower if the FAA tower is not supposed to be within ½ of a mile of another tower. Mr. Maxfield said there obviously is a problem and in addition, Mr. Maxfield thought the proposed location was ½ mile away from an ATT communication tower pointing out that the FAA wants to clear out a 2 acre site on top of the mountain. Mr. Maxfield noted there are visual assessments in the book but none of the views of the south and Lower Saucon are addressed when the tower will be most visible. None of the tree clearing is provided by and not only were two acres being cleared, they would be covered in stone. That would make the surface impervious and probably result in water runoff problems. Mr. Maxfield advised that if the FAA tower put the building restriction on the 1,500' diameter perimeter which was around the site, even more trees would be cut to the height of the tower. Mr. Maxfield stressed these are just a few things planned for the site that do not take into consideration the entire site. Mr. Maxfield confirmed that the site by federal law is recognized as a migration route for birds as contained in many manuals and federal regulations. Consequently, Mr. Maxfield questioned how the FAA, a federal agency can ignore other federal agencies restrictions on the area communicating that LST is very concerned about preserving its resources, limiting the kinds of impervious coverage and the slopes that cause these types of problems. Mr. Maxfield highlighted the fact that the 2-acre site is well beyond the 25% cutoff, where the LST almost allows no development of any kind. He continued on to confirm that the entire slope drops 24' over 200' in length is well beyond the 25% slope. Mr. Maxfield observed the site does not make sense. The report is deficient. Mr. Maxfield requested the city supporting and opposing this particular application for the FAA tower for the proposed site on South Mountain. The things that it assumes and the things it intends to do, Mr. Maxfield noted that it would not benefit either LST or the City of Bethlehem." Going through this, he and his family enjoy the heck out of that mountain. That is beautiful. He sits out in the yard with his kids and he loves that view. No one in this Township gets to enjoy anything around their home as much as us in Steel City or anyone else does. It would be a shame is anything else was put above Skyline Drive that destroyed it. The views up there are unbelievable, the birds, the owls, the fox. We're not the trash of the Township. He's not a low income person. He and his wife make well over \$100,000.00 a year. We're not trash. They are like everybody else here. This Council is not supposed to put it on the table and look at it that way,

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but he thinks there are a lot of misconceptions in the neighborhood and the place they love. He's not against the landfill being up there. He's against any industrial operation being 250' right above any of his neighbor's homes. Steel City is one of the most business friendly communities within the Township. If you say he hates business, you are dead wrong. They have numerous garages, numerous tree cutting services, numerous landscaping companies and nobody cares. Those people are out to make money. They are our neighbors and friends. It would be a complete shame if you put the blinders on and go after money and don't look at the pure facts based within our comprehensive plan that Mr. Kern signed. The business enterprise area alone tells us to leave out the high intensity uses and separate them. The LM district is a perfect thing for that. If it doesn't happen, it doesn't happen.

Mr. Kern said just so you know, that's what this process is for, the public hearing, it's to hear your side of it and it's to hear the other side of it. What we have to do as Council is weigh what are the potential consequences to you and to your neighbors versus the other, the money versus whether it's good to zone it that way. That's what the public hearing process is for. It has not come to the Council level for that level of discussion. That's what he's encouraging. He doesn't know how it's going to turn out, but the discussion needs to take place. When he and his wife get together and she says honey we need to talk about something, he wants to ignore it and sweep it under the carpet. Not, now I'm watching the game. The hard discussion that he's been avoiding, and anyone else here has been avoiding, needs to take place. It took courage to bring this up tonight as he knew there was going to be a lot of opposition. It needs to be brought up so we as a community can talk about it and hear your side of it and hear the other side of it and make an informed decision. Mr. McClarin said the only comment he has is the planning and the zoning issues come before the money issues. On a side note, looking at the money, it's not going to be as bad as people think. He doesn't even want to talk about it. He learned in all these meetings that has nothing to do with it.

Mr. Maxfield said that was the FAA tower and he still believes in that. He doesn't want anyone to get the wrong impression about this, but he never heard anyone on this Council ever discuss the income level of the people in Steel City and that you're lesser or more than anybody else. That is not part of the consideration no matter what anybody thinks. We never mentioned anything like that. That was never part of the formula.

Mr. McClarin said he even had the perception of the place when he moved in. He moved in and it's a great place to live. The way this Township works and how it's environmentally based and how we put the money towards the open space fund, and we're all for saving stuff and then in the amendment part of this there's a natural resource mitigation alternative where we're going to make whoever moves into this property buy open space somewhere away from his house. Now how is that even fair? He doesn't get to enjoy his natural resource what they all enjoy looking at, but then someone else in the Township gets to reap the benefits of it because they get open space given to them for nothing. He doesn't even know if that's been done in the history of zoning. Making a company buy something somewhere else so they can ruin a natural resource. That's pretty dumb, especially in LST. He could see if it was in Easton or Allentown, not LST.

Mrs. deLeon asked Leslie to put the link up of the landfill. You can see this from different parts of the Township. That's how large it is. It's a lot larger than the gaping hole that was going to be on the mountain in Bethlehem where the star was with the radar tower.

Richard Weichert, 2122 Saucon Avenue said how high is this thing allowed to go? You can see it all over now, and it keeps growing. He was down at the motorcycle hill climb. You can see it over the top of the trees now. Mr. Kern said there's a legal limit to the height which is specified in the host agreement. Attorney Treadwell said he doesn't think it's in the host agreement. He said there's more than one plan that were approved by the Township and DEP, maximum height on any one plan was 725'. Mr. Weichert said how close is that now? Does anybody know? Mr. Donato said it was close. Mr. Weichert said on the methane gas plant, is that up and running? Mrs.

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deLeon said no, she doesn't think so. Mr. Weichert said no, because you get it coming across the back. They smell it all the time when the wind blows to the west, you get it. His son has made numerous calls. They were going to come out and check. He never had anybody come to his house. That stuff is no good for you to breathe. He has a little grandson 4 years old. He was conceived from the second house down. He has autism. They say a big cause of autism is methane gas. That's in the health records. He has a hell of a life ahead of him. He feels sorry for him. He's got a long way to go. He doesn't want that happening to other people living in Steel City. It's not right. We have too many homes there.

Mr. Ray O'Donnell, 1512 Highland Court, said he wants to commend you guys for moving this forward to a further process with the public. He understands this is very personal to Steel City residents, and it's based on a lot of emotion. He probably would feel the same way if he lived there as well. He does think it is important to include the other residents of the Township. He doesn't think many of them are aware of this issue and the amount of money you are talking about doing away with for the public. IESI has been very helpful to the community at large in our Township, including Hellertown, and all the sports associations that they support and all the community activities that they help out with. It's a large part of their budgets when they do community projects and help athletes get better, and it's important to keep good corporate stewards around in our Township as well. He commends you for making it more public, advertising it and maybe getting more people that are concerned about the tax base that is involved in this process.

Mr. Willard said he'd like to comment on IESI as a business having worked in a business for a long time. He had a tour there in March 2012 when he was new to the Council. It seems to him to be a very sophisticated well-run business. He's received the post card mailings, both last fall and again more recently stating some of the contributions that IESI makes to the Township. He's not questioning their value as a business and certainly if they can afford to pay \$2 million fees to the Township each year and want to expand their business, it's a profitable business to be operating. He would be more compelled to give consideration if this was servicing strictly our local community, but by the public record it's determined that 60% or more of the municipal waste that is taken in is coming from outside the state. That is a fact, and he knows the management and counsel of IESI are here this evening. They talked at the meetings but there's certainly no attempt to influence his decision in no way. They've had no conversation outside of these meetings other than the tour he made. He is going to ask his Council members and staff members if IESI management or anyone representing them has asked us to overturn the vote of the P/C and take this to a public hearing. Mr. Maxfield said are you asking us personally? Mr. Willard said he is. Mr. Kern said no. Mr. Willard said good; he thinks that needs to be stated.

Mrs. deLeon said as part of the DEP process whenever there's a new phase of expansion of a section, there's a document called the Harms Benefit Analysis. Part of the Harms Benefit Analysis is that they have to prove to DEP that they are providing a benefit to the community. All these grants you are talking about is all part of this and they have to report to DEP on a quarterly basis what they give to the community so that they are following their Harms Benefit Analysis, so it's part of the business plan.

Kareen Bleam, 4289 Fritz Avenue, said if you are on Route 33 and you are in Stockerton coming down from the Poconos, you can see the landfill. It isn't just a little spot, it's a big spot. The other thing is Linc, she thought you stated that money didn't have any effect on any of the issue. Attorney Treadwell said that's not what he said. Ms. Bleam said, oh yes you did. You said money was not an issue with this. Attorney Treadwell said did you read the memo he wrote that was on the website? Ms. Bleam said no, she did not read the memo you wrote. What you said the first time was that the money was not an issue. If you want to revise it, then you can revise it, but that's not what you said the first time. The first time you said money was not an issue. Attorney Treadwell said he said money could not be the only issue. Ms. Bleam said what other issue would there be? Attorney Treadwell said the zoning issue. Ms. Bleam said that was already said that they

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didn't want it to be rezoned. Attorney Treadwell said who? What are you talking about? The public you are talking about. Ms. Blead said yes, we had a meeting at the high school. Attorney Treadwell said we did, we didn't have a public hearing. We didn't have an advertised public hearing. Ms. Blead said how did we know about it. Attorney Treadwell said because we made sure to inform everybody that we thought would be concerned about it that there was going to be a meeting and if you want to come and be heard that was a good time to do it. Ms. Blead said so the other people in the Township didn't have that right to come to that meeting and find out what it was about. Attorney Treadwell said everybody has a right to come to a meeting. Ms. Blead said why didn't you advertise it to everybody? Why didn't they advertise it? She's not picking on you. Attorney Treadwell said because it wasn't a public hearing that was supposed to be advertised. It was a regularly scheduled public meeting and all of those are advertised. It wasn't advertised for the specific purpose of considering amendments to the zoning ordinance. Ms. Blead said she was really upset and appreciated when you said the money was not an issue, and now that's all we're hearing is the money, the money, the money. It's as high as it's going to get and it's going to get higher and pretty soon you'll be able to see it from Wind Gap. You don't have to go to Stockerton, you can see it higher. It keeps getting higher and higher all the time. Go down to Easton, Anderson Campus, the hospital, you can see it from there. Pretty soon everybody will be able to see it; you'll see it from Allentown. It'll be higher than the arena they are putting up. You'll be able to see it over that. Attorney Treadwell said he's going to try and say this one more time so that everybody understands him. What he has said from the beginning is that when you are considering, whether it be the P/C or the Lower Saucon Township Council, amendments to the zoning map that economic factors or money, as Ms. Blead just said, cannot be the only determining factor. The first thing that needs to be determined is whether the change in zoning makes sense from a planning perspective, from a zoning perspective, from a comprehensive plan perspective, from the perspective of the surrounding land uses, and from all other planning perspectives. Once that determination has been made, and if it has been made that it does make planning and zoning sense, and that it's not spot zoning or it's not contract zoning, then the P/C and the Council are free to consider any other factors that they want in making that decision. That is what he said at the beginning of this process and that's his position now.

Cindy Oatis, 2072 Quail Court, said she'd like to preface her remarks by saying a lot of this is new to her. She's learning in recent months about a lot of these issues. She applauds this Council for talking about this now because what everybody has to realize is if you don't talk about it now, the problems aren't going to go away. This is the future in our area. The northeast section of the United States has the most expensive and difficult waste issues in the country. It's landlocked. Nobody wants a landfill in their back yard and because of that it's driving the prices up. She's sure Mr. Donato can quote numbers better than she can, but right now in the Lehigh Valley, we're paying approximately \$45.00 to \$60.00 a ton to put our trash in the landfill. If you look at Long Island, they are paying \$600.00 a ton. That cost will be borne by our residents eventually as these landfills fill up and close. There's no easy answer for this because yes, interstate government does not allow us to say only LST's trash can go to IESI. It is governed at a federal level and it can move freely. What's happening is from the East Coast, it's moving west. Pretty soon we will be moving our trash west as these landfills close. What do we do about it? She's not sure. She knows that cities like Harrisburg have faced financial ruin dealing with waste issues, building an incinerator, which she doesn't know which one is better, but they all present problems. To her, it is distasteful to have to deal with trash issues, whether it's in your house, your community or in your country or whether it's shot into space or sent to China. Nobody wants to talk about these things, but the bottom line is we have to. We're in the community that has very little commercial revenue and if you take that into consideration and you take into escalating waste costs, yes, it is a money issue to a certain extent. Now she is not saying that the opposition against landfills is unfounded. She has her concerns as well, but she does think the Council is taking the right position by discussing these things now and not being forced to discuss it later on when they don't have any choices.

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Jay McLaughlin said he works at the IESI landfill and his fellow employees asked him to speak on their behalf. The issue for them is working for a very fine employer. He retired from Waste Management in 2008 to take care of his mother and uncle and he came out of retirement to work for Sam Donato and Vito Galante, who were his former colleagues at Waste Management. There are fifteen employees. They pay their taxes for the Township. He works for a very fine outfit. It's extremely well run, as Mr. Willard noted. He's proud to be an employee. They would like to keep their jobs, so that has to be put into the mix and they would be happy to testify at a public hearing of how much they appreciate their employer and what he does.

Kevin Bodner, Martin and Martin Engineering, said he's been doing work at the Bethlehem Landfill since 1998, before IESI owned the landfill. He knows what the landfill operations and compliance history was back then, and he knows where they've taken it and he's proud to be working with these guys and the improvements they made. He strongly urges you to consider rezoning. Failure to do so will not only hurt his business, but many businesses in the community.

Tony Rosetti, heavy equipment sales that handles the IESI account, said Bethlehem Landfill has been a great customer for Penn Jersey Machinery and Volvo Construction Equipment. His company is often called to quote purchases of new equipment and to perform regular and scheduled maintenance work at the landfill. It's a good consistent business for Penn Jersey and Volvo Construction Equipment. He works hard to establish relationships with his customers in hopes of repeat business. He strongly urges you to vote to approve the rezoning. Failure to do so will just end the operation at the landfill in the near future and it will hurt his business and his family's well being and his companies. They hope they can continue a good relationship with their customer, IESI.

Walter Zagwoski, 2094 Ivywood Avenue, said he really appreciates these fellows who have contracts with making money with the landfill. They are worried about their jobs. We're worried about our families and our health. They have a lot to worry about too. They are worried about the Township. Sooner or later the landfill is going to dry up. We're not going to have the money. These guys are going to dry up too, they have to find new jobs. Landfills don't last forever. Another five years is going to ruin a lot of families over here in Steel City and these guys are worried about losing a job or losing a sale because they can't sell a piece of equipment. He's worried about losing a whole community. You're going to have an unlivable area soon if it keeps getting bigger and bigger. Nobody is going to want to live there, the prices are going to go down, and taxes are going to go down. You guys are going to lose more money by expanding the landfill and turning Steel City into a dump too, basically. Good luck with it.

Sam Donato, Manager at the IESI Landfill said just a couple points of discussion he'd like to make to the Board. IESI is a small business operating in LST. As previously stated, they do have fifteen employees who do live in the Lehigh Valley. They pay taxes and they support the local economy with their earnings from their income. He's lived in LST for ten years. He's worked in LST for thirteen years. His children attended Saucon Valley School. They are proud of it, and he's part of the Township, not just as an employer, but as an employee also. They've heard tonight about tax dollars. It's a fact. They pay taxes to the Township, to the County, to the school and they are 30% of the operating budget. That's a fact, there's no question about that. It was mentioned last October when Mr. Maxfield called the meeting. They had DEP here, the Township's consultants and representatives from IESI. During that meeting, every issue was fully vented on the table. It went on for three plus hours. He was here, you folks were here. At the end of that meeting, there were no outstanding issues to the best of his knowledge. Everything hit the table that was discussed at planning. Everything was addressed that evening. There were no outstanding issues. They've listened to the residents of the Township and in preparing to design their landfill and they are in that design phase as it takes years to design a landfill. They have indicated that they are going to move the landfill south of the 69 KV power lines, which is south of the ridge at the top of the landfill that overlooks Steel City. The whole purpose of that is to reduce and/or to minimize

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any exposure of the facility to the residents in that section of our Township. They've also heard comments about noise issues. They have changed all the backup alarms on all of the equipment. They have put the equipment facing towards Steel City. He has gone over there and the new alarms have greatly reduced the distance that the noise travels. That's a fact. That's not fiction. They've also entered into discussions with property owners along Skyline Drive and Applebutter Road. They have agreements of sales signed and agreements pending. They've heard Council bring that to the floor. It was one of your concerns. They are pursuing it and very close to finalizing it. A yes vote tonight is only the beginning of the democratic process. Glenn has stated it numerous times. All you are saying is you want to pass a motion to hear comments from industry, residents of the Township, concerned citizens, employees. Our business is a small business in LST and our business needs land to be rezoned to stay in business.

Stacie Misczenski, 4231 Roberts Avenue, said zoning is a concept that originated in the United States in the 1920's. State law often gives certain townships, municipal governments, or county governments the power to zone. Municipal zoning law has been upheld by the Supreme Court since a few years after the last zoning ordinance was enacted as part of the general police power of the State governments may transfer to a lower level of government. Upon review of case law, it becomes apparent that zoning is justified on the grounds that it protects the health, safety and welfare of the public. In this instance, can you honestly state that the proposed rezoning is justified on the grounds that it will protect the health, safety and welfare of Lower Saucon when changes to the zoning would only expand an environmentally volatile use of land represented by the landfill. Our current comprehensive plan is a well considered plan. Kudos to LVPC. It is apparent in this instance that rezoning reflects the goals of IESI. IESI is actually owned by a Canadian company called Progressive Waste Solutions and in their 2011 annual report, it clearly states, in the current year we also assumed an expansion at our Bethlehem Landfill site, an assumed expansion contributed approximately 1,800 in the decline of amortization expenses year after year. This company has already planned, had the stockholders all lined up to have this Bethlehem Landfill expanded in 2011. She works on annual reports every day for her company and you don't put anything in these reports that is not valid. They knew this was coming, you knew this was coming and we sat there with your P/C, your committee and we listened and we voted against it, A, B, C, D. Now all of a sudden D is back on the table. It's incredible. Is the amendment calculated to benefit the community as a whole as opposed to benefitting individuals or as a group of individuals. Last time she checked, the shareholders of IESI do not reside near the landfill. She does understand that the amendments to the zoning plan ordinarily will be sustained if the record supports a determination that such changes conform to a comprehensive plan and are reasonably related to please powers that are enumerated by the statute. However, the option D being discussed here tonight departs from the comprehensive zoning plan and option D has already been reviewed and discouraged by your very own P/C. Kudos to the P/C. She is here as a citizen of the community to state that she as well as others oppose the rezoning of Applebutter Road.

Cedric Dettmar, 1853 Clarence Drive, said this is the first meeting that he's attended where this topics been discussed so he's just getting his feet wet with this. He thanks you for bringing it forward because he can see from the discussion they've heard so far that whatever the final decision that is going to be made is going to have a big impact on a fairly large number of people either way. If we do this and go ahead with the landfill, the people that live nearby are going to have a big change to their environment. If he lived there, he would not want that. If the answer is no, we don't do it, then it's going to affect every taxpayer in LST as well as the other taxing authorities that these guys pay taxes to. He thanks you for bringing this forward. He doesn't know where he'll stand in the end. He believes our community needs taxes from businesses to have a balanced tax base. Obviously, it's a tough decision and he thanks you for bringing it forward.

Walter Zagwoski, said he wanted to reflect with the Bethlehem Steel with the City of Bethlehem. It went down, all the jobs were lost. We got a casino there again. We're making money again. It's not the death of the city if we lose the landfill. We lost the whole Bethlehem Steel and the city

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survived. If we can lose a whole Bethlehem Steel with 40,000 people working there and that city survived with taxes and everything else, he thinks we can lose the landfill.

Anne Baum, 2161 Hickory Hill Road, said she is in support of the public hearing on behalf of all the voters in the community who aren't paying attention. She admires all of you that are paying attention and to put your remarks together, but she thinks there's a whole other part of the Township that doesn't know this is going on. She supports that it's being brought forward so it can be considered by the whole Township and not just the folks that are here today. She admires that you are here, but this is the first meeting she attended and the first she's heard of this issue and she thinks it deserves to be heard by Township.

Mr. Matt McClarin said as a citizen of this Township, he has been doing this for fifteen months. He has a two year old son and a 10 month old daughter that he loves to death and is away from right now. He has been doing this nonstop and so have a lot of other people. There was a public notice about the IESI thing. What's the public notice you are going to give out for this meeting is going to go to the people around the area anyway; it's not going to go to the whole township. This has been an issue for fifteen months. He did his job. He informed his neighbors. Everybody else should have done the same thing. The only reason they are here is because of the money and that is it, and that is not right. For you to listen to other people just about money, they don't have a clue what is going on with the plans or anything else. They don't have a single clue. Tom, you know it's not right. You are the environmentalist. Come on give him a break, and you're going to destroy that right over his house. Give me a break Tom. He's been away from his family for fifteen months. This is ridiculous and then we're going to drag this on for another year. This is not fair. He did his job. Everyone else did their jobs. Why can't these people have been here fifteen months ago because you know what, they didn't care. That whole thing about taxes and everything else is bull crap. Those loans will be paid off when they are closed up and the budget will be even. It won't matter. That's what you people don't understand. They have been borrowing money for parks, for this building, all of that is going to be paid off in four years and it'll be clean. We'll start off with a clean slate, and he can enjoy his house just like everybody else does in this freaking Township and he has to walk out on Christmas eve when his kids had to smell the worst smell he ever smelled in his entire life. It's all about the money. Listen to the people who live there.

Judy Rudolph, 2172 Mixsell Avenue, said her son and his two children live in their home at 2664 Quincy Avenue which they are in the process of buying. That home sits up near the top of that mountain. She's here to talk about that. The home was built in 1979. In 1979, it was just a landfill run by Bethlehem. Lehigh and Northampton Counties were the only ones to bring things so it wasn't anything like that. Actually in 1988, when it was operated, there were 11,600 tons dumped in that year. Then when IESI started to take over, it was almost like half a million tons a year is what comes in there. That's the difference. Getting back to the home on Quincy, from Riverside Drive, you can't see that home, and you can't see any of the homes up there so you can't even comprehend what that's going to be like. If you go down to the hill climb, you can see the wall with the landfill on top of it. Just picture a home sitting on the top of that hill and the other homes in the area that will be there also. If you can envision that, you can get a clear picture of what the way of life would be like for the residents of those homes when the landfill begins operating at the new site and how utterly horrific it will be when the landfill nears capacity if rezoning is allowed to move forward. There are so many negatives and these are just a few. There are health issues. As garbage is being dumped and compressed into the earth by heavy-duty equipment, the pollutants and toxins are being discharged into the environment at that time. There's no pollution testing done at that time, is there? Mr. Donato said first, they don't pollute the air. Second they do monitoring throughout the site on a quarterly basis. Ms. Rudolph said there are the health issues and the possibilities that their wells will be contaminated, the wells that are used for drinking, gardens, swimming pools, watering lawns. The Quincy Avenue well is down 400'. Our property values will absolutely drop. They have worked hard all their lives to provide a comfortable home for themselves and for their families and this should not be taken away from us. Property damage

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may occur. In 2010, two homes, one 200' away from her Quincy Avenue home sustained cracked foundations or cracked wells from IESI blasting. That's at their current location. Besides the house and well that can be damaged, there's also an in ground pool and fish ponds. No company should be allowed to engage in any activity that may damage a resident's property. Long time residents are basically being forced to leave their homes as IESI is buying up all the property on the south side of the mountain. When there are heavy rains, washouts occur from the landfill onto Applebutter Road. Has anybody given any consideration to the fact that school buses full of children traverse this road several times a day during the school year and that there may be a time when this occurs when they are in that location. Just the sheer height and the angle of the landfill is haunting. She travels the road several times a week to go into Hellertown and she cannot wait until she gets on at Ringhoffer Road where she feels safer, especially given the 15 to 20 acre landslide at Chrin. A landslide onto Applebutter Road is also a possibility. It may be catastrophic. There's also the fact that the first leg of Applebutter Road is a windy road with poor visibility in the beginning and where you all of a sudden come upon a 18 wheeler that hauls garbage. On several occasions when she was traveling Applebutter Road, on her way home, she was behind an 18 wheeler that crossed into the other lane to negotiate the 90 degree turn that's in the road. Our school busses also have to encounter these 18 wheelers. Rezoning would mean IESI would remove every tree on the rezoned site. They would wipe out an entire mountainside of its nature. The trees, the animals that live there would be displaced. Where would they go? What happens to those natural springs that are underground? Would they continue to flow but be polluted? Every tree coming down, does that not bother Council? Recently there was an outcry from Council about tree removal on Silver Creek Road. What terminology would you use for the total annihilation of an entire mountainside if you allow rezoning? The ultimate ridiculousness of IESI's propaganda mailings is they make an attempt to portray that they are green, their IESI depicted with a background of a tree. One tree, a tree that can never, ever touch the earth on a landfill. This Township is very much into preserving history such as the Heller Homestead, and just recently Council members were there for the dedication of the bridge at the old feed mill. We are very proud of that and rightly so. History should be preserved whenever possible, but have you ever given any thought though to going back farther into history before the mid-17<sup>th</sup> century when the Lenape tribes inhabited the Township lands? Have you ever given any thought that the mountains may contain some burial sites of the tribe that first settled in this area? There's been long talk of Indian burial grounds on the mountain and if there are such, burial grounds, they should be historically preserved and recognized. Another problem is the fact that the Lehigh Valley is riddled with limestone. There have been numerous large sinkholes in the area. I, for one, cannot believe that there is no limestone on this mountain. What is the probability of that? At one of the meetings, Sam stated they had no complaints about mosquitoes. That may be true, but the fact of the matter is that the location they dump in can be likened like a large cup and that cup will contain standing water from the rain. All of that contains pollutants from the garbage that is being dumped. This would be a breeding ground for mosquitoes and there's always a threat of West Nile Virus. It's been brought up at the P/C meetings and perhaps at the Council meeting, that Steel City only has one way in, in the event of a catastrophic situation and the residents would be in danger because of that. There are solutions. One possibility is for the Township to run Quincy Avenue to the other side of the mountain to meet Applebutter road. This would provide another entrance and exit for emergency vehicles and for the residents to evacuate. If you allow rezoning, IESI will turn the top of our mountain into a dump and we will never have access to another exit or entrance since they will block off the mountain on the other side with garbage. It appears the only reason you are entertaining the rezoning is for the money. The Township has received millions of dollars from IESI knowing that what the life expectancy of the landfill would be. Now it's nearing its closing and you say we need more money. She's not questioning how that money was spent or what was set aside in anticipation of the landfill closing, but you don't want to raise taxes. You prefer targeting, yes, targeting a community by allowing the landfill to expand creating health hazards and all the things she spoke to earlier. Although she is sure there will be those who will stand up to speak to the fact that IESI is a good neighbor who provides shirts for athletic teams, donates money towards things, and so on, but everyone knows that IESI is doing it to garnish support so they

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continue to bring millions of trash and pollutants to our hillside and make millions of their dollars for their Canadian-based parent company, Progressive Waste Solutions. She does not believe and she was proven wrong tonight, that any one of them would say that they would rather have one of my grandchildren or any child or family breath in toxic air in exchange for their taxes being raised. This is not a welfare Township. We are proud to be members of this community which is comprised of hard-working individuals and families. We have and always will pay our fair share to what the Township feels we need and provides for us in our best interest. Progressive Waste Solutions cares nothing about any health problems or landfill causes or any other financial problems we will encounter. This Canadian company's only concern is free cash flow from the landfills and the returns the investors see. The free cash flow is in that report also. If there is a problem with the finances for whatever reason, that burden must be passed on to everyone. Don't turn your back on a whole community that has longstanding roots in this Township. The entire world is focused on protecting the environment, doing whatever they can to accomplish that. Our children are being taught about recycling and saving the planet. Allowing for a landfill expansion is totally going in the opposite direction the world is moving in and will destroy a part of our planet and community. She also wants to share one small tidbit she found on Wikipedia about the Township. It states today farmland continues to be lost to housing developments at a startling rate. The Township still possesses beautiful woods, streams and rolling hills. Care must be taken to preserve these open spaces that remain. We would lose some of those beautiful woods and rolling woods that are spoken of here, and replace that with trucked in garbage and a landfill, and Wikipedia will be rewriting their description to include this fact. That's not a good thing. As she was watching her grandchildren playing the other day, she was writing notes to what she could possibly say to Council tonight. She asked her grandchildren what they would say to you in order to save their mountain and not rezone. At first they were surprised at what would be above their home. They thought it was over, but then out of the mouths of her grandchildren came some wise comments. Six year old Gunner blurted out "because we live here and you're killing all the animals if you take out the trees". Nine year old Emma followed with "the air quality will be worse. The forest will be destroyed and animals will be forced out and die when they have to leave the forest", out of the mouths of a six year old and a nine year old child. In closing, when she was watching the US Open at Merion on TV this past weekend, she was struck with what she thought was the most appropriate thing to say to you, our Council and our leaders. The caretakers of the course were speaking to the careful way they take care of their course and they said they consider themselves more than caretakers. They consider themselves "guardians of the earth". That's what each and every one of us has to be during the time we are given on this earth. That, we need to pass on to the next generation. That's what you must do in your role as Township leaders, be a guardian of the earth so it will exist for the next generations.

Mike Shelden, employee of the Bethlehem Landfill; prior to that he was a contractor in building cells and capping of landfills. Obviously he believes in it. It's a good thing. They go through great measures to prevent any pollutants. They are monitored regularly. The compliance is outstanding with DEP. They cooperate with the general public. He just wants to say that we should vote and because of their zoning they should be taken into consideration to expand. The zoning to him just means that there's a possibility of expanding, always a possibility of progress. He thinks you guys bringing it up is a good thing and he would appreciate it if you would vote yes for them.

Mr. Kern thanked everyone for their comments. This was an example of what he asked to occur in the future. Hopefully, we're going to take a vote shortly and the votes will come down in favor of that so we can continue that discussion at a future date. Thank you again for your comments and it's time to take a vote. Mr. Maxfield said because it's been so long, can we restate the motion? Ms. Huhn said to move to start the MPC process and advertise Option D and the draft text amendment, for discussion.

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**MOTION BY:** Mr. Kern said he moves to start the MPC process and advertise Option D and the draft text amendment for discussion.

Attorney Treadwell said the process includes sending it to the P/C, send it to the LVPC, sending it to the EAC, advertising it, and holding a public hearing.

Mr. Willard said the first step this so-called MPC is the P/C recommendation, which we already had. It was 6-1 not to change the zoning, so he'd like to the motion to be rewritten to not say we're starting, but that we're continuing the process.

Attorney Treadwell said if it's advertised, the Council has to send it back to the P/C. They have to see it again. Mr. Willard said he fully understands. The first step was the P/C recommendation; it was 6-1 against. It was up to the Council at that point to accept the recommendation or not. We took no action. That step has been taken, so we're not starting the process, we're going to step two.

Attorney Treadwell said when Council sent it to the P/C to ask for their opinion the first time; it wasn't part of the MPC process. The MPC process starts with advertising, sending it to the LVPC, sending it to the Township P/C, posting the property, sending out notices. That was the start of the process that Council chose back then, but it was not the start of an MPC process. Mr. Willard said thank you for the clarification.

**SECOND BY:** Mr. Horiszny  
**ROLL CALL:** 3-2 (Mr. Willard and Mrs. deLeon - No)

Attorney Treadwell said if we are going to advertise for a public hearing, we should discuss when that public hearing would be.

Mr. Willard said he'd like to recommend that this hearing be held no sooner than September 15<sup>th</sup>, let me amend that, no later than October 1<sup>st</sup> to give the public the same amount of time to study this issue that we've taken. Mrs. deLeon said is that a motion? Mr. Willard said it is.

**MOTION BY:** Mr. Willard moved that he would recommend that this hearing be held no sooner than October 1<sup>st</sup> to give the public the same amount of time to study this issue that we've taken.  
**SECOND BY:** Mrs. deLeon

Mr. Kern said what about September? Mr. Willard said he'll back it off to September 15<sup>th</sup>, but it's not nearly as long between October and this meeting tonight the amount of time it took us to put this back on the table. He thinks the amount of public awareness was sufficient to make a decision tonight. We've had numerous public meetings. We've had numerous discussions at Council. This has all been reported in the press. There were two mailings made by IESI. He monitored the amount of emails he received as a Council member. There were none in favor of IESI until the mailing went out, then it turned to about 50/50 then he had well over 100 communications on each; however, he's heard some new voices tonight, employees of IESI, suppliers, residents who said they were unaware of the issues in spite of the efforts we made to make it public. That is the only merit of going to the public hearing and for that matter, he thinks the public deserves as long a time to study this as we have. It's the start of summer, people will be away. If we haven't been able to publicize it over the last year or year and a half, we're going to have to make some positive efforts to make sure people are aware of what's being discussed. He'll amend his motion for September 15<sup>th</sup>.

**ROLL CALL:**  
**MOTION BY:** Mr. Willard amended his motion and moved that he would recommend that this hearing be held no sooner than September 15<sup>th</sup> to give the public the same amount of time to study this issue than we've taken.  
**SECOND BY:** Mrs. deLeon amended her second

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Attorney Treadwell said September 15<sup>th</sup> is a Sunday, so the first question we need to decide is does Council want to have this public hearing at a regularly scheduled Council meeting or do you want to do it on a separate date?

Mr. Willard said he really didn't look at the calendar and he really said no earlier than September 15<sup>th</sup>. Attorney Treadwell said his point is we have to pick a date. The first step in picking a date is do you want to do it at a Council meeting, one of your regularly scheduled 1<sup>st</sup> or 3<sup>rd</sup> Wednesday's or do you want to pick another date because he's going to recommend that we have it at a larger location than this room. What's your preference?

Mr. Maxfield said his preference would be that we have a separate meeting and he's going to suggest September 11<sup>th</sup> which would be our off Wednesday at the location you would determine.

Mrs. deLeon said there is a partnership meeting that night. Mr. Kern said how about a regularly scheduled meeting? We'll make sure Staff has a thin agenda other than this. We could do it September 18<sup>th</sup>.

Mr. Willard asked if that would be an inappropriate date for anyone on the Council or in the audience. Mr. Maxfield said we're responding to Mr. Willard's recommendation earlier about the library report being due also in September. Mr. Kern said is Council in agreement, September 18<sup>th</sup>? Attorney Treadwell said you may have to put the library on September 4<sup>th</sup> agenda. Mr. Cahalan said the plan on the library was to come back with a report at the end of August, bring it to presentation on the 4<sup>th</sup> and let Council have another date to deliberate on that which would be September 18<sup>th</sup>.

Mr. Kern said can we deliberate another week or two on that? Mr. Cahalan said he thinks the SVP meeting could be moved from the 11<sup>th</sup>. Mrs. deLeon said we only meet four times a year and it's a matter of getting three municipalities together to move it. Mr. Maxfield said this is pretty much an issue that affects the entire Saucon Valley. This is a partnership meeting, by default. Mrs. deLeon said as a member of the SVP, she thinks we should respect the schedule. Mr. Maxfield said we just moved our Council meeting for July, it's not that critical.

Attorney Treadwell said you have 4<sup>th</sup>, the 18<sup>th</sup>, which are your regularly scheduled meetings and you have the 11<sup>th</sup> and the 25<sup>th</sup>. Mr. Kern said how about the 25<sup>th</sup>. Attorney Treadwell said there was a motion on the floor to do it no earlier than September 15<sup>th</sup>. Do you want to change your motion to say do it on September 25<sup>th</sup> at the Saucon Valley School District, provided it is available? If we are going to do it as a separate meeting, what time would you like to start, 7:00 PM? Mr. Willard said yes, it's part of this motion. Attorney Treadwell said it would be September 25<sup>th</sup> at 7:00 PM tentatively at the school district, but we will confirm that and advertise the actual location. Mr. Willard said all the agencies that are to receive the Option D draft plan at this point, will they provide comment at that meeting or prior to that meeting? Attorney Treadwell said you are talking about the EAC, the LST P/C and the LVPC? Mr. Willard said yes. Attorney Treadwell said they will get the proposals as soon as we can get them out, so you will have their responses and recommendations prior to the meeting on the 25<sup>th</sup>. Mrs. deLeon said the P/C will hear this on the 22<sup>nd</sup> of August? Attorney Treadwell said they meeting on July 25<sup>th</sup> and August 22<sup>nd</sup>. Mrs. deLeon said Mr. Willard's motion was delaying the vote, now all these residents are going to have to go to all the meetings now over the summer.

Attorney Treadwell said for the P/C, it will be on an agenda. He can't say today whether it will be July 25<sup>th</sup> or August 22<sup>nd</sup>, but it will be on one of those meetings. Mr. Willard said he would suggest if the merit of this project would be to have a full public discussion, that we should issue information, as a Township, about the steps in the process when these meeting will be held, when our Township meeting will be held, and let's be faithful to the process. Let's makes sure our residents are fully and completely informed on what's taking place here.

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Mr. Maxfield said are you asking for something other than the normal process? Mr. Willard said no, he's simply saying if one of the steps to take place between now and September... first of all the residents should know what decision was made tonight and what the steps are in the MPC. The second thing he's suggesting is if there are meetings of various agencies, organizations in the valley that will review and comment, and provide their comments for our September 25<sup>th</sup> meeting. If any of the residents wish to attend those, if they are open meetings, they should also be informed and be able to attend those meetings and we should positively communicate what they are and when. That to him fulfills the reason for having the vote tonight to have this public process. Mr. O'Donnell said what would that look like? Mr. Willard said he thinks that would look like an explanation of the steps in process, listing of the dates, the timeline when these meetings take place leading up to the September 25<sup>th</sup> meeting. Attorney Treadwell said how would you want to do that? Would you put it on the website, would you want a mailer? Mr. Willard said we would certainly put it on the website. We could do it as a mailer. We have the press attending every meeting and they are probably more than willing to publicize this for us to make sure the residents know. Mr. Maxfield said he's against the mailer because right there it takes us out of what we would do for any other action, so the website makes sense to him. Mailers are expensive and they are out of the norms. Attorney Treadwell said Leslie just informed him in order to do a mailer, it's going to cost some money, so someone will have to make a motion to spend the money for the mailer. Mr. Horiszny said let's vote on the motion we have on the floor. Mr. Willard said he agrees with Ron, let's vote on the motion.

Attorney Treadwell said the motion was September 25<sup>th</sup>, 7:00 PM for the public hearing, tentatively at the school district provided that it's available. Mr. Maxfield said he would like to have at that meeting technical consultation. He was thinking back about how affirmative Bob May, someone with experience. There are a lot of suppositions that fly around at these meetings and he wants someone with experience with that sort of thing. He doesn't want to sit here listening to the things the Council's not sure if they are accurate or if they have any basis. Is that okay if we have technical consultation, trying to get as closer to the truth? Mr. Kern said he agrees with that. Mr. McClarin said you guys aren't following the rules. Mr. Kern said Matt, you are out of order. Someone said this guy over here talked too, you didn't hammer him. Attorney Treadwell said he wasn't yelling. Mr. Maxfield said you are going to force us to have police at these meetings, do you want that? Mr. Kern said we're ready to vote. Mrs. deLeon said she seconded the amended motion, but the motion has changed again.

Attorney Treadwell said his understanding of the motion was that the public hearing would be on Wednesday, September 25<sup>th</sup> at 7:00 PM at the SVSD, provided it's available, and with a technical consultant. Is part of that Mr. May? Is that who we want? Mr. Maxfield said Mr. May or someone like that. Mrs. deLeon said she doesn't know who that is. Mr. Kern said what if we provide future direction on who the technical consultant would be. Mrs. deLeon said she will withdraw her second. Mr. Maxfield said you don't want a technical support at the meeting? Mr. Kern said the second is withdrawn, is there another second.

**ROLL CALL:**

**MOTION BY:** Mr. Willard amended his again and moved that the public hearing would be on Wednesday, September 25<sup>th</sup> at 7:00 PM at the Saucon Valley School District, provided its available, and with a technical consultant.

**SECOND BY:** Mr. Horiszny

**ROLL CALL:** 4-1 (Mrs. deLeon – No)

Mr. Willard said we'll certainly put something on the website and if mailing it is out of the question, he suggests that we work with the members of the media to publicize this completely.

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Sonja Miller, 2116 Saucon Avenue, said can we have them call residents as far as we do for water. Mr. Kern said you're asking if the Township can call the residents individually? That's the Water Authority that does that. Mrs. deLeon said we have the Nixle program on the internet.

Gene Boyer said he heard them talking about the P/C. Is the P/C going to get this before the public gets to hear about this meeting that's coming up for the Council? Mr. Kern said yes, we said that. Attorney Treadwell said that's in the process he explained in the very beginning. Mr. Boyer said the people won't know about that other than your announcement, so you are trying to work together to make the public aware of those meetings which Dave was trying to say that all the meetings should be publicized. Mr. Kern said everything is advertised, the LVPC meetings, the P/C meetings, they are all stated on specific times. Mr. Boyer said we don't know when the P/C meeting is.

**B. RECOMMENDATION TO REMOVE "EXCEPT RIGHT TURN" SIGN FROM STOP SIGN AT APPLES CHURCH/BINGEN ROAD INTERSECTION**

Mr. Kern said based on increases in traffic in the area along Apples Church and Bingen Roads, the Township Police Chief is recommending that the "Except Right Turn" sign be removed from the stop sign at the intersection of Apples Church and Bingen Roads making this a 3-way stop intersection.

Mr. Cahalan said that a memo from Chief Lesser is in the Council packet detailing the increase in traffic and the number of accidents at that intersection. If Council agrees with this recommendation we would have to come back with a revision to the Vehicles and Traffic ordinance.

- MOTION BY:** Mr. Horiszny made a motion to amend the vehicle code to remove the "Except Right Turn" sign from the stop sign at Apples Church/Bingen Road Intersection.
- SECOND BY:** Mr. Maxfield
- Mr. Kern asked if anyone had any questions? No one raised their hand.
- ROLL CALL:** 5-0

**C. RIVERSIDE DRIVE SIGNAGE**

Mr. Kern said based on based on information presented by the public at a previous Council meeting to address the issue of large trucks entering Steel City, the Manager will propose that the Township send a request to PennDOT for approval to erect "No Trucks Over 25 Feet" signed on Riverside Drive at the entrance to Steel City.

Mr. Cahalan said that this issue was raised by a resident at a previous meeting and he thought that it sounded familiar. He checked with the Police and they advised him that they had been communicating with PennDOT about this problem and they had requested that PennDOT put up signage to prevent these large trucks from entering Steel City but PennDOT advised them that it was not warranted by their standards. Mr. Cahalan said that he would need a Council motion directing him to write to PennDOT asking them for approval for the Township to erect and maintain the type of signage, "No Trucks over 25 Feet", that we put up at Broadhead Court and Wilhelm Road.

- MOTION BY:** Mr. Maxfield made a motion to approve a letter be sent to PennDOT requesting approval to erect a "No Trucks Over 25 Feet" sign at the entrance to Steel City.
- SECOND BY:** Mr. Willard
- Mr. Kern asked if anyone had any questions? No one raised their hand.
- ROLL CALL:** 5-0

**D. BETHLEHEM AREA PUBLIC LIBRARY ACTION ON SPLIT PAYMENT REQUEST**

Mr. Kern said the Township Finance Director will update Council on the recent action taken by the Bethlehem Area Public Library Board of Trustees on the Township's request that the Board consider a split payment option for the Township contribution for library services. Cathy Gorman said that as Council is aware, the Task Force recommended that the Township explore the option of splitting the funding for library services between the Hellertown Area and the Bethlehem Area Public Libraries. This recommendation originated from a representative of the state library system who attended a Task Force meeting and heard about the number of residents who were using both libraries. The Council directed the Manager to send a letter to the Bethlehem library asking that they put this issue on their meeting agenda to discuss. That was done on April 1<sup>st</sup> and the Manager and Council Members Maxfield and Horiszny were at the meeting and gave a presentation on the issue and the Board agreed that they would form a committee to discuss the issue with the Township. At the last Bethlehem Library Board meeting on June 10<sup>th</sup>, the representative from Hanover Township brought up the issue and recommended that the Board reject our request because it would not be supported by the other participating municipalities and the library would not be able to absorb the cut in funding if it was approved and the other municipalities asked for similar treatment. Ms. Gorman said she voted against the motion because it was apparent that they had not discussed this with Township representatives as they said they would. She said that it passed 11-1. Mr. Cahalan asked her if she had any contact from the library board subsequent to this meeting? Ms. Gorman said that the representative from Hanover Township did request to meet with her and Mr. Maxfield this week and he basically reiterated the same reasons for rejecting our request. Mr. Kern asked if any of the other participating municipalities had a similar problem with their residents going to another library? Ms. Gorman said that the Bethlehem Township representative has said that some of their residents use the Easton library. Mr. Cahalan said that that is anecdotal information whereas the Task Force had factual information that our residents were using both libraries.

Janet Fricker, the Director of the Bethlehem Area Public Library spoke and stated that what Ms. Gorman had said was correct and that the concept was not supported by the other municipalities. She stated that the representative from Fountain Hill said that if it was approved, they would withdraw from the library. She stated that the answer is not to fragment the system, but to work together to bring everyone together in a county library system.

**E. RESOLUTION #47-2013 – TRANSFER OF MONEY**

Mr. Kern said Resolution #47-2013 has been prepared authorizing the transfer of monies from one township fund to another.

Mr. Cahalan said that this transfer is being requested to cover the additional costs for the construction of the Reading Drive Trailhead which has been completed and you saw what a fine job our Public Works Department did on it when we held the ribbon cutting ceremony for the site. When the budget was prepared last year, at that time we were planning on constructing a gravel parking lot. That was later changed to a paved parking lot. In addition, there were additional expenses to cover the installation of the water line that is needed for the water fountain. The Saucon Rail Trail Oversight Commission has been conducting a fundraising campaign for the fountain and he is happy to report that the goal has been reached and we will be installing the fountain shortly. This transfer of \$22,000 will cover those additional costs.

**A RESOLUTION AUTHORIZING THE TRANSFER OF MONIES FROM ONE  
TOWNSHIP FUND TO ANOTHER**

**General Business & Developer Meeting  
June 19, 2013**

**SECTION 1.**

The Council of Lower Saucon Township hereby authorizes the transfer of monies from one Township fund to another in accordance with Article XXXII, Section 3202 (f) of the Second Class Township code as follows:

Funding from the General Fund to be transferred to the Rail Trail Fund for Completion of the parking lot and site amenities at the Reading Drive Trailhead.

<u>FROM GENERAL FUND</u>			<u>TO RAIL TRAIL FUND</u>	
<u>Amount</u>	<u>Account No.</u>	<u>Line Item</u>	<u>Account No.</u>	<u>Line Item</u>
\$ 22,000.00	01.493.000	Contingencies	48.452.610	Construction/Improv.

**SECTION 2.**

The Township Manager is hereby directed to make the necessary transfers to implement this Resolution.

**MOTION BY:** Mr. Horiszny moved for approval of Resolution #47-2013.  
**SECOND BY:** Mr. Maxfield  
Mr. Kern asked if anyone had any questions? No one raised their hand.  
**ROLL CALL:** 5-0

**VI. MISCELLANEOUS BUSINESS ITEMS**

**A. APPROVAL OF JUNE 5, 2013 MINUTES**

Mr. Kern said the draft minutes of the June 5, 2013 Council meeting have been prepared and are ready for Council's review and approval.

Mr. Horiszny said that on page 12, line 29 the motion sounds like we were giving the Steel City Fire Company an additional \$10,000. Mr. Cahalan said that it should say the "remaining" \$10,000 of their annual \$50,000 contribution.

**MOTION BY:** Mrs. deLeon moved for approval the June 5, 2013 minutes, with corrections.  
**SECOND BY:** Mr. Maxfield  
Mr. Kern asked if anyone had any questions? No one raised their hand.  
**ROLL CALL:** 4-1 (Mr. Horiszny – No)

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

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

**MOTION BY:** Mr. Horiszny moved for approval of the May 2013 financial reports.  
**SECOND BY:** Mrs. deLeon  
Mr. Kern asked if anyone had any questions? No one raised their hand.  
**ROLL CALL:** 5-0

**VII. COUNCIL & STAFF REPORTS**

**A. TOWNSHIP MANAGER**

Mr. Cahalan – No report

**General Business & Developer Meeting  
June 19, 2013**

**B. COUNCIL**

**Mrs. deLeon**

No report

**Mr. Horiszny**

No report

**Mr. Maxfield**

- Mr. Maxfield said the only thing he wanted to bring up is that we do not forget the sign for the Native Plant Garden.

**Mr. Willard:**

- Reported that he was contacted by Howard Lieberman regarding the Entrepreneurship program at Lehigh University and he provided information to him about our Citizens Academy.
- Reported that he should have a sample redesign of the Newsletter at the July 24<sup>th</sup> meeting.

**Mr. Kern**

No report

**B. SOLICITOR – No report**

**C. ENGINEER – No report**

**D. PLANNER – No report**

**V. ADJOURNMENT**

**MOTION BY:** A motion was made and seconded for adjournment. The time was 9:54 pm.

**ROLL CALL:** All in favor

Submitted by:

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Jack Cahalan  
Township Manager

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Glenn C. Kern  
President of Council