

**I. OPENING**

**CALL TO ORDER:** The General Business & Developer meeting of Lower Saucon Township Council was called to order on Wednesday, July 18, 2012 at 7:00 P.M., at Lower Saucon Township, 3700 Old Philadelphia Pike, Bethlehem, PA with Mr. Glenn Kern, President, presiding.

**ROLL CALL:** Present: Glenn Kern, President; Tom Maxfield, Vice President; Ron Horiszny, Dave Willard and Priscilla deLeon, Council members; Jack Cahalan, Township Manager; Leslie Huhn, Assistant Township Manager; Linc Treadwell, Township Solicitor; Judy Stern Goldstein, Township Planner; Dan Miller, Township Engineer.

**PLEDGE OF ALLEGIANCE**

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

<p>Mr. Kern said Council had an executive session just prior to this meeting to discuss the issue of the NIZ. Attorney Treadwell said it was a discussion on the update of the NIZ litigation and it is an agenda item. Any action will be taken under V.B.</p>
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**II. PUBLIC COMMENT/CITIZEN AGENDA ITEMS**

Mr. Kern said if you are on the agenda, you have Council's undivided attention. We will address you thoroughly and completely at the end of each agenda item. We do open it up to the public for public comment. If you are here for a non-agenda item, that would fall under Item VII. Public Comment/Non-Agenda Items. That would be your opportunity to speak at that point. If you do speak, we ask that you use the microphones as we transcribe the minutes are transcribed verbatim and we want to make sure we get every word and please state your name for the record for the transcriptionist. He asked if anything has been taken off the agenda? Mr. Cahalan said Item V.B, the Saucon Valley School District matter. That's been tabled to another meeting.

**III. PRESENTATION/HEARINGS – None**

**IV. DEVELOPER ITEMS**

**A. MORNING STAR ROAD WATER SYSTEM IMPROVEMENTS SYSTEM**

Mr. Kern said the Hellertown Borough Authority has prepared a Water System Improvements Agreement that covers the water line extension that the developer of this subdivision, which is situated partly in Lower Saucon Township, installed without an inspection or approval of the Authority.

Mr. Glenn Higbie, Administrator for the Hellertown Borough Authority was present. He said he brings you this Improvements Agreement which he is asking the Township to consent to. In his opinion, this is a matter that should have been dealt with sixteen years ago. He's been with the Authority for 4-1/2 years and in the beginning of this year, he discovered the parties never agreed to anything. He can honestly tell you he can't find anything in their files that allowed the developer, in this case, to connect to their water system and run a water line in a private utility easement up around the end of the cul-de-sac in order to provide water service to the six lots that are in Lower Saucon Township. They have served four of those lots over the years. The sewer is an entirely different issue and there was an agreement between the municipal bodies on that one dating back to 1995. This is an issue he found and brought to the attention of his board; they've discussed it with the developer. If the Borough Authority is to provide service to those lots within the Township, some of which they have provided to for many years, it makes pretty good sense that

**General Business & Developer Meeting  
July 18, 2012**

they should own that water line. You should have a copy of the agreement that they worked out with the developer. What you have is the final language. He did present this earlier to your authority. He told them the same thing he is telling Council. He's not asking for a vote tonight. He's asking for a consensus that when they bring the agreement back to you, that you would agree to consent to this. It's six lots in Lower Saucon Township. They are the only six lots that his Borough Authority is talking about providing service to. He knows from the reading it goes back many years. They were at loggerheads, but this is all they are talking about. He asked if there were any questions? He did bring a plan with him that roughly shows where the water line is.

Mrs. deLeon asked if these were his customers? Mr. Higbie said that is correct. Mr. Maxfield said he read the agreement and it sounds very clear. He'd be willing to make a motion of consent. Attorney Treadwell asked Mr. Higbie if he was going to bring it back after the developer signed it? Mr. Higbie said yes, that was their intention. Attorney Treadwell said then we don't need a motion. He read it and doesn't have a problem with it. That should give him an idea you are okay with it. Mrs. deLeon said she would approve it tonight. Mr. Higbie said he thinks the proper thing to do is let his Authority take official action on it; have the developer sign it, and then bring it back to the Township and the Township Authority.

Mr. Willard asked if they have been billing these customers? Mr. Higbie said yes. Mr. Willard asked if there were any outstanding payments? Mr. Higbie said no outstanding payments, not for ongoing usage fees. There is one lot where there's a question about tapping fees which will be resolved once they get ownership. He's found some issues in his tenure, and this is another one he's trying to get straightened out.

Attorney Treadwell said they will act on it when Mr. Higbie brings it back. Mr. Higbie said he would expect to bring it back next month. Mrs. deLeon said they only meet once in August. Mr. Higbie said his Authority meets next week. Since the LST Authority has already given its consensus and his board and the developer are in consensus, you'll see it next month. Mr. Kern asked if anyone in the audience had any questions? No one raised their hand.

**B. SAUCON VALLEY SCHOOL DISTRICT – REQUEST FOR WAIVER OF CONDITION OF SUBDIVISION APPROVAL & FINAL ACCEPTANCE**

This agenda item was tabled.

**V. TOWNSHIP BUSINESS ITEMS**

**A. ZONING HEARING BOARD VARIANCES**

**1. ATAROD & JAMSHID SHIRANI – 1680 CAMBRIDGE COURT- VARIANCE FROM SIDE YARD SETBACK TO CONSTRUCT A DECK**

Mr. Kern said the applicant is proposing to construct a deck which does not comply with the side yard setback.

Ms. Shirani said they bought the house at 1680 Cambridge Court last year. There are three doors from the breakfast room and the office that was supposed to have a deck, but they never built it. At the time it was built ten years ago, it was 10' from the side yard by the neighbor. Side yard right now is 30'. She does have pictures to show Council. The door has been locked for ten years, so they are trying to build a deck.

Mrs. deLeon asked when it changed to 30'? Attorney Treadwell said it was a 10' side yard setback when the house was built. He doesn't know the exact year when it changed to 30'. Ms. Stern Goldstein said it was probably when the development plan was approved, which is several years before the house was built. They didn't change setbacks since 2004.

Attorney Treadwell said it may have been 2004 when the change happened, but the plan was probably approved prior to that. Ms. Stern Goldstein said exactly.

Mrs. deLeon said all three doors you can't open? Ms. Shirani said yes. Mrs. deLeon said she wonders how they got their Certificate of Occupancy when there were three doors that opened to nowhere. Mrs. deLeon asked if anyone was going to answer her question? Attorney Treadwell said he doesn't know what the answer is.

Mr. Maxfield said he can't tell you how nice it is not having to deal with impervious surface. He'd make a suggestion that they take no action. Council took no action.

**2. ROBERT & BERNADETTE FONG – 2015 SANBROOK DRIVE – VARIANCE FROM YEAR YARD SETBACK TO INSTALL AN ABOVE GROUND POOL**

Mr. Kern said the applicant is proposing to construct an above ground pool which does not comply with the rear yard setback.

Mr. Fong was present. He said the main purpose of their variance is to install an 18' above ground pool. He's been working with Chris Garges and they are trying to avoid applying for a variance, but because of the restrictions of the setback, it's his understanding it's 40' from the rear and because of the size of their lot, it's a challenge. Mr. Garges also suggested to them that if they went with the pool which was 250 square feet, or smaller, but the issue with that is they are restricted by the manufacturer and the size of pool he offers to the public. He looked into that, and the next pool smaller than that is 15' round, which is 165 square feet. Unfortunately, his kids are getting bigger and logically and financially it's not logical to put up a pool of that size up. That's the main purpose of them applying for a variance. They spoke to a lot of their neighbors and they really didn't have an issue with the pool. Their back yard is totally fenced in and as far as safety, it's not going to be an issue. Mr. Kern asked if Council had any comment?

Council took no action. Mr. Kern asked if anyone in the audience had any comments? No one raised their hand.

**B. UPDATE ON NEIGHBORHOOD IMPROVEMENT ZONE (NIZ) LITIGATION**

Mr. Kern said the Solicitor will update Council on the status of the Allentown Neighborhood Improvement Zone (NIZ) litigation.

**A RESOLUTION OF THE COUNCIL OF LOWER SAUCON TOWNSHIP  
AUTHORIZING THE TERMINATION OF THE TOWNSHIP'S PARTICIPATION IN  
CERTAIN LITIGATION CAPTIONED "HANOVER TOWNSHIP, et al., v.  
COMMONWEALTH OF PA, et al. No. 281 M.D. 2012", COMMONLY KNOWN AS THE  
NEIGHBORHOOD IMPROVEMENT ZONE (NIZ) LITIGATION**

**WHEREAS**, Lower Saucon Township, a Township of the 2<sup>nd</sup> Class, Optional Plan in conjunction with Hanover Township, Northampton County, joined in certain legal action against the Commonwealth of Pennsylvania, and other named defendants, claiming that Act 50 of 2009, as amended by Act 26 of 2011, was unconstitutional (the "NIZ Litigation"); and

**WHEREAS**, on July 2, 2012, Act 87 of 2012 was enacted, which amended Act 50 and addressed the issues raised in the NIZ Litigation as requested by the Township; and

**WHEREAS**, the Township now believes it is in the best interests of the respective parties to the NIZ Litigation to seek the termination of that litigation as hereinafter set forth.

**NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED** by the Council of Lower Saucon Township, Northampton County, and Commonwealth of Pennsylvania, that the Township Solicitor is hereby authorized to terminate the NIZ Litigation under such conditions as the Township Solicitor determines to be in the best interests of Lower Saucon Township and its residents, including but not limited to finalizing the proper return of any EIT revenue due to Lower Saucon Township.

Attorney Treadwell said you have in front of you Resolution #58-2012, which authorizes him as the Township Solicitor to terminate Lower Saucon's participation in the NIZ litigation. You may have read in the newspaper that Bethlehem Township and some of the other Township's have voted to terminate the litigation due to the fact that as part of this year's State budget, the law was changed that so that the EIT that was previously subject to use in the NIZ, is no longer subject to that. The resolution authorizes Attorney Treadwell to terminate it provided that they finalize the proper return of any EIT revenue that is currently being held and due to LST. If you want to terminate LST's participation, you'd make a motion to adopt Resolution #58-2012.

**MOTION BY:** Mrs. deLeon moved for adoption of Resolution #58-2012.

**SECOND BY:** Mr. Maxfield

Mr. Kern asked if anyone had any comments? Mr. Willard asked if Attorney Treadwell would make a report at a later date on what was captured in legal costs and whatever? Attorney Treadwell said yes, when he has those numbers, he will bring them back, which should be at the next meeting.

**ROLL CALL:** 5-0

**C. APPROVAL OF RENEWAL OF NON-UNIFORMED EMPLOYEE CONTRACT**

Mr. Kern said the Township has reached an agreement with the UAW representing the non-uniformed Township employees to extend the current labor agreement for a one-year period until May 31, 2013 without any changes to the contract.

Mr. Cahalan said they were asked by the United Auto Workers Union who represent the 15 non-uniformed employees if we would consider extending the current labor contract we have with the non-uniformed employees for another year until May 31, 2013. That extension agreement has been signed off by the UAW and is ready for Council's ratification. The previous contract expired May 31, 2011 and the wages of those non-uniformed employees have been frozen since that time.

**MOTION BY:** Mr. Horiszny moved for approval of the non-uniformed contract.

**SECOND BY:** Mr. Maxfield

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

**ROLL CALL:** 5-0

**D. AUTHORIZATION TO ADVERTISE SALE OF RENTZHEIMER HOUSE**

Mr. Kern said the Manager would like to update Council on the remediation that was done on the Rentzheimer House in order to move forward with advertising the sale.

Mr. Cahalan said they brought this up previously and tabled it because a delegation from the SV Conservancy wanted to check the floor boards in the attic to see if they could be salvaged for the Heller Homestead. Mrs. deLeon they weren't wide enough, they were narrower. They were not sized right. Mr. Cahalan said they were moving forward with the disposal of the Rentzheimer House that's at 2038 Polk Valley Road. They put a legal notice in the paper the beginning of this year stating our intention to advertise formal bid proposals later on this year to remove the house from the property. They also reported they had the house inspected and there were several pieces of tile, mastic and sheet flooring that contained asbestos and those have been removed. They did a

**General Business & Developer Meeting  
July 18, 2012**

separate air test which passed. They are ready to prepare and advertise the invitation for bids on the house. This would be authorization to go ahead with advertising those invitations for bids.

**MOTION BY:** Mr. Maxfield moved for approval to advertise the sale of the Rentzheimer House.  
**SECOND BY:** Mr. Willard  
Mr. Kern asked if anyone had any comments? No one raised their hand.  
**ROLL CALL:** 5-0

**E. REVIEW OF PAVILION AT POLK VALLEY PARK**

Mr. Kern said the Planner and Manager will discuss the need and options for a pavilion at Polk Valley Park.

Mr. Cahalan said he's not sure if we addressed this previously. We have talked a lot about the development of Polk Valley Park. We also recently talked about Kingston Park development and Steel City Park upgrades. In all of those plans that were prepared for you, it included space for a pavilion. They wanted to focus tonight on Polk Valley Park. He asked Ms. Stern Goldstein to put together some options to discuss with you on pavilions that could go there. The reason he brought up Polk Valley Park was because since that park been put into use, there have been situations where we haven't been able to fully utilize it. For example, we can't use Polk Valley Park for the summer youth recreation programs that is run by the SV Community Center, which is very popular. They are run by the SV Community Center. They are at Town Hall Park and Southeastern Park. They can't use Polk Valley Park because without a pavilion there's no shelter for the children to use in case of inclement weather. That's one drawback. The other drawback is the high school has asked them previously if they could use the multi-purpose fields at Polk Valley Park as a back-up in case one of their soccer or lacrosse fields was not useable. In order for them to do that, lacking a pavilion, they would have to have busses on a standby there in case they would need to shelter the players. It's something that is needed, and Ms. Stern Goldstein can go over some of the information she's got on pavilions.

Ms. Stern Goldstein said the information came late to Council today as they were waiting for prices from a couple of the vendors. What you have before you is sort of a menu of options. They chose to do a little memo summarizing the pricing options for each park. She thought it was important to show the sizes for the pavilions that were projected on the plans for each park with the prices so you could see if you picked one for Polk Valley, that it also comes in the proper sizes what would be for the other parks so you could have a vocabulary of "this is what our pavilions are" so they are all the same in all the parks. It says a lot for Township identity. They are all Lower Saucon Township parks. Then it gets down to ease of maintenance and replacement parts. It's just a scale so you have the same thing like you want to have the same light bulbs going into your lamps. The prices, if you look at Polk Valley Park, there were two different sizes for pavilions there. There was 30'x84' or 30'x64'. Either one fits on the plan, and it can accommodate up to the larger one depending on the programming you might or might not have there, so you may want to go with a slightly smaller one, which is still a large pavilion. They included prices for both. They are fairly simple pavilions. They went with all steel. It's a little more vandal resistant than the wooden ones. The wooden ones have a nice look to them but sometimes do attract a little vandalism. They will be heavily used. They have selections that have the open end gable and some have a hip roof. That's a matter of aesthetics. Pricing for Polk Valley for the larger one, one is just under \$50,000. One is \$48,616.00 including the freight delivery and that's using Co-Stars price. These do not include installation prices. None of the companies would give them an installed price at this point, and we could also have Public Works do the installation. This hasn't been discussed yet and would be part of the discussion with Council once you choose the pavilions and look at the timing of when they would be going in at each park. If you look at the larger one for Polk Valley, it runs from \$48,616.00 up to \$62,192.00. The Classic Recreations, the last one on the list, is the Orlando, and the least expensive. The Mid Atlantic, All Steel Hip Shelter, is the most expensive. The

**General Business & Developer Meeting  
July 18, 2012**

hipped roof tends to have a slightly more upscale look to it. They both provide shade and shelter. All the options are steel and are square.

Mrs. deLeon asked if Parks and Recreation has seen any of these? Mr. Cahalan said Parks and Recreation has discussed the pavilions and they moved to recommend the pavilions, but not any exact model.

Ms. Stern Goldstein said it's aesthetics and that comes into play in your park, but they all provide the same shade and shelter, so it's a matter of preference. They started with the basics and working with Mr. Cahalan and Cathy Gorman, they've given you everything on Co-Stars pricing. There's one that's not on Co-Stars and she has noted that one. It's the pre-approved Pennsylvania State Bid and it's no longer listed in Co-Stars. It's one that was flagged by Mr. Cahalan and Ms. Gorman, so they've provided those prices also. The Co-Stars account for pavilions is not as great as it is on other items.

Mr. Maxfield asked if Ms. Goldstein was able to look at the existing pavilion at Southeastern Park? Ms. Stern Goldstein said she's been at the pavilion at Southeastern. Mr. Maxfield asked if this one compared to it in style? Ms. Stern Goldstein said she's going from memory and the one at Southeastern is pretty utilitarian open gable and she's thinking it's wood partly. Mr. Maxfield said it's wood, but just style-wise. Ms. Stern Goldstein said open end gable is pretty basic. The psychology of the pavilions, there's some people who deal with a lot of teen sports, say the hipped roof is vandalized less as it looks like it's less open and vulnerable. That gets into the psychology of it and she has to tell you as a Planner, they all provide shade and shelter. They just look more substantial.

Mr. Maxfield asked where the site was for the pavilion at Polk Valley Park? Ms. Stern Goldstein said it's mid-way up. If you come up the entry drive, and the dog park is on your right, there's sort of a flat area that was graded out, and that's where the pavilion area is. She thinks it's also calling for a Tot Lot there. Mr. Cahalan said it's right off from the quarry in the parking lot. Ms. Stern Goldstein said if you are there for a soccer tournament, cars are usually parked there. Mrs. deLeon said where are those cars going to park then? Ms. Stern Goldstein said in the designated parking spots. Mr. Cahalan asked Ms. Stern Goldstein if she was referring to the gravel parking lot? He thinks the location is on the other side of the quarries. The gravel parking lot was for the future community center. Ms. Stern Goldstein said it's in farther in. Mr. Cahalan said it would be on the eastern side going towards the baseball fields. Ms. Stern Goldstein said it's pretty central for the recreation use. Mr. Cahalan said it's right off the parking lot. The purpose of this discussion was not for you to exactly chose something and take action on tonight. It was to see if Council supports installing a pavilion at Polk Valley Park. If you are okay with that, they can come back with a specific. If you have some choices you like, they can come back with the actual sighting of that and get the cost and get final approval. What Ms. Stern Goldstein mentioned was they can come up with a uniform design and also replicate that at Kingston Park and also at Steel City Park when they do the improvements out there. Ms. Stern Goldstein said the uniform design and color. Each one is bare boned. There are many options. If you want to add on, she would suggest you do the same add on to all of them.

Mrs. deLeon asked if these were budgeted in the 2012 budget? Mr. Cahalan said yes, they are budgeted for each of the parks. Mrs. deLeon said these prices don't exceed that? Mr. Cahalan said no, the prices are all covered by what funds are budgeted.

Mr. Maxfield asked what was the roof type Ms. Stern Goldstein was recommending? Ms. Stern Goldstein said she thinks it was all metal. Everything was steel. It will make a very nice sound in the rain.

Mr. Maxfield said don't metal roofs near a baseball field dent pretty good? Mr. Cahalan said the one in Polk Valley is far enough away from the baseball field. That's a Little League field. Ms. Stern Goldstein said the one at Steel City, that's not a regulation size Little League field. It's for the smaller size and the pavilion is situated far away that it's not an issue there. In Kingston Park, there will be no baseball. Mr. Maxfield said he was not exactly asking baseball, don't they tend to dent and look like the old metal siding on housing? You get a couple of dents here and there and it starts to look old fast. Ms. Stern Goldstein said she's been at a lot of softball fields and probably 75% of the pavilions now are going all steel, and the softballs break a lot of things, and it's a loud noise, and a little unsettling if you are in the pavilion and it's hit by a ball, but it doesn't do damage to the pavilion.

Mr. Kern asked if Council was in favor of a pavilion at Polk Valley Park? Mr. Maxfield said do we want to talk about a size? Ms. Stern Goldstein said the plan currently accommodates either size. They are the same width. It comes down to the capacity and how you arrange the tables underneath and if you have 6' or 8' tables and how many you can get in. She doesn't have those numbers right now. Mr. Cahalan said at Southeastern, which is probably about the size you are looking at, it's the 30'x84' model. You probably are getting at least 20 picnic tables in. Ms. Stern Goldstein said she thought the one at Southeastern accommodated 125 people.

Mr. Willard said is there any thought that any groups would be able to reserve these? Mr. Cahalan said the same policy would apply that they use at the other parks. They have a pavilion reservation policy. Mr. Maxfield said if there was a game going on, you couldn't use the field? Mr. Cahalan said the policy indicates that if you reserve the pavilion, it doesn't cover the rest of the park. They still are open to the public during daytime hours. Mrs. deLeon said there would be enough parking for someone reserving the pavilion and people playing on the fields? Mr. Cahalan said they'd have to factor that in at Polk Valley Park as that's used a lot more. They will have to look at that and see. They do have a lot of parking. During the summer time when the park pavilions are most heavily used, Polk Valley Park is not really used for any organized sports. That usually starts in the Spring and Fall. Mr. Cahalan said they start mid-August for the Fall schedule. If someone wanted the pavilion in June, July and the first two weeks in August, the park is not going to have any activity going on in the sports fields.

Mr. Maxfield said the pavilion at Southeastern seems large and useable. He doesn't know if it's closer to 64' or 84', but maybe we could get one at Polk valley Park the same size and it would serve us well. Mr. Cahalan said like the one at Southeastern? Mr. Maxfield said yes. Mr. Kern said he would defer to the Planner to plan this, aesthetically, functionally, and then come back with some drawings. Ms. Stern Goldstein said she will talk about schedule with Jack and with some drawings and how they would fit and also how many tables and how you could arrange them for the different events. They always recommend moveable tables, as some are bolted in the ground. They prefer the moveable ones if there is a camp or a play and you can do what you need to. They will come back with some options for Council.

**F. REVIEW OF CONTRACTOR ESTIMATES RECEIVED FOR REPAIR OF ROOT CELLAR ROOF AT HELLER HOMESTEAD**

Mr. Kern said the Township received three (3) estimates from slate roof contractors for the installation of the slate roof on the Root Cellar at the Heller Homestead. The proposed repairs have been reviewed and approved by the Pennsylvania Historic and Museum Commission (PHMC).

Mr. Cahalan said they sent out a request for proposal to a list of about ten slate roof contractors and they were pleased to receive three proposals back from that list. They received one from Paul Wright Roofing; one from Alick Smith, General Contractor who says he's a slate specialist; and then Alan Kunsman. They all look like they are capable of installing the slate. They will have to supply the wood lathe to install the slate on top of that. The slate is out at the Heller Homestead.

**General Business & Developer Meeting  
July 18, 2012**

Mrs. deLeon said check with Jerry as the lathe might be there also. Mr. Cahalan said they will take care of that. It's below the bid requirement amount, so there are three proposals. It's up to Council. He doesn't know if the Conservancy saw any of them. Mrs. deLeon said it seems like a lot of money to do what's left of the roof. They are all kind of within the same price range. She asked if all three of them went to the root cellar to look at it? Mr. Cahalan said Paul Wright and Alick Smith did with Roger. Alan Kunsman's been there several times, and they actually submitted the first proposal for the asbestos roof repair and they know what's out there. They are familiar with the root cellar. Mrs. deLeon asked who the lowest price was? Mr. Cahalan said it was Alan Kunsman for \$1,980.00. Mr. Kern said he'd go with Alan, hasn't he done work there before? Mr. Cahalan said he's the one that does the repairs on the house. Mr. Kern said he'd recommend Alan. Mrs. deLeon said he is the lowest bidder and he's reputable, not that the others aren't. It's not like we don't know who he is.

Mr. Cahalan said in the Alan Kunsman proposal, he says the price does not include supplying or installing molding to close in the attic between the lathe and the slate. Mrs. deLeon said she wants the openings at the ends of those. She doesn't know what he meant by that. Mr. Kern said the lathe will create an air space, which will require molding, which he is saying. You'll have it, it will still breathe, but aesthetically, you are going to see a gap. You will see the gap between the lathe and the slate. Mrs. deLeon said don't you normally see that on old structures? Mr. Kern said no, they normally put molding to hide that. Mr. Maxfield said that's got to be really a minimal cost. Mrs. deLeon said did they say when they would be able to start it? Mr. Cahalan said no one has communicated that information.

**MOTION BY:** Mr. Kern moved for approval to go with Alan Kunsman for \$1,980.00.  
**SECOND BY:** Mr. Maxfield  
Mr. Kern asked if anyone had any comments? No one raised their hand.  
**ROLL CALL:** 5-0

Mrs. deLeon asked if the windows were moving along? Mr. Cahalan said he communicated with Mr. Simmons. He temporarily suspended the job as he had an issue with a helper who he had to let go. Mr. Simmons said he had to get someone else. Mr. Cahalan went out there this week and saw 85% of the windows are stripped. There's a couple that need the stripping done, especially on the sills. The windows up at the attic level have to be done, so he contacted Mr. Simmons and asked what the plan was. Mr. Simmons indicated the heat is causing some issues. He couldn't paint and the penetrant we asked him to apply, there was some concern about applying that into the rotting areas at the top in high temperatures. He said as soon as the weather improves, he should get back on the job. Mrs. deLeon said they haven't done anything with the front door? Mr. Cahalan said they did the back door, but he hasn't gotten to the front door. Mrs. deLeon said Ken Rainier actually picked a Colonial Blue, so when they are ready for the color, let her know. That was verbal. Mr. Cahalan said can you ask him to send that in an email, and he'll pass it on to the contractor.

**G. STATUS REPORT ON POLK VALLEY ROAD AND ROUTE 412 TRAFFIC SIGNAL PERMIT APPLICATION**

Mr. Kern said the Township Engineer will provide a status update on the permit application for the proposed Polk Valley Road and Route 412 traffic signal that was first submitted to PennDOT in 2008.

Mr. Cahalan said you approved this several years ago. He wanted Mr. Miller to provide you with an update on where that stands. He went back and reviewed some of the minutes from the SV Partnership where this came out of - the representatives from the school district, the Borough and the Township. That group was pushing for this and they were frustrated two years ago by the slowness of it being approved by PennDOT. At one point, they were close to recommending to

you that a letter go to PennDOT and other officials complaining about the fact that this permit application had not been approved.

Mr. Miller said the things that are left with PennDOT are acquiring the right-of-way and what they believe to be some minor issues that they have been waffling on. There have been delays that have been non-PennDOT. Those delays have been longer than the PennDOT delays. That being said, PennDOT has been giving conflicting information between submissions. They are still not sure how they are handling the ADA requirements so every time it's resubmitted the regulations changes. They believe this is the final submission they submitted in June. They believe they will respond saying we will need the right-of-way and pretty much that's it. Attorney Treadwell said some of it will have to be acquired by the Township and some by the Borough of Hellertown.

Mr. Willard said is there any estimate of when the signal would be operational? Mr. Miller said he hesitates to make that estimate. He would only be guessing. We're looking at over a year.

Mr. Kern asked if anyone from Council or the audience had any comment? No one raised their hand.

**H. SUBMISSION FOR THE 45<sup>TH</sup> ANNUAL PSATS' CITIZEN COMMUNICATION CONTEST**

Mr. Kern said Council Member, Dave Willard, will outline the Township's entry that will be submitted to the PSATS' Citizen Communication Contest.

Mr. Willard said he brought this topic to the last two meetings and at the last meeting we made a motion to submit for this contest in two categories – our website and our newsletter. The newsletter is broken down by the size of the Township, so this would be the 10,000 and over. He's happy to say that Jack and Leslie prepared all the required information, which is copies of the homepage of the website plus the URL, and several newsletters and asked him to draft a cover letter which he was happy to do. The deadline is August 31<sup>st</sup>, so they are well in advance of the deadline if this is ready to go. Hopefully we can be recognized in this manner next year. Council thanked Mr. Willard for doing this.

- MOTION BY:** Mr. Maxfield moved for approval for submission of the newsletter and website for the 45<sup>th</sup> Annual PSATS' Citizen Communication Contest.
- SECOND BY:** Mrs. deLeon
- Mr. Kern asked if anyone had any comments? No one raised their hand.
- ROLL CALL:** 5-0

**I. MEETING MINUTES – POLICY & PROCEDURE**

Mr. Kern said Council member, Dave Willard, would like to discuss the protocol of meeting minutes.

Mr. Willard said as a newcomer, he's reading the Pennsylvania Township News, but this is where he's learning about quite a few things. There was an article in the June issue of what Township's need to know about taking and recording minutes. Before we get to the broader discussion for taking the minutes verbatim, there was one item mentioned in the question and answer part of this article which he related to the discussion we had with some of you recently after you appeared here as to when minutes can be made available. The question reads "May a Township distribute meeting minutes to residents who request them before the Board of Supervisor's approves them, or in this case the Council?". The answer is yes, that the Township should indicate in writing that the minutes are not the approved minutes of the meeting. The question was, particularly for some of the discussion last time, when could the residents and the speakers see copies of the minutes and

**General Business & Developer Meeting  
July 18, 2012**

the answer was not until the next Council meeting, which wasn't until a month later, due to our schedule, until they were reviewed and approved. He did have some conversation with Attorney Treadwell and he agrees and validates that we could, at our option, distribute draft minutes or post them on the website as long as we so indicate and then presumably replace them with the final ones when they are approved. Attorney Treadwell said the actual ones. Mr. Willard said based on the verbatim transcription, he doesn't know how long it takes after we meet to have a draft available, but if it would improve communication with the residents and get the information in their hands more quickly, with the understanding they are not the approved minutes, until the Council meets again and approves them. He'd like us to consider that. Mrs. deLeon said she thinks that's a good idea. Mr. Horiszny said is there a way to make them a draft on the website? Mr. Cahalan said the pdf would have the draft watermark on it. Mr. Willard said he would think the link would indicate it's a draft as well.

Mr. Kern said this opens up further discussion about another issue that another Council member has been asking us to consider us a long, long time. His no vote is an indication of his position on it. Since Mr. Willard brought this up, he's reconsidered his position. He would like to discuss that as he's tending to agree with Ron based on items and events that happened in recent months that the verbatim aspect of the minutes is not only cumbersome, but is not verbatim; therefore, it's not an accurate representation at times of exactly what has happened at Council. At the PSATS article you distributed, it says they don't recommend doing verbatim. It's really just a summary of actions taken by Council. He would like to suggest the possibility of going back to that, but getting a web camera to record the meetings, which will be an accurate total representation of what actually happened with what will be recorded and will also allow access to previous meetings on the website. That would be the ideal situation then you can see verbatim what exactly happened and see the minutes as they should be.

Mr. Willard said he really wanted to introduce the broader topic as well, but whether we stick with verbatim or whether we go to a more summarized form, he would recommend the possibility of posting drafts to avoid any timing delay. If the Council and audience would indulge him, he's going to read one paragraph from the article which summarized what Mr. Kern just said. "Minutes are the permanent, official record of a public meeting rather than a word-for-word account of everything that was said and done there. While it must be an accurate record of official actions taken, they can be fairly simple. In fact, the Sunshine Law states that minutes must include only the following: the date, time and place of the meeting; the names of the board members present; the substance of all official actions; a record by individual board members of the roll call votes taken; and the names of all citizens who appeared official with the subject of their testimony. The detail included in the minutes varies from township to township depending on the wishes of the supervisors while Township's may choose to record the jest of any discussion of any comments for future reference. A good rule of thumb is minutes are a record of what is done at the meeting, not rather than what is said".

Mr. Maxfield said he'd like to suggest that these two things are tied together. He would be in favor of draft minutes if the agenda or the minutes were limited to actions taken. He doesn't think he'd be in favor of draft minutes if it's a record of what people say. He likes the idea of the camera because if you have just a record of actions taken and then a draft version of that, you are relying on anecdotal accounts, the press, whoever else, to report what you've said. He would rather have a record of it on camera that we don't have to transcribe. He'd agree that we have draft minutes for people, but the minutes should be reduced to a more manageable form.

Mr. Horiszny said we'd have to change our policy? Attorney Treadwell said yes, you do have a policy and that would change. Mr. Horiszny said if we were going with a camera, that would be a policy change. Attorney Treadwell said it would be a policy to video tape all the meetings and to make that video tape available on the website or whoever that gets made available. If you wanted

**General Business & Developer Meeting**  
**July 18, 2012**

to change the actual minutes to just include the actions taken, you'd have to change that as well and the third part of that policy would be to make the draft minutes available on the website as well.

Mr. Willard said he doesn't know how long the verbatim minutes have been in place for this Council, but with that procedure in place, he would not recommend going to the summarized version without the video recording. If somebody needs to check verbatim context, everything about what took place, that should be recorded. He was quite astounded to look at some minutes from 2006 when he and his wife spoke in front of the Council about an issue in his neighborhood and he found out exactly what they said. There's no other way he would remember that other than looking at the minutes and if we could go to a summarized form, it would be better.

Mr. Maxfield said we could make it as friendly as possible. We have cameras that are triggered by microphones. There could be interesting ways to do it.

Mrs. deLeon said when she first started, it was very much what the law said, but our minutes do what the law says. It wasn't verbatim, the action taken, the names of the residents, whatever the list is in the Sunshine Law and what she finds interesting, it includes what the residents say, but it doesn't say what the Council said. You go back and we're all sitting and talking and it's easier to go back to written minutes when you are looking up an issue like Polk Valley Road than looking at a video. She doesn't know if our staff has time to sit there and research backwards in looking at a video to see what happened, and we have done that. She sat on a board where we did just the motion and the residents spoke and that was it. She didn't like it. She likes the way it is. She likes the camera. That's technology and moving forward. She thinks our staff does a good job and she just thinks we are missing something. Right now with the zoning issue we have, the residents have gone back to the February meeting and read it and it's very helpful to get updated on a meeting they missed. She's uncomfortable doing that.

Mr. Willard said it's much easier to search for something in a document than three hours of a tape. If you are looking for a particular keyword, you'll find it faster than looking for it in a video tape. Mrs. deLeon said the video tape would serve a purpose and eliminate the draft minutes because people could go back to a meeting and look at it if they missed it. Somewhere, she just prefers the minutes the way they are done now.

Mr. Maxfield said all the videos of the meeting could be accessible on line just like they were for the Gaming Authority. If somebody was really interested in what the meeting was about, you could sit there and watch the whole tape. Mr. Kern said the purpose of the minutes, the condensed minutes, would act as a guide to where on the tape that would be. Mr. Maxfield said that and combined with the agenda. You'd know right where to look. Mr. Horiszny said his feeling is we have an excellent Township, we have an excellent staff, we have a pretty good Council, and the very weakest thing we have is the minutes the way we are doing them now and that's why he voted against them every time. They are hours and they are not supposed to be hours, they are supposed to be minutes.

Mr. Willard said this is listed tonight as discussion. He wasn't necessarily suggesting changing that a motion to change our procedure would be made this evening. He thinks we would need to investigate the video possibilities, technologies, and discuss it further. He did want to put it on the table. He does want to come back to his previous topic, whatever form the minutes are in, to make the draft available as a draft when it's completed.

Attorney Treadwell said are you suggesting that Council take action on that portion tonight. Currently the policy is the minutes don't get distributed until they are approved. Mr. Willard said yes, he is. Attorney Treadwell said then that would need a motion to do that. Are you recommending that be the case for the Planning Commission as well, or is this just a Council issue. He thinks the policy now is that there are no minutes that get distributed until the board whose

**General Business & Developer Meeting  
July 18, 2012**

meeting it was, approves them. Mr. Willard said he was thinking primarily of Council because of some of the discussion that took place last time and he thinks the Planning Commission members could decide on their policy. Attorney Treadwell said in order to put that into effect, we need a motion to make the draft minutes of all Council meetings from tonight forward available as soon as they are transcribed.

**MOTION BY:** Mr. Willard moved for approval to make the draft minutes of all Council meetings from tonight forward available as soon as they are transcribed.

**SECOND BY:** Mrs. deLeon  
Mr. Kern asked if anyone had any comments? Mr. Maxfield said is anyone worried about two sets of minutes out there? Mrs. deLeon said no, because one is going to be marked draft which everyone can read and the other one will not have draft on it, and that will be the final one. Mr. Maxfield said the one that has draft if it's watermarked like Jack said, usually appears somewhere in the middle of the page and at the bottom of the page. You may be able to avoid that whole watermark all together. He'd be in favor of the draft if we didn't have such a cumbersome set of minutes. Mr. Kern asked what does this involve as a staff standpoint. Is there is difference in the amount of time for this? Mr. Cahalan said it does take us time to transcribe the minutes. After this meeting, the draft minutes are only available a few days before the next meeting that comes up which is about two weeks later on a two meeting a month schedule. We'll get them out as quickly as we can transcribe them. There's no problem about that. We can mark them draft and there's no problem with that. Attorney Treadwell said we can do the watermark and put draft at the top and bottom of the page as well. Mr. Willard said he realizes this was triggered by a couple of situations where a meeting was cancelled due to lack of business and we didn't meet two weeks ago because of the 4th of July, so we ended up with a month between meetings rather than two weeks. Even for a few days, it might be worthwhile at this stage. Mr. Gordon Gress asked if the draft would be available to the general public and where would it be available and how? Mr. Kern said on the website. Mrs. deLeon said if you don't have a computer, you'd have to come in and probably be charged for a copy per page. Mr. Willard said that was not explicably stated in his motion and in the Q&A it said for residents who ask, but the intention was to post it on the website.

**ROLL CALL:** 5-0

Mr. Cahalan said they will bring back information on the video recording and also a version of the reduced minutes. Mr. Horiszny asked about the minute's policy. Attorney Treadwell said we would have to check and see if we have a written policy. Leslie gave him the comment and agenda policy, but there's nothing in it that he sees about the minutes. With the minutes being transcribed verbatim for a fairly long time, so we'll have to check and see if there's anything in writing. Mr. Maxfield said if we do change it, let's create a policy. Attorney Treadwell said we should have one in writing going forward whatever it may say.

**J. RESOLUTION #54-2012 – AUTHORIZING SUBMISSION OF A LOCAL SHARE MUNICIPAL GRANT APPLICATION TO NORTHAMPTON COUNTY GAMING REVENUE & ECONOMIC REDEVELOPMENT AUTHORITY**

Mr. Kern said Resolution #54-2012 has been prepared authorizing the submission of a 2012 Local Share Municipal Grant application to the Northampton County Gaming Revenue and Economic Redevelopment Authority (NCGRERA) for funding for a police cruiser and for video security cameras for Steel City Park.

**RESOLUTION AUTHORIZING THE SUBMISSION OF A LOCAL SHARE MUNICIPAL GRANT APPLICATION TO THE NORTHAMPTON COUNTY GAMING REVENUE & ECONOMIC REDEVELOPMENT AUTHORITY**

**General Business & Developer Meeting  
July 18, 2012**

**WHEREAS**, pursuant to the Pennsylvania Race Horse and Development and Gaming Act (Act 2004-71), as amended, local governments receive a “Local Share” of gross terminal slot revenues of certain licensed gaming facilities to support and enhance community and economic well-being and mitigate the impact of gaming and related activities; and

**WHEREAS**, Northampton County, as the host county to a licensed gaming facility receives gross terminal slot revenues which must be distributed as follows: 20% to the host city; 30% to the host county and 50% to the host county for the purpose of making municipal grants within the county, with priority given to municipalities contiguous to the host city; and

**WHEREAS**, Northampton County established the Northampton County Gaming Revenue & Economic Redevelopment Authority to administer these competitive municipal grants based upon impacts associated with licensed gaming facility operations; and

**WHEREAS**, Lower Saucon Township is a contiguous municipality to the City of Bethlehem which is the host city of a licensed gaming facility; and

**WHEREAS**, Lower Saucon Township has prepared Local Share Municipal Grant Applications for submission to the Northampton County Gaming Revenue & Economic Redevelopment Authority for projects that fall under the eligible uses of these funds.

**NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

1. That the Council of Lower Saucon Township hereby approves the submission of Uncommitted Share Municipal Grant Applications for:
  - Police Cruiser
  - Security System for Steel City Park
2. That the President of the Lower Saucon Township Council is hereby authorized to execute the grant applications and transmit the applications to the Northampton County Gaming Revenue & Economic Redevelopment Authority.
3. That grant funds, if awarded, will be utilized in accordance with the provisions established by the Northampton County Gaming Revenue & Economic Redevelopment Authority.

Mr. Cahalan said this is for the uncommitted grant round of money at the County Gaming Authority that we want to apply for. The grant deadline is the end of July. We would like to submit a grant application for a new police cruiser and a security system at the Steel City Park, which we hope to incorporate into the development plans we are finalizing for that park which should undergo construction in 2013. There is a \$50,000.00 cap on these uncommitted grants and this one comes just below that amount for those two items.

Mr. Horiszny said if we could get it for that, maybe later on we could get it for other parks. Mr. Cahalan said correct.

**MOTION BY:** Mr. Horiszny moved for approval of Resolution #54-2012.

**SECOND BY:** Mr. Maxfield

Mr. Kern asked if anyone had any comments? Mr. Willard said he knows impact is key for these grants. What’s the impact statement? Mr. Cahalan said in the uncommitted rounds, impacts are not an issue. Atom Kallen said he lives in Steel City and asked if there has been a problem at the park with vandalism? Mr. Cahalan said yes, there have been several acts of vandalism. We discussed one of the most serious ones here last winter where someone actually cut through some of the playground equipment and the posts on the pavilion with a sawzall. There’s been graffiti and other stuff that has been done. The police are recommending because it is a remote site, that there be some video recording capability that they could use in the event

**General Business & Developer Meeting  
July 18, 2012**

that there are any future acts. You may not know, but at the next Parks & Recreation meeting on August 6<sup>th</sup> at Steel City Park, we are going to talk about the plans the Township has to upgrade that whole facility and spend a good deal of money to make that park a lot better. We wanted that to be a part of that whole development, so that we could have some capability for the police. They just drive by there periodically, but we wanted to have a video recording capability in the event that there is someone who is vandalizing the park.

**ROLL CALL:** 5-0

Mr. Cahalan said we have been getting in the grant funding just about every year, and we've been fortunate to get the gaming funds. Cathy Gorman, Director of Finance, is recommending we open an account that is specifically assigned for casino funding that right now is spread all over the place. Predominately, the grants have been for fire or police issues. She is requesting that a new account be opened and it would be called casino funding that would show up in the budget so she'd be able to track the funding that's received and spent from those amounts. Mrs. deLeon asked if she could go backwards? She could put it on the information sheet so we would have it. Mr. Cahalan said yes, we could keep track of what's coming in and what's being spent. Mrs. deLeon said that would be a Special Fund? Mr. Cahalan said yes. He'd ask Council for a motion approving that so they can show it to the Auditor when the times comes. Mr. Maxfield said can we call it casino funds instead of making it sound like we're funding the casino? Mr. Cahalan said he will ask her if she can do that. Mrs. deLeon said she can't add it to the 2012 budget? Mr. Cahalan said 2013 it would show up as one of the Special Accounts.

**MOTION BY:** Mr. Maxfield moved for approval of the new account specific to casino funds or funding.

**SECOND BY:** Mr. Horiszny

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

**ROLL CALL:** 5-0

**K. RESOLUTION #55-2012 – AUTHORIZING TRANSFER OF MONIES FROM ONE TOWNSHIP TO ANOTHER**

Mr. Kern said Resolution #55-2012 has been prepared to transfer \$8,500.00 in funds from Contingencies Account to the Heller Homestead Account to cover expenses needed for the repairs and painting to the Heller House.

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

**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:

<u>FROM</u>			<u>TO</u>	
<u>Amount</u>	<u>Account No.</u>	<u>Account Name</u>	<u>Account No.</u>	<u>Account Name</u>
\$1,000.00	37.493.000	Contingencies	37.452.310	Engineering
\$1,500.00	37.493.000	Contingencies	37.452.370	Repairs/Maintenance
\$6,000.00	37.493.000	Contingencies	37.452.700	Construction

**SECTION 2.**

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

Mr. Cahalan said we did have an unexpected repair to the roof, the back flat roof on the kitchen and we do have painting that has been approved. Cathy Gorman, Director of Finance is requesting that

**General Business & Developer Meeting  
July 18, 2012**

this amount of money be transferred from the Contingency account to the Heller Homestead account in the budget. Mr. Horiszny asked why it would not come out of the historical structures fund? Mr. Cahalan said it could come from there, but we normally allocate those again for specific purposes in those funds. For example, there's money in there for the Old Mill Bridge repairs. Right now, we do not have any money in the historical structure fund specifically targeted to the Heller Homestead.

**MOTION BY:** Mr. Horiszny moved for approval of Resolution #55-2012.  
**SECOND BY:** Mrs. deLeon  
Mr. Kern asked if anyone had any comments? No one raised their hand.  
**ROLL CALL:** 5-0

**L. RESOLUTION #56-2012 – APPOINTING SPECIAL FIRE POLICE**

Mr. Kern said Resolution #56-2012 has been prepared appointing Special Fire Police.

**SPECIAL FIRE POLICE**

**WHEREAS**, following nomination by one of our Township fire departments of any of its members whom they have concluded is fit for duty, all nominees shall be appointed/confirmed by Lower Saucon Township yearly and be sworn in within thirty (30) days of their initial appointment/confirmation; and

**WHEREAS**, said appointment/confirmation shall immediately be null and void upon the termination of membership in any of the Township fire departments; and

**WHEREAS**, the fire department shall then insure that its special fire police are equipped with, at a minimum, a badge and identifying hat or uniform; and

**WHEREAS**, whenever a Township fire company is dispatched or whenever the Manager authorizes response to an event, such as a carnival, Lower Saucon Township shall be responsible for Worker's Compensation Insurance; and

**WHEREAS**, prior to participating in non-emergency activities and emergencies where their fire company has not been called out, unless they come upon an emergency and no police are on scene, in other municipalities our special fire police shall insure that they have written authorization from the governing body of that municipality stating specifically the date(s), time(s), location, and duties the fire police are requested for. The written authorization shall then be forwarded to the Township Manager for final approval; and

**WHEREAS**, all Township Fire Police shall complete the Basic Fire Police program and a yearly, in-house refresher program or other State certified course, and must produce documentation for such to the Township each year.

**NOW, THEREFORE, BE IT RESOLVED**, that the following persons are confirmed as Lower Saucon Township Special Fire Police.

**Se-Wy-Co Fire Company**  
Robert Gearhart, Captain – #1891  
Ronald W. Horiszny, Lieutenant – #1892  
James Petrowski – #1893

Mr. Cahalan said we annually do this. These are the volunteers who you see out on the roads in the event of a fire. We are fortunate to have three volunteers from Se-Wy-Co Fire Company who we

**General Business & Developer Meeting  
July 18, 2012**

would like to appoint. They are as stated above. They are requesting approval to reappoint them as Special Fire Police. Mrs. deLeon said years ago there was less of Special Fire Police and it's dwindling down now to three members of one company in case there are any volunteers out there.

**MOTION BY:** Mr. Maxfield moved for approval of Resolution #56-2012.  
**SECOND BY:** Mrs. deLeon  
Mr. Kern asked if anyone had any comments? No one raised their hand.  
**ROLL CALL:** 4-0 (Mr. Horiszny abstained as he's one of the Special Fire Police)

**M. RESOLUTION #57-2012 – AUTHORIZING EXECUTION OF DUI GRANT DOCUMENTS**

Mr. Kern said Resolution #57-2012 has been prepared authorizing the Council President to execute the DUI Grant applications on behalf of the Lower Saucon Township Police Department.

Mr. Cahalan said this is an annual grant that the Police Department receives and it's done in conjunction with other municipalities for various operations related to DUI enforcement. We're asking approval for the Council President to sign this.

**MOTION BY:** Mr. Horiszny moved for approval of Resolution #57-2012.  
**SECOND BY:** Mr. Maxfield  
Mr. Kern asked if anyone had any comments? No one raised their hand.  
**ROLL CALL:** 5-0

**VI. MISCELLANEOUS BUSINESS ITEMS**

**A. APPROVAL OF JUNE 20, 2012 MINUTES**

Mr. Kern said the minutes of the June 20, 2012 Council meeting have been prepared and are ready for Council's review and approval.

**MOTION BY:** Mrs. deLeon moved for approval of the June 20, 2012 minutes.  
**SECOND BY:** Mr. Kern asked if anyone had any comments? Mr. Horiszny said he had corrections.  
**ROLL CALL:**

- Mr. Horiszny said page 5 of 25, line 19, the motion should read: Mr. Horiszny moved to have Council endorse Option B for the baseball fields.
- Mr. Horiszny said on page 8 of 25, line 32, the vote should be: 4-0 (Mr. Kern – Absent).
- Mr. Horiszny said on page 9 of 25, line 9, the motion should read: Mr. Maxfield moved for approval of the June 6, 2012 minutes, with corrections.
- Mr. Horiszny said on page 9 of 25, line 12, the vote was 3-0, not 3-1 as he abstained.
- Mr. Horiszny said on page 24 of 25, line 42, it should be Mr. Maxfield.

**MOTION BY:** Mrs. deLeon amended her motion and moved for approval of the June 20, 2012 minutes, with corrections.  
**SECOND BY:** Mr. Maxfield  
Mr. Kern asked if anyone had any comments? No one raised their hand.  
**ROLL CALL:** 3-1 (Mr. Kern – Abstained as he wasn't at the meeting; Mr. Horiszny – No)

**B. APPROVAL OF JUNE 2012 FINANCIALS**

Mr. Kern said the June 2012 Financial Reports have been prepared and are ready for Council's review and approval.

**General Business & Developer Meeting  
July 18, 2012**

**MOTION BY:** Mr. Horiszny moved for approval of the June 2012 financials.

**SECOND BY:** Mrs. deLeon

Mr. Kern asked if anyone had any comments? Mr. Willard said on the check register, the payment to Bethlehem Area Public Library, what payment is covered by that? Mr. Cahalan said usually that would be for the payment for June, the monthly payment.

**ROLL CALL:** 5-0

**C. APPROVAL OF MAY 23, 2012 JOINT LOWER SAUCON TOWNSHIP & HELLERTOWN BOROUGH COUNCIL MINUTES**

Mr. Kern said the minutes of the May 23, 2012 Joint Lower Saucon Township & Hellertown Borough Council meeting have been prepared and are ready for Council's review and approval.

**MOTION BY:** Mrs. deLeon moved for approval of the May 23, 2012 joint LST and Hellertown Borough Council minutes.

**SECOND BY:** Mr. Maxfield

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

**ROLL CALL:** 4-0-1 (Mr. Horiszny abstained as he wasn't there)

Mrs. deLeon said Ron abstained, but these were not verbatim minutes. Mr. Horiszny said he was not there. Mr. Maxfield said pertaining to what we discussed at this meeting with Hellertown, at the end of the meeting, we had expressed an interest in continuing the talks and he talked to the Borough President and Council President and volunteered his time to do the continue talking about the police negotiations. We haven't heard anything since. Maybe we should be reaching out and see if we can get these discussions moving. Mr. Kern said that's a good idea.

Mr. Cahalan said they have finished their review of the Regional Police Study report, so whenever you are ready to move ahead, they are prepared.

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

- Mr. Gordon Gress, 2371 Black River Road, said he'd like to comment on the really nice job the road crew did on the storm retention on Walter Avenue from Old Philly Pike down to Freebly, in front of the Magistrate's office. He's not sure if the Township is in the stormwater business, but he's been complaining and bringing to the attention of Council for the last 46 years about the water problem on Black River Road. It was always a big problem with water coming to the north side of Black River. Since they paved the road from the sewage and made it higher, it shifted to the south side of Black River Road. Some of those homes when you have a downpour like today, are really susceptible to flooding. Fire Lane, which has had several new buildings built in the last couple of years, and a really nice retention pond put in the last house there. He has not seen any water in that retention pond since it's there. It all comes down Fire Lane into Black River. The houses on the west end of Carl Lane also have a significant increase in the amount of water coming their way since the retention pond has been put in. It seems like the retention pond isn't retaining anything, it's diverting. He'd like to know when Black River Road on the agenda from Fire Lane down to Old Philly? Are we in the storm water business now? Are we going to put drains in there? Mr. Cahalan said we don't have any plans to bring to Council for any storm water improvements on those roads. Mr. Gress said why Walter Avenue was done? Mr. Cahalan said there was a problem. You saw the construction. There was a problem with a storm water pipe there that ran under Old Philly. That started off with just a small hole on the side of the road, then turned into replacement of the whole pipe underneath the road which then had to be taken down to Walters to exit. It started out as a small repair and wound up as a major repair. Mr. Gress said there's six grates installed. They did a terrific job. He's complained many times in the winter because right in front of Wydnor Avenue is just about flat like Walter Avenue is and it freezes up. When he complains,

**General Business & Developer Meeting**  
**July 18, 2012**

Roger comes down and they clean it up very quickly. He has no complaints about that. He just wonders why the problem hasn't been solved over all these years. The road crew is certainly capable as we've seen to solve that problem. He doesn't believe it would really take that much. You would do away with all that ice in the winter. His fear is that somebody is going to come down there and slide on the ice on Fire Lane and really get hurt. The school bus at Wydnor Avenue has to try to pull over into Wydnor so it's not going over the ice and the water so the kids don't go through 6" deep water. He doesn't understand why someone doesn't approach this problem and solve it. He'd like to have someone look at it and see what could be done? Mrs. deLeon said has this been looked at? Mr. Cahalan said not that specific area. He can look into it and report back to Council. Mr. Maxfield said Mr. Gress mentioned a detention pond, is it a relatively new construction? Mr. Gress said he'd say in the last two years. There have been two houses built on that road. Mr. Maxfield said there has to be an existing plan for the detention pond. Maybe we could have the Engineers look at it and see what it's supposed to be doing. Mr. Gress said a good amount of water comes down Fire Lane off the mountain. If that pond could catch any of that water, a lot of the problem would be solved. He's never seen water in that pond yet. Mrs. deLeon said that has to be looked into. Mr. Miller said if you want him to look into this, he'd like a motion. Mr. Cahalan said we'll discuss it and bring it back. Mr. Gress said if you want any more information, he'd be happy to talk to you about it.

- Donna Louder, 2145 Johnston Avenue, Steel City, said on July 10<sup>th</sup> she was here for the EAC meeting and on the table was, BRE wanted to put storage tanks on the site of the landfill. On July 11<sup>th</sup>, she got a message in her email stating they no longer need them, they are back up and running as of July 9<sup>th</sup>. Can someone explain that to her? Mr. Maxfield said they are not back up and running, they are shut down. Mrs. deLeon said the letter said they were up and running as she forwarded it that. Ms. Louder said she has the letter in front of her if you want to see it. The letter was directed to Mr. Cahalan. It says "regarding BRE, on behalf of BRE, BRE originally anticipated placing temporary storage tanks on the facility to accommodate the process of restarting activities on June 8, 2012. To enable replacement of these tanks, BRE submitted a LST planning application to request a waiver to the Township's subdivision development which would require Township approval for placing these temporary structures. Township staff and consultants provided comment letters and applications later in June. Upon review of these comments, BRE has decided to suspend, for the time being, the use of the temporary storage tanks at the facility. Instead, BRE will continue with its discussion with the City of Bethlehem Dept. of Water & Resources to identify the most appropriate process to adopt to and insure the waste water discharge from Applebutter Road facility meets all the department standards. BRE anticipates recommencement at the facility on July 9<sup>th</sup>. Thank you and your staff and the Township consultants for your assistance through this process. Any additional questions to [DanielGuest@AMEC.com](mailto:DanielGuest@AMEC.com) or 610-828-1800. What is that? Mrs. deLeon said she followed up on it. She copied Donna as she's on the Landfill Committee and she asked the staff if they could respond and is anybody checking? They had letters from the City of Bethlehem and IESI criticizing their lack of maintenance and now they are just going to start up. We have a landfill meeting tomorrow at 1:00 and we usually talk about BRE and whether they are using the facility or it's being flared. Does anybody know? Ms. Louder said Hanover Engineers even made a lot of recommendations that this not go through in a hurry because of certain things. One those tanks were going to be set up on an easement of the waterway as well as the roadway traffic and other things could be obscured. She doesn't know where this stands and hopes they just didn't set them up and start shop. Attorney Treadwell said what he thinks that letter says is they took the tank issue off the table. There are no tanks. Ms. Louder said they couldn't start up without those tanks as they were going to contain the waste. Attorney Treadwell said the letter also said that they anticipated restarting on July 9<sup>th</sup>. He doesn't know that they did. Mrs. deLeon said she guesses we'll find out tomorrow. Attorney Treadwell said they don't need the tanks if they satisfy the City of Bethlehem that the discharge they are sending to the City of Bethlehem sewage plant meets all the regulations. Ms. Louder said one would hope so. Attorney Treadwell said that's the City of Bethlehem's issue. They are the one that shut them down to start with.

**General Business & Developer Meeting**  
**July 18, 2012**

- Ms. Louder said the Park plans for Steel City look beautiful. There was one concern she had – sand. Sand is also for kitty litter. Mr. Cahalan said that was discussed at a meeting awhile back. Ms. Louder said can we not do the sand? Ms. Stern Goldstein said that was at the request of the fire department. They play sand volleyball and they play competitive sand volley ball. That’s when they had the meeting at the fire department across from the park. Ms. Louder said she’ll be there ar August 6<sup>th</sup>. Ms. Stern Goldstein said they take their direction from the Township, but that did come from the public visioning meeting loud and clear. The fire company only had one request and that was their only one. Ms. Louder said small children should not play in kitty litter. Ms. Stern Goldstein said small children usually don’t play sand volleyball either.
- Mrs. deLeon said someone should respond to her email. When a Council person sends out an email asking a question, and nobody has responded to her. Mr. Cahalan said he thought that was sent to the Landfill Committee cc and they were copied on it. He asked if she didn’t get a response from the Landfill Consultants? Mrs. deLeon said nobody responded to her email. Mr. Miller said he’s not even sure he received it. Mr. Cahalan said Jim Birdsall received it. Could Mr. Miller ask Mr. Birdsall to respond to Mrs. deLeon tomorrow? Mr. Miller said he could do that.
- Mr. Bob Wells, 2134 Saucon Avenue, said he was at the EAC meeting. At that time he made a statement that some of the members of the Saucon Valley Families Opposing Landfill Development had a perspective with respect to the safety of using combustion engines to burn the methane that’s generated from the landfill. With your permission, he’d like to please ask you to accept the following adverse comments on the existing landfill gas energy project at the IESI landfill in Northampton County. There are 17 references that are listed after what he’s going to say. They are technical documents. He’ll read through it. If you want to read the technical document, you’ll have the links in the letter. Mr. Horiszny said did you say they are going to be about combustion engines? Mr. Wells said internal combustion engine/generators. Mr. Horiszny said they don’t use internal combustion engines, they are turbines. Mr. Wells said that doesn’t involve internal combustion at all? Mr. Horiszny said no, they are turbine. Combustion engines were the first proposal and they weren’t good. The turbines were used instead. Mr. Wells said outstanding, then he has nothing to talk about tonight.
- Jim Bouchard, 2678 Quincy Avenue in Steel City, said he’s here about the potential rezoning around the Applebutter Road landfill. As a resident, he’s been here the last couple of meetings listening to what people had to say and those that have come up to speak have done a pretty good job of representing a lot about how we feel about it, the problems we have with it, and why we feel it’s a pretty bad deal. He knows this matter is currently under review at the Planning Commission, but looking ahead, they are eventually going to come back here and produce a recommendation to you on how to proceed and it’s going to come back and be in your hands and a decision is going to have to be made. In addition to the recommendation by the Planning Commission, what other input do you anticipate needing to have in your hands to be able to make a decision on this? Attorney Treadwell said he can start by reiterating by explaining the process. In the event that the Planning Commission makes a recommendation on either of the map options or a new map option that they are considering, it would then come back to this Council for a vote on whether or not to advertise for a public hearing of a zoning amendment that would include the map and the text amendment. There would be a public hearing which is a meeting just like this one with all the members of the public invited to state their opinions on the proposed amendment and map changes again. As part of that process, the proposed changes would be sent to the Planning Commission. They would be sent to the EAC, the LVP for all of their recommendations and comments. That is the process and how it would proceed. Mr. Bouchard said at this time, the Council is waiting for the Planning Commission to come back with a recommendation and there’s not a whole lot of activity going on regarding this topic. Attorney Treadwell said he can’t speak for what Council members may be looking at or reading individually, but there’s no official discussion taking place at this level until the Planning Commission makes a recommendation. Mr. Maxfield said Township Council’s are responsible for their own zoning; however, they do take information from LVPC, and comments from other Planning Commission’s. It’s just not made in thin air. There are other things that go into it. Mr. Kern said he personally would encourage the Planning Commission to proceed with the zoning amendment process only because it’s a process which is a democratic process to

**General Business & Developer Meeting  
July 18, 2012**

get the information. Get all the information that we would need to get heard, get Steel City residents within the Township here to discuss all the issues involved. Currently, he's neutral and he would like to hear all the issues involved before making an informed decision. One of the reasons he got on Council was similar to Matt McClarin, something happened near his house that affected him; and his response was to get involved and to get on Council. That issue was open space. Another issue that is very much on his radar since he's been on Council and very difficult to deal with is the lack of income we have in this Township that's not residential taxes. We have no commercial income in this Township. We have \$65,000.00 of income that's coming in from commercial, and that's unbelievable. That's why the tax burden is borne by us in this room. That's an issue he'd like to explore and find out is there a way to resolve that to benefit everyone in this room. Can we find a way to do it whether it's the landfill or another business in that zone to make that happen or if it's not possible? Those are the issues he'd want addressed publicly, in this forum, so that everyone gets to talk openly and discuss it. Then we come to a resolution. That's what he sees as the purpose of the process continuing. Mr. Maxfield said to echo of what Glenn is saying, the process of landfill approval for just talking about an expansion of the landfill is very long, very complicated, and includes lots of discussion, input from the public, everything. It's not just a thing that happens and you snap your fingers. It takes a long time to make an expansion. It may not happen. It may happen. Like Glenn, he's neutral, but he thinks the process needs to be respected like Glenn said. We have to be able to talk with fact based information, clearly, calmly, and then make a decision as a community. Mr. Kern said he'd like to hear all the LST residents say they don't care if their taxes double. If that's what it takes, he'd like to hear that though. All he's heard is the Steel City perspective, and that's a very important perspective. If no one else talks, that may be the only perspective we hear. Mr. Maxfield said we do need to hear the perspective of people with fixed incomes and things like that, where people will really get whacked financially. That's a long time off.

- Mr. Willard said at one of the Council meetings, Matt McClarin asked what research the members of Council had done and he cited a long list of research that he and the residents had done. Mr. Willard did suggest if Mr. McClarin passed that along, he would certainly take a look and share the information with his fellow Council members so they could all review the same research that he was referring to that evening and that was a matter of public record as the minutes were approved. After most of the room cleared, he made a motion for the Director of Finance to perform a financial analysis of the impact of the landfill in terms of the sources and uses of the funds, the reserves and effects on taxes if that revenue were discontinued, barring that nothing else changes. This is a follow up to Ms. Louder having a CPA take a look at that on your behalf. We will have that report at some stage.
- Ms. Louder said she recalls Mr. Treadwell saying this is not about the dollar. She recalls Mr. Treadwell saying it was about the community. All she's hearing is taxes and dollars. These are our homes. You are talking about turning that area into industrial. Once that land is landfill, that is dead land. There is nothing. You talk about open space; you are going to have open space of garbage. The other problem is this landfill is only bonded for 30 years. When this landfill started back in the 40's, this landfill did not put liners down. Zone 8 has the highest levels of leachate still draining. That is the old section of the landfill. That is the 50 some year old landfill. That is the landfill that is still poisoning the ground. That is the landfill they can't get a handle on it, and the only way she learned they can get a handle on it and this was sitting at the table with Al Schleyer up at IESI was to re-dig all that garbage up and fill it into a hole that does have a liner. That land is going to be dead. That section of LST is going to be dead, desolate, there will be no businesses. If you want to increase businesses, 378, what happened to Super Fresh? Why don't we pull something into that shopping center? Little stores, restaurants, something for kids, why can't we start taking that part of the properties and start creating revenue? The landfill is a band aid. It's bringing it \$1.6 million a year for how many years. When they expand, and they have another ten years on them, after that 10 years, what band aid are you going to use next? Where is the reserve from that \$1.6 million that has been spent foolishly? Nobody pocketed any money. Nobody saved for the rainy day when they filled up and they had to shut down. The promise was made to us as LST residents that the landfill will not expand. They will not come out of their box. Mr. Maxfield

**General Business & Developer Meeting  
July 18, 2012**

said who told you this? Ms. Louder said this is on paper. Right now she's so upset she can't think of the paper it's on. It's on your agreement. The amendment you gave when Eastern owned it. They were on this property. They were given this much land. They were not allowed to grow. People who bought properties up above the mountain top were told that the landfill will not expand, no way. Mr. Maxfield said he has to stop this. So far this is a perfect example of what he was talking about. What she's told them tonight is an .....Ms. Louder interrupted and said her facts are straight. Mr. Maxfield said hold on, flights of fancy, is what they are....Ms. Louder said I beg your pardon, you are talking ridiculous. Mr. Maxfield said can he finish and he will explain. You talked about the historic landfill. First of all the company that runs the landfill now had nothing to do with the creation of the historic landfill. Ms. Louder said you are absolutely right, but they are the property owners. Mr. Maxfield said IESI has done everything they can do at this point to make that a better situation to the point where DEP recognizes it as a much better situation than it was before. It's not like if the landfill expands, we are again going to have big open areas with no liners underneath. Ms. Louder said she's not saying that, she's saying it should be bonded. These liners are not fool proof. Mr. Maxfield said again we are talking about something we shouldn't be talking about right now as we don't have an application in front of us and it's also a series of statements that are unproven and wild. Mr. Kern said that's what he's talking about. We need to hear what you are saying and then sort through it. Ms. Louder said the bottom line is the land is going to be dead and the landfill is a band aid to fix the money problems you are talking about. Mr. Maxfield said these are your opinions. Ms. Louder said why don't we start looking out to 378 where you have buildings that are standing that were grocery stores. Why don't we start developing over there? Why don't we call Wawa and tell them to put a store up the road from the fire company. That's a big business. Attorney Treadwell said he's sure LST and this Council would love to have someone to move into 378. Unfortunately, at the moment, no one appears to be interested. Ms. Louder asked why aren't you recruiting somebody? Instead of recruiting the landfill, why can't you go out there and say come to our place? Attorney Treadwell said first of all, nobody recruited the landfill. Second of all, it's not that easy. If you look at the economic situation that's going on in this State, in this Township, in this Country, nobody is really building anything. Ms. Louder said Sir, I know that. Attorney Treadwell said it's not as easy as going out and saying why don't you move in across the street? Ms. Louder said at the same token, why are we going with the landfill? Why are we taking this property and saying, okay, we're going to make money on the landfill, and the hell with the people who live next door to it. Attorney Treadwell said he thinks he just heard two members of Council say it's still on the table. Part of planning for the future is to consider all of the available options. He thinks he heard Mr. Kern say that's what the process is for. Ms. Louder said she understands that. She is giving you her opinion. As a resident, she can do that. Attorney Treadwell said absolutely, you can. He would also like to correct what Ms. Louder said at the beginning. He never said you can't talk about money. If you look at the memo that he and Judy wrote, it talks about the factors that can be considered in a rezoning decision. It does not say that. It says first and foremost, it needs to make planning and zoning sense. Then, you can consider anything you want to. Mr. Kern said that's what we're in the process of doing. Ms. Louder said she understands that too. She recalls Attorney Treadwell telling them that this should not be based on the financial end of it. Attorney Treadwell said a rezoning decision cannot be based solely on financial considerations is what he said. That's the reason why he wrote the memo to further clarify what that means. Ms. Louder said she appreciates that, but in the same token, as soon as the conversation started about the landfill, it spun right around to the tax. It spun right around to the dollars. That to her was insulting. The other thing she wanted to know was if anybody found out how the truck driver was who got hurt yesterday at the landfill? Is OSHA going to be checking up on that? Mrs. deLeon said they will find out tomorrow at the Landfill meeting. Mr. Kern said you can let us know at the next meeting. Ms. Louder said she would hope you would be on top of that and find out first.

- Rocky Viscito, 4235 Lewis Avenue, said Mr. Willard said a report will be forthcoming. Will this be before or after the Planning Commission makes a recommendation? Before you make your decision? After? Is it coming tomorrow or six months from now? Do we have any kind of an idea? Mr. Willard said unfortunately, he didn't put any timeframe on the motion. Mr. Viscito said

**General Business & Developer Meeting  
July 18, 2012**

that's why he's asking that maybe you could put a timeframe on it today. Mr. Willard said he'd have to defer to staff on that. Mr. Maxfield said from a Planning Commission standpoint, they will not be considering any financials. That doesn't have a bearing on that decision at all. Mr. Viscito said that's good to hear, but from a standpoint of actually being able to see that report, can you ask for it by a particular date so they can see it? Attorney Treadwell said he doesn't want to speak for the Finance Director, but he knows that she's working on it and he thinks you will have that by next week. Mr. Viscito said you mentioned open space. His seven year old son and nine year old daughter are on the top of that mountain almost every weekend. They go berry picking; they go and do all types of hiking and walking and discovering of new animals and plants. The open space is used and used on a very regular basis, so please keep that in mind. Mrs. deLeon said the report from Cathy, Council will get it in the next week or so. Is that going to be a public document? Will it be on the website? Attorney Treadwell said it can be emailed to Council. It's up to Council to decide whether you want to make it a public document or not. Mrs. deLeon said she's sure the residents would love to see it. Mr. Kern said we would all love to see it. Mrs. deLeon said she doesn't have a problem with making it public after it's finished so the residents can see it. It is her report. How does the rest of Council feel about that? Mr. Maxfield said the courtesy would be to give it to Dave first as he requested it. Mrs. deLeon said give it to Dave, it was Council authorization. It wasn't just Dave. Mr. Willard said the intention would be to make it public, and he thinks it would like it to come to Council first as they requested it. Mrs. deLeon said it will come to the meeting in August? Mr. Willard said if the timetable that Linc is suggesting is correct. Attorney Treadwell said we will have it most likely emailed by the middle of next week, definitely by the end of next week to all Council members. What you choose to do with it then, you can decide at your August meeting. Mrs. deLeon said the residents won't get it until the August 15<sup>th</sup> meeting? Attorney Treadwell said not unless Council directs otherwise.

**MOTION BY:** Mrs. deLeon moved to make the report public.

Mrs. deLeon said there are things on the website that are there now that Council didn't authorize. Mr. Cahalan asked what was on the website that wasn't authorized? Mrs. deLeon said she meant that it wasn't sent to Council for their okay to put it on the website for the public – the maps, Linc's report, and all that stuff. Mr. Cahalan said he thinks those were documents that were released to the public at a meeting and our policy is to put that on the website the next day. Attorney Treadwell said some of those were documents the Planning Commission had requested and we had heard, as a staff, there were citizens concerned about receiving some of those documents prior to the Planning Commission meeting so they could prepare and that's why they went on the website. Mrs. deLeon said she's just merely saying this is one of those documents at our level that would be the same thing. Attorney Treadwell said there's not a meeting that will be held prior to your August meeting where any of that financial information would be discussed.

- Mr. Boyer said can he make a request as a citizen to have it requested as you quoted and saying the Planning Commission was doing that because the people wanted it. He'll make a request that this be publicized prior to the meeting in August. Mr. Maxfield said if we're going to receive it, via email, it's not confidential information. Priscilla can email to whomever she wants to. What's to stop us? Attorney Treadwell said it will not have a confidential label on it. Mrs. deLeon said fine. Mr. Boyer, said when he first came up, she wasn't sure what you were asking about that it was about the financial report. He took notice that after the Planning Commission there were some memos that came out of Mr. Treadwell's or the engineer's office and it looked like some of the comments we made at the Planning Commission at a public hearing were commenting on our comments. He doesn't know if we requested a rebuttal to those comments be made, but they came out that way. Attorney Treadwell said he doesn't recall anything being published after the last Planning Commission. Mr. Boyer said maybe it was the Council meeting. He's not sure of the exact dates. They made some comments about the use of the land and within a few days there was a memo that showed up at the end of the list for the LST, and there were comments about all the

**General Business & Developer Meeting**  
**July 18, 2012**

things we did. Mrs. deLeon said the announcement page. Mr. Boyer said he didn't know if it was in preparation to the meeting or prior to the comments. It just seemed it was really focused on what they were talking about. Attorney Treadwell said he never wrote a memo that responded to anyone's comments and he believes Judy would say the same thing. Ms. Stern Goldstein said she would say the same thing. Mr. Cahalan said the only thing put on the website are documents that are released at a public meeting. Ms. Stern Goldstein said part of the confusion might be when you checked the website; there were things that had been posted actually prior to a meeting. Mr. Boyer said it was dated after the meeting. Mr. Cahalan said it would come out on the website following the meeting. Mr. Boyer said the memo looked like it was created after the meeting. Ms. Stern Goldstein said it may have been something that was done prior to the Planning Commission meeting, and was part of the Planning Commission agenda packet that was posted. It was after Council meeting prior the Planning Commission meeting, not in rebuttal to anything. It was the memo she and Linc wrote together talking about the issues for the Planning Commission to consider. It wasn't in rebuttal. It was a summary of issues for consideration for the process and procedure. Mr. Boyer said that may be his terminology and is not accurate about what it was for. It just seemed coincidental that it was after the meeting, but it was dated after the meeting. He wants one clarification from Mr. Kern. Did you make the comment about your considerations about what you were going to do or think about in this process, as it come back to you at some point, was that commercial income in the Township is only \$65,000.00 excluding the landfill? Mr. Kern said yes. Mr. Boyer said the total tax commercial collection is only \$65,000.00? Mr. Kern said amazing, isn't it? Mr. Boyer said yes. He was pretty shocked and that's why he wanted a clarification. We are then a community of people, not a community of industry. Mr. Kern said exactly. Mr. Boyer said he thinks he heard Mr. Kern's concerns of what he was going to consider for making this decision, or points that he made. He even made the point that he got on this Council because of something he wanted to get involved with. Correct? He'd like to be really correct at this, or you correct him if it's not correct. He said to Mr. Maxfield, you must have a tremendous concern for the environment, and based on that, he sees you are in so many public areas. You're on the Council; you're on the Planning Commission; you're on the Lower Saucon Library Task Force, which is dealing with people; you're on the Environmental Advisory Committee; you're in the Saucon Creek Watershed Association; which one did he miss? Mr. Maxfield said he is an ex-officio member of the Historical Society. Part of the reason for all of this is he has no children to spend his time on. Mr. Boyer said you teach the children? Mr. Maxfield said yes, he's a teacher. Mr. Boyer said he assumes you got involved with this because of something in your background, in your backyard, or whatever the case may be, to get involved in all of this? Mr. Maxfield said yes, he and Mr. Kern got involved at the same time over the same types of issues. Mr. Boyer said answer this, as best as you can, what is your opinion of the current use of the area that is marked and zoned RA when it's proposed to be rezoned as LI and the vegetation and all the other things go by. Donna gets too excited that it's just plain old nothing left, but what is your real opinion of that happening? With all this environmental concerns, and so forth, do you see trees coming back in that area, or do you see that going away or it's a viable source of the way of using the environment there? Mr. Maxfield said thank you for asking. He's wanted to explain this for a long time. You're right, there won't be any trees there because the root system would pierce the liner from what he understands. He and other Environmental Advisory Council members have tried to encourage the landfill to grow warm season grasses on the existing landfill to at least make habitat for animals and things like birds, which has been done in other landfill's in PA. Mr. Boyer said it hasn't been done here? Have they considered it? Mr. Maxfield said he doesn't know if they considered it. They opened up the discussions and it didn't go any further. We can't twist their arms. We'd still like to see it. He's said this to Glenn a number of times. This is the hardest decision he has ever had to make on Council because he is concerned and really cares about both sides of this issue. Mr. Boyer said what are both sides? One is environmental, what is the other side? Mr. Maxfield said he's going to say both sides when he says basically if the landfill decides to expand or not to expand. Those would be the two sides to him. Non-expansion would be much more wonderful for the environment there. He doesn't know where he's at yet. He's honestly like Glenn, in the middle here. He wants to hear everything. He doesn't want anyone to

**General Business & Developer Meeting**  
**July 18, 2012**

misconstrue that as non-caring, as he really, really cares what happens to this area. He really, really cares about the accuracy of information, and it's very important that this information be the absolutely, the best information, we can get and he wants to make the best decision possible for the Township. He really is struggling with this. He wants you to know that as one Councilman, he cares. He has driven through Steel City so many times, he feels that he lives there, checking things out, looking all over the place. He even drove there during the storm the other night just to see water runoff. He cares, and he's going to think about it all, but he wants to be able to consider it and be able to think about it, and that's why he will support Mr. Kern's idea of process. He thinks the process has to be there. Killing the process means we just kill it and information doesn't get out there, and you don't learn, and we don't learn. He wants the information to get out there and he wants us all to learn. He wants us again to make a decision as a community, the best thing for the community. Mr. Boyer said he doesn't feel comfortable that he got an answer from Mr. Maxfield as an environmentalist. What is your opinion of what's going to happen to that if it does expand? What's the benefit? Not one or the other? It's stripped. It's not going to be used again. They are not even planting grass. What is your opinion? You just made the comment you asked them to do that. Mr. Maxfield said warm season grass is a particular kind of grass with a longer root, a meadow grass which promotes habitat for birds. They have to at least put lawn grass on it. Mr. Boyer said what's your comment about all this environment? If you are on the Saucon Creek Watershed, and you're on the Environmental Advisory Council, and you're on the Planning Commission, he doesn't want a business answer, he wants a personal answer of how you feel the environment's going to change there and the benefit be if they actually get to expand this? Your opinion? Mr. Maxfield said he thinks that one of the environmental concerns he thinks about a lot, which he doesn't know if people are considering it right now, is that he's always said as a responsible adult, we have to deal with our own garbage somehow. He's heard a lot of complaints about chemicals coming off the landfill – benzene, and a lot of other chemicals, which we all had trouble pronouncing, but we put those in there. Those just don't get manufactured by the process, by cleaning up the gas before it goes to BRE. We put all those chemicals in there. So we have to be responsible, as a people, about where we put our garbage. Yes, he's heard it said there are other landfills in the area, there's Chrin, there's whatever, but that's one of the things we need to ask ourselves as a community too. That's a discussion we need to have. Are we going to be responsible about our own garbage or are we going to be the NIMBY community and push it to somebody else's community? Maybe we will, and maybe we won't call ourselves NIMBY, but super-environmentalists. Mr. Boyer said the point he would like to make in having to put this garbage in somewhere else is he'd like to put it back into NJ or into NY. 75% or some huge percentage isn't even ours to begin with. Mr. Maxfield said we'd all love that. That's interstate commerce. Mr. Boyer said it sounds like it's our responsibility to take our garbage and put it there and not somewhere else. He doesn't know how much of our garbage is really going to go there compared to we're taking in everybody else's garbage, and we're only going to make everybody else's garbage greater in our area. Mr. Maxfield said that is true. Mr. Boyer said he doesn't think as an environmentalist, that's exciting for him as a person in the Township. Mr. Maxfield said the other environmental point he thinks about is, and DEP will tell you, they would much rather expand an existing landfill than start a brand new one somewhere else. He thinks about that. As an environmentalist, right down in his heart, does he want a landfill – no. He doesn't want one anywhere. They are dumps. He doesn't want one, but it's there already and again, he doesn't want it to sound like he made a decision, as he hasn't, he doesn't know yet. He's really trying to be as honest as humanly possible with you and he just doesn't know yet. Mr. Boyer said the answer that the DEP has, and he's heard that before, it's easier to expand one than to do a new one. It's like do we want to expand it in our area or have someone else who's expanded it in an area, where God only knows that there's a field somewhere where there's no trees and deer and things that are out there that are in our Township, which is a community of people and not an industry. Mr. Maxfield said you'll find it more often than not, at Council, what we do with our quality of life issues. We don't deal with a lot of industry coming in. We tried to invite other businesses to come into those areas, but nobody is taking us up on it, so here's where we are. We have to decide as a community what to do. Mr. Boyer said he thinks that's good. He thinks the fact that after the consideration of

**General Business & Developer Meeting**  
**July 18, 2012**

what the zoning and environment is, when it comes to the financial, there probably is a way as it's taken us five or six years, if it was termed that they couldn't expand and they had to close. He's not sure of the actual deadline is. Mr. Maxfield said about four more years. Attorney Treadwell said there's no document out there that forbids them from expanding. Mr. Boyer said he didn't say that; please don't put words into his mouth. Mrs. deLeon said the Host Agreement. Attorney Treadwell said it doesn't say they can't expand. The Host Agreement says they can't use the zoning doctrine of natural expansion. The Host Agreement does not say that a Council, at some future point, could not change the zoning that would allow for an expansion. Mrs. deLeon said right, but currently if Council doesn't change it, they cannot expand into the RA zone. Attorney Treadwell said that's not what everybody is saying. What he's heard tonight was people saying the document says the landfill can't expand, and that's not what it says. Ms. Louder said if you don't change the zoning, they can't. Attorney Treadwell said that's correct, but there's no document that says the landfill cannot expand. If it did, we wouldn't we having this discussion. Mr. Boyer said you interrupted what he was talking about. Attorney Treadwell said sorry, but Priscilla asked him a question and he was answering her question. Mr. Boyer said he had the floor, so if you want to take it up with Priscilla after he gets off, that's fine. If this is not an exception and they have to stop at some point, and Mr. Maxfield said four years, whatever it is; the point he wants to make is it's time and gives us time as a community of people, not just to look at the crisis ahead of us, but to be able to plan or be able to create some budget cuts, or whatever the case may be, and including some of the tax increases, but it gives us time. It's not like it's next year that we have this crazy crisis that we are going to have to go bankrupt or something like that in the Township. We have time to do this. Mr. Maxfield said it's true, but keep in mind also, despite all the accusations that have been made, we run a pretty tight budget. There's no real waste. Mr. Boyer said he's not saying that you don't. He didn't want to indicate that. He just wanted to indicate that there is time to look at all the other resources or possibly other areas that may be more suitable, and Donna brought up that one building that could be used for something and so forth. He only wished Bill Gates would come with Microsoft and run a business that we would get another million dollars worth of taxes from it, but whatever the case may be, he's just saying there's time in the consideration of the whole thing. To make the decision based on environmental and based on dollars and cents, the dollars and cents are not life, death threatening in the next two years even, or three years, right? It's got to be at least four years or more. Mr. Maxfield said that's why Dave asked for the financials. We want to know that. Mr. Willard said we should just acknowledge we have a police regionalization study underway, we have a library consolidation study underway, we have a fire company study underway. Yes, we should have the study of what else can we do in this Township to drive revenue and balance our budget. He doesn't think anybody on this Council would disagree with that, and in this situation, we need to take action on that relatively soon. If he might come back to the financial report requested, so we're all in agreement before we leave here, he requested that on behalf of Council as ultimately we have to make a decision and that is part of the input. He foolishly did not put a deadline date on it, but our staff is very efficient, and he's very happy to hear that it will be completed soon. He's very happy to hear that it will not be stamped confidential; and he's very happy to hear that we can email it to whoever we want. His thought process was because of the cancellation of this month's Planning Commission meeting. The next Council meeting is August 15<sup>th</sup> and precedes the next Planning Commission meeting which is on August 23<sup>rd</sup>. We also heard from Attorney Treadwell tonight that the Planning Commission will not be dealing with the financial aspects, so his thought is we get it in our hands, and then we give public approval and post it after the August 15<sup>th</sup> meeting. If we make it a motion to post it sooner and that's approved tonight, that is certainly fine with him. It was not intended to be a secret or private document for the Council. It was too look at this aspect with the benefit of the expertise of our Director of Finance so we could all be informed on that. Mr. Boyer said what did you ask them to do and what we can expect whenever? The financial impact if it goes away. Mr. Willard said how the funds are being used and what would be the impact when it ceases to operate, whenever that is. Mr. Boyer asked Mr. Maxfield if he had any comments to what he said or to add to any of his own comments on the environment? Mr. Maxfield said he has to thank you for allowing him to speak like that. He does not normally get the chance to do that as he knows

**General Business & Developer Meeting**  
**July 18, 2012**

he's also speaking for the hearts of the vast majority of people up here on Council. He knows from talking to people, they feel the same way he does. They want to do the best possible job that they can do here. There's nothing hidden. There's nothing undisclosed. There's nothing they are keeping from anybody. It's just policies and procedures that they've been following for a long time, and he thinks they are probably the most open Township's around. He knows that when we finally do come to a decision, it's going to be a community decision. Environment will play a part in it, yes. It's where we live, so it plays a part in all of it. Mr. Boyer said he heard Mr. Kern correctly and some of the things he made and stated that if he was able to get, not in this room, everybody in the Township to say, we don't want this, you would listen? Mr. Kern said yes. Mr. Boyer said good. Mr. Maxfield said you elect to represent you, not to necessarily follow your orders, but we'd be really stupid not to listen. We do listen. We promise you that we listen. Mr. Boyer said if we get everybody here, we hope you do listen. Mr. Maxfield said even when he asks Donna to let him talk, he's still listening to Donna.

- Eusha Patel (did not sign in) said she lives at 2134 Saucon Avenue. She's having quite an education and wants to thank everyone. She understands it's a process and we're going through a lot of different discussions. She wrote down, has there ever been a situation where the public would not have a say in things that have happened in our community and that there would be foregone conclusions? For example, is the expansion already a foregone conclusion? Mr. Kern and Mr. Maxfield said absolutely not. Attorney Treadwell said if it was already a foregone conclusion, then we wouldn't be going through the process. It's the simplest way he knows how to answer that question. Mr. Maxfield said there are things we talk about in Executive Session like when we purchase land, but then before we purchase the land, we make it a public point. If we have a personnel issue, that is allowed to be talked about in Executive Session, but when we finally do an action, we do it publicly. Unless we're trumped by somebody from the State or Federal Government, there's nothing we do that is not public. Nothing is going on without anybody knowing it. Ms. Patel said one of the words she wrote down was strong arm. That's a really powerful word. Would there be a situation where IESI would be able to strong arm our Council, our representatives, who are representing the people that live in the community? Mr. Maxfield said no. For two reasons, we wouldn't respond and IESI is not that type of company. From what he's been told by environmental engineers, IESI is one of the most responsible landfill companies out there, and there are plenty that aren't responsible. Priscilla can tell you from being on the Landfill Committee, they are responsive; they recognize their problems; they let us know about them; and they try to address them. Mrs. deLeon said she doesn't completely agree with that statement, but compared to the City of Bethlehem, they are the better operators. After the City, there were two other firms, and then IESI. The City of Bethlehem did not want to do anything there. They created a lot of the problems. She'd say 70% of the time they tell us what's going on there, but we are still finding things out months later that they should have reported to us, but they didn't. Like the BRE thing, she had to ask for that letter, and we found out that it was six week ago, and it should have been received by the Township. Ms. Patel said she was researching zoning, and it's her understanding that zoning is something that is put in place to be able to protect the people that live in the community. Steel City residents and the community is part of Lower Saucon Township as well. There are people that live there. She's asking that you take that into consideration and look at the whole of the community when you are making a decision. This is people's lives as well. Absolutely the environment is a huge aspect, but this is people's lives for a long, long time. Mr. Maxfield said you can't really have the environment and separate the people from it. It's all one. To go back to your statement about zoning, sometime when Judy has about three days, she'll sit down and talk about zoning, but it's established by community. It can be changed by a community, but it still has to meet certain types of very general standards about kind of things you need in your community. We've had some surrounding communities challenge legally because they did have enough type of one zoning and a type of zoning for us is industrial and we have to make sure we have enough of all those kinds of things. Zoning is really bizarre. Mrs. deLeon said in light of that, we have no applications to go before us to go into the LM zone. We never had any applications to go into the LI zone, and that's including any property that was north of Applebutter

**General Business & Developer Meeting  
July 18, 2012**

- Road and the property south of Applebutter Road along Ringhoffer Road. Not one application; and there's no vacant acres. Ms. Patel said we have a process and she appreciates all your comments.
- Mr. Boyer said he heard Mr. Maxfield and he'd like to follow up with that. He mentioned the fact that the zoning is sometimes not enough of whatever proper zoning. Why can't we be a zoning of people instead of a zoning of industrial. There is a comprehensive plan. The plan seems to be okay. We paid people to get this plan to where it is today. The fact where it is today is without all of that balance of 50% industrial and 50% people. We're the people, why can't we just be the people? Mr. Maxfield said that's a question. Mr. Boyer said why do we have to be like everybody else? Ms. Stern Goldstein said we don't have to be like everybody else, but we do have to comply with the Pennsylvania Municipalities Planning Code which sets down the rights and responsibilities of municipalities in PA with regard to zoning and that's one of the articles of the MPC that sets forth certain uses that the Township is obligated to zone for and to accommodate for in their zoning ordinance. Residential is one of them, multi-family; mining is one, extraction; agricultural, there are series of things that need to be accommodated and then you need to accommodate for your share of growth in various areas, population being one, but also industry and commerce. There are certain things that are set forth and you can go through Article VI of the Pennsylvania Municipalities Planning Code or she can go through it. There's a lot of material out there. It's not that we want to be like everyone else as she doesn't think in any way, shape or form, Lower Saucon has ever said they want to be like everyone else. Lower Saucon wants to meet the needs and goals and objectives and desires of the people and Council is mandated to protect the health, safety and welfare of the population of the Township, and that's what they are doing, so it's not to be like everyone else. You'll see throughout the process and procedures of this, Linc is the Solicitor and she as the Planner will be giving certain cautions as to what needs to be looked at. One thing you will hear her say repeatedly is zoning needs to be generally consistent with the Comprehensive Plan. You'll get to hate the phrase "generally consistent", but it's a phrase she'll be using a lot as it's one of the legal phrases for planning. We'll be sprinkling in the advice and the cautions and things to look out for as the process goes on, but no way shape or form is the outcome supposed to be like everyone else. Mr. Boyer said our outcome or our present day situation is not something that we are in penalty with the Pennsylvania Coding or anything like that. We're apparently are a good citizen Township in our zoning already. Ms. Stern Goldstein said zoning should constantly be in a state of flux to adopt what the current situation is and rejections coming down the road, each time there are new population projections, new commerce projections, each time there is an update to a comprehensive plan, as we had with the joint comprehensive plan recently. Zoning, by nature, needs to be looked at, and examined on a regular basis and is what is happening now. It's not that we are in penalty violation, but you need to always keep looking at it. It's not static, it's dynamic. Mr. Boyer said if he understood what Priscilla said, this is the first time or the only time we had a zoning request for this type of zoning in the Township or did he misunderstand that? Mrs. deLeon said she just said she doesn't recall another applicant coming in to put a use in an LI or an LM zone. She doesn't recall ever. Mr. Boyer said except for BRE. Mrs. deLeon said that's still part the landfill. Attorney Treadwell said Conectiv. Mrs. deLeon said no, IESI leases that tiny little section of their 224 acres to BRE. That's still owned by IESI. Attorney Treadwell said Conectiv across the street was in the LI zone. Mrs. deLeon said she takes that back, BRE. Other than that, no one else. Attorney Treadwell said Lower Saucon and Bethlehem. Mrs. deLeon said we have the land across the street on Ringhoffer, that's 130 acres, no applicant. That's LI zone. That's available LI zone. Then we have the LM zone, and she doesn't recall any applicants. Mr. Boyer said we have more zoning than applicants are what we're talking about or people coming into increase our \$65,000.00? Attorney Treadwell said if you don't have the zoning in place to begin with, you can never get an applicant. Mr. Boyer said there is zoning. There's 130 acres across the street that is available. Attorney Treadwell said with no applicant. Mr. Maxfield said across the street are Brownfield's, which means basically to function on that at all, you have to seal off the whole surface. There's no digging in the ground across the street. Mr. Boyer said you couldn't put a building there? Mr. Maxfield said you could put a building there, but you'd have to put it on a pad. What they want you to do is seal off water infiltration into the ground which will carry the poisons and pollutions into the water system, so you basically cap the entire thing. That's

**General Business & Developer Meeting  
July 18, 2012**

going on over there right now. He thinks there's a Crayola factory going on in the City of Bethlehem on that chunk of property where they are putting up big warehouses and they are refarming some of the landscape, but it's all going to be capped and sealed off. Mrs. deLeon said a lot of the land in the City of Bethlehem was covered under Act II for the Brownfield's legislation, but there's some area along Ringhoffer that she doesn't think was ever touched by Bethlehem Steel. Mr. Boyer said is it on the table for people to come into our Township in the Brownfield? He's making it up as he goes along here. Crayola went to Bethlehem and had that situation. Is there anything in our Township that gives us some indication that we give them some incentives to have them come and do Crayola in that Brownfield and do their thing and create some business for us? Mr. Maxfield said we had a potentially good client a year or two ago, a data storage company, that was very interested in that area, but they moved on. Attorney Treadwell said Majestic. He thinks it was along Ringhoffer, so there was an applicant, but they got a better deal somewhere else. Mr. Maxfield said Majestic is the company that is still managing or owns that land, but they are having other concerns coming in. He doesn't even know if we ever got a name for the data storage company that was interested because it was so secretive. They didn't want to reveal any information. Keystone is the managing company who manages it. Mr. Maxfield said we're trying.

- Ms. Louder said say the zoning goes, now we're LI, and the landfill expands and they live there for ten years. They say okay, we're done, no more land, goodbye. Who's coming in? It's zoned LI. Who's coming in? Who's next? Who's moving in? Nobody, it's dead land. Mrs. deLeon said she gets it. Ms. Louder said she hopes Mr. Maxfield gets it. Mr. Maxfield said he tried to explain it a little earlier that the environmental concerns are very much on his mind. Ms. Louder said who's coming in? It's zoned LI now. What business is rooting tooting to come in between a landfill that's leaking and a sewage plant on the other side? Maybe McDonald's or Burger King. Mr. Kern said that would be the best case scenario for you as it would be maintained as open space. Ms. Louder said then why don't we save it as open space and let it green instead of brown. Mr. Maxfield said that's one of the possible outcomes. Ms. Louder said why don't we ask those farmers over there, the goat farmers, Mr. Zoumas and Mr. Gerstenberg to call the County. Can Northampton County preserve their farmland? Mr. Maxfield said their agricultural funding has been cut, slashed way down. Ms. Louder said maybe they don't want any money. Maybe they just want to be preserved. Mr. Maxfield said everybody wants to be preserved. That's the way they do it. Ms. Louder said after ten years when the landfill is closed, she's going to reiterate this for the Township Manager, when the landfill is closed in ten years and it's zoned LI, what companies are going to come in to fill the slot, to pick up the tax monies and revenue and everything else for us? You can't even take a country ride down the road to see anything pretty.
- Mr. Jim Bouchard said it's actually a good discussion and he appreciates having it. There was mention of IESI being one of the more reputable landfill companies. He was one of the people who went on the bus tour a month or so ago. That actually did seem to be true. They seemed to run a pretty tight ship or at least they did a great job of making us think so. Someone else mentioned there are less reputable companies out there that run landfills, do we have any contract or guarantee that IESI will be the company running that landfill a year from now or five years from now or are they free to sell as a private business at any time? Attorney Treadwell said the answer is no. There is no contract, nor will there ever be a contract as Judy said, you will hear throughout this process various cautionary explanations from himself and Judy. One thing you cannot do as a municipality is contract zoning. Contract zoning, the situation you described would be classified as contract zoning, and it's in the memo that he and Judy wrote as well, contract zoning is rezoning land based on a promise or a contract or a guarantee. The Township is not even able to ask that question. Mr. Bouchard said so there is none. Attorney Treadwell said the response to your question is no. Mr. Maxfield said it's America, they can sell if they want to. Mr. Bouchard said there could be the possibility that they could sell to a company that is less reputable and we're stuck with it. Attorney Treadwell said yes, there is that possibility.
- Inge Bouchard, 2678 Quincy Avenue, said she would like to thank Mr. Willard for the motion to have the Director of Finance review the budget. There's a lot of overwhelming information out there. Her background is Finance. That's the information she does understand. She does share Mr.

**General Business & Developer Meeting**  
**July 18, 2012**

Kern's concern that the risk of being so dependent on a single source of revenue, wherever that revenue comes from. She's looking forward to that report.

- Mr. Viscito said there was a comment nobody's made, is it possible to offer incentives to bring in the businesses. Can't Council offer them tax breaks or some other type of incentive to bring other industry in before this landfill closes, if it closes that we can have other income. We're giving tax breaks for four or five years to that effect and then that income will start up when or if that landfill closes. Mrs. deLeon said years ago we paid \$2,000.00 a year for maybe eight or ten years, to the Lehigh Valley Economic Development Corporation. Mr. Cahalan said it was before him. Mrs. deLeon said she was not happy about that. They were supposed to be promoting us, but somehow Lower Saucon got down at the bottom and it seemed all these things were happening in Bethlehem and other places, and then it was like why are we paying this \$2,000.00 to be part of this group, so we stopped paying it. Mr. Viscito said it's just something to think about. Certainly we don't want to be dependent on one source even if it continues to run. \$65,000.00 is pretty pitiful from a business standpoint. Mrs. deLeon said it is pitiful. Taxes generated by these businesses, and it doesn't include the host fee, but it's still a business. If we can somehow encourage business to come in, that would be the idea.
- Atom Kallen, 4362 Roberts Avenue, said based on what he's hearing tonight of the land that's already zoned LI, based on its physical description and the properties that are nearby, the landfill, the sewage treatment plant and similar locations, realistically, what businesses or industrial complexes could we reasonably expect to want to develop that land? It sounds like it's really an unpleasant piece of property. Ms. Stern Goldstein said as a Planner, she works in many municipalities and she's seen many different unique uses. She and Linc just heard about one together the other night – a company that takes powders about the granular consistency of table salt and grinds it into the consistency of talcum powder and sends it back to their client. They recently saw another business in the same municipality that created a unique niche where they manufacture defects in materials to test to see at what point that material fails doing some things for NASA, testing rotors and different components. She's dealt with some businesses down in Lower Bucks where there's a plant that takes contaminated soil and burns it off and creates clean soil that's used for other purposes. A company that creates wind turbines. There are companies that are looking for industrial areas, looking for places in which they can exist peacefully and not having complaints because they are industrial and in and amongst other residential areas. There are companies looking for the smaller lots. There are start-up industrial companies, the semi-clean industrial uses, the non-manufacturing, manufacturing uses. She did a land development years ago for a company called Stream Lite. They don't manufacture the flashlights and different components. They employ people, many of with special needs, that put the components together, and box them and send them out. No manufacturing in 100,000 square foot building that's in a manufacturing place. There are uses that could go there. It depends on your access to major roads. The needs of the company to have access to major roads. How many employees they have? Where they can draw the employees from? The price of the land? The ability to get the building and parking facilities infrastructure on the property. High tech, everyone needs the infrastructure for their own technological needs. There are uses out there. For every use, there's a site, and it sometimes depends on some marketing. They've done some stuff with an industrial commons that wanted to go high tech in Newtown and wanted to become a business commons. They helped amend the ordinance in a township working with their economic development committee to bring in businesses and now it's a successful business commons with adaptive use of existing buildings. The situation in Lower Saucon along that area is a little different. It's between the landfill and a sewage treatment plant. There are the non-desirable uses that are semi-clean still, that just need a small inexpensive chunk of land. Mr. Kallen said in your professional opinion, you think that development of that land is not just theoretical, but a realistic possibility? Ms. Stern Goldstein said it's a realistic possibility, not necessarily in today's economy. In next year's, in five years, in ten years, is more likely, but in today's economy if you get the right situation, where you have a need, you have a relatively inexpensive land compared to other land that's in more desirable places for shipping and transportation, if you have a use that doesn't rely heavily on transportation, and goods and services, it could work. Attorney Treadwell said are you asking about the land that's currently

**General Business & Developer Meeting  
July 18, 2012**

zoned LI or the land that is proposed to be zoned LI? Mr. Kallen said the land that's currently zoned. Ms. Stern Goldstein said she's looking at the LI and the LM. There's not a lot of that land, and that's why she's concentrating on the pieces that wouldn't be looking for 250 acres. We're not looking for someone to build an industrial development complex; we're looking at the smaller niche uses which we've seen popping up. Sometimes it's like the little Mom and Pop shop which starts up with a unique idea and everyone says why didn't I think of that. There are these little niche uses that don't even exist yet sometimes. Mr. Kallen said are we taking any action to promote this space? Ms. Stern Goldstein said as a Township, she doesn't think we have been promoting the space. She doesn't think that's a decision that's been made. That's certainly something that should be part of a discussion as we look at implanting parts of the Comprehensive Plan that was done. We're still in the new phase of looking at what's been adopted, but she thinks it's something that need to be done because as you start looking at your financials and at some point, as Glenn pointed out rather clearly and distinctly, there's an imbalance between the residential and non-residential tax base, so it's time to start looking at that. Whether Council makes a decision to actively promote the LI or LI, depending what we end up at the end of this, or promote some of the commercial corridor that is right for adaptive re-use as you will, the empty buildings. Adaptive re-use is her way of saying put something useful in an empty building. Mr. Kern said do I sense a Committee Chairman for Economic Development in Lower Saucon Township? Mr. Kallen said whatever you need him to do.

- Mr. Boyer said to Ms. Stern Goldstein, in the comments you just made, Linc Treadwell talked about the fact that originally the question was about the existing LI situation. You also then mentioned about the rezoning. Ms. Stern Goldstein said she mentioned the LI and the LM and if something was rezoned, the LM might change to LI also, so she's using both. Mr. Boyer said that's a good point and he understands that. What happens if it gets changed, and a particular company, IESI, spent over \$4.5 million for the land underneath the rezoning, how can somebody else take use of that land? Ms. Stern Goldstein said land is bought and sold freely in the United States every day. Mr. Boyer said he did a little research of IESI purchases of that \$4.5 million. He and his wife own an acre of land in Steel City, and IESI bought 7.3 acres of land without a house on it and paid \$500,000 for it. He wished they would buy his house. He doesn't know how much IESI is going to sell after this. They have to sell if it doesn't get rezoned, but at this point, what they are doing is if it gets rezoned, it's going to be their property. He doesn't see them selling what they already purchased. Ms. Stern Goldstein said you'd be surprised. People sell, people lease, sometimes people buy land and it sits vacant. Mr. Maxfield said if they have bought all those properties, they are hedging their bets it's not because they have any sort of agreement with us or promise or anything, they did it on their own. They did not consult us in any way, shape or form on buying those properties. Mr. Horiszny said more important with the State, DEP is going to regulate them, they have control, not us. If they apply to expand, they have to go through the State government. Mr. Boyer said they spent an awful lot of money as a corporation, as it's about 70 some acres they already purchased in that area and there may be commitments on other properties as well.
- Mr. Wells said he had a question for Judy, that it was good news and in five years as our economy begins to shift, which he believes it will, we stand a good opportunity to see more income coming from that LI zoning that's already zoned LI in the area of Applebutter Road. Ms. Stern Goldstein said LI and LM together. Mr. Boyer said the taxpayers are paying more taxes than the entire commercial tax income right now. Ms. Stern Goldstein said that's if the companies come and people like you can influence them. You said you were in the real estate business. Mr. Wells said residential and commercial. Ms. Stern Goldstein said you can have a great impact on what happens in that area. Mr. Wells said he will certainly try. Mr. Maxfield said come in and talk to Glenn and a couple people in the Township as we have other ideas that we're kicking ideas about opening up commercial areas, not near Steel City.

No second, motion fails.

**SECOND BY:  
ROLL CALL:**

**VI. COUNCIL AND STAFF REPORTS**

**A. TOWNSHIP MANAGER** – No report

**B. COUNCIL**

**Mr. Maxfield**

- He said he wants to thank Mr. Kern for not gaveling him as he was incredibly robust tonight.

**Mr. Willard** – No report

**Mr. Horiszny**

- He said he was at the LSA meeting yesterday and the Authority is continuing to work on their 5-year plan. They probably will be presenting it to us in the near future.
- He said Friday he's going to be on the river with the Economic Development Council. He will again ask them to send businesses our way.

**Mr. Kern** – No report

**Mrs. deLeon**

- She said she was looking at the weekly Bethlehem Press. They have Lower Saucon Township planners are meeting Tuesday, July 24, 2012 at Town Hall. She doesn't know how they got that information, but the meetings were changed to the 4<sup>th</sup> Thursday, so someone needs to contact them to tell them the real dates of the meetings.

**C. SOLICITOR** – No report

**D. ENGINEER** – No report

**E. PLANNER** – No report

**VII. ADJOURNMENT**

**MOTION BY:** Mrs. deLeon moved for adjournment. The time was 9:58 p.m.

**SECOND BY:** Mr. Maxfield

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

**ROLL CALL:** 5-0

Submitted by:

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Jack Cahalan  
Township Manager

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Glenn C. Kern  
President of Council