

REVISED

I. OPENING

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

II. PUBLIC COMMENT PROCEDURE

III. PRESENTATIONS/HEARINGS

- A. Resolution #45-2013 – Honoring Lachlan Peeke
- B. Resolution #48-2013 – Honoring Bob Hohman on Community Day
- C. Resolution #49-2013 – Honoring Bob Matey on Community Day
- D. Resolution #50-2013 – Honoring Hellertown American Legion on Community Day

IV. DEVELOPER ITEMS

V. TOWNSHIP BUSINESS ITEMS

- A. Zoning Hearing Board Variances
 - 1. Miguel Sanchez – 1844 Friedensville Road – Variance for Construction of a 30’x50’ Pole Building on a 25’x25’ Pre-Existing Pad
 - 2. Lehigh Gas Corporation – 1251 Seidersville Road – Variance to Reface a Portion of the Existing Sign with an LED Display
 - 3. Paul Brukart & Emerich Stellar, Jr. – 1510 Jake’s Place – Variance to Exceed the Maximum Allowable Lot Coverage to Construct a Single Family Dwelling and Associated Improvements
- B. Chromczak/Reis Lot Line Change
- C. IESI Bethlehem Landfill – Fox Soil Borrow Area – 2243 Skyline Drive, Bethlehem – GP-103 General Permit for Short Term Construction Projects – Technical Review Comments
- D. ~~Polk Valley Road and Route 412 Traffic Signal Permit~~ – Tabled
- E. Recommendations for Pavilion and Tot Lot at Polk Valley Park
- F. ~~Discussion of Procedures for September 25th Council Hearing on Applebutter Road Zoning~~ – Tabled
- G. Saucon Valley Conservancy – Update
- H. Lutz-Franklin Schoolhouse – Exterior Painting Scope of Work
- I. Update on Township Newsletter
- J. Resolution #51-2013 – Authorizing Execution of DUI Grant Documents
- K. Resolution #52-2013 – Appointing Special Fire Police
- L. Resolution #53-2013 – Release of Public Works Crewmen for Fire Calls
- M. Resolution #54-2013 – Authorization of Grant Submission to Commonwealth Financing Authority
- N. Resolution #55-2013 – Authorizing Participation in NJPA

VI. MISCELLANEOUS BUSINESS ITEMS

- A. Approval of June 19, 2013 Minutes
- B. Approval of June 2013 Financial Reports

VII. PUBLIC COMMENT/CITIZEN NON-AGENDA ITEMS

VIII. COUNCIL & STAFF REPORTS

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

IX. ADJOURNMENT

I. OPENING

CALL TO ORDER: The General Business & Developer meeting of Lower Saucon Township Council was called to order on Wednesday, July 24, 2013 at 6:58 P.M., at Lower Saucon Township, 3700 Old Philadelphia Pike, Bethlehem, PA with Mr. Tom Maxfield presiding.

ROLL CALL: Present: Tom Maxfield, Vice President; Dave Willard, Priscilla deLeon and Ron Horiszny, Council members; Jack Cahalan, Township Manager; Leslie Huhn, Assistant Manager; Linc Treadwell, Township Solicitor; Brien Kocher, Township Engineer; and Karen Mallo, Township Planner. Absent: Glenn Kern, President.

PLEDGE OF ALLEGIANCE

ANNOUNCEMENT OF ANY EXECUTIVE SESSION (IF APPLICABLE)

Mr. Maxfield said Council did not meet in Executive Session since our last public meeting.

II. PUBLIC COMMENT/CITIZEN AGENDA ITEMS

Mr. Maxfield said if you are on the agenda, you have Council and Staff's undivided attention. If you chose to speak, we ask that you use one of the microphones. Everyone gets to speak. He'd ask that you give your fellow public the courtesy of the floor. We do transcribe the minutes verbatim and want to make sure the transcriptionist gets every word. We ask that you state your name for the record so the transcriptionist knows who is speaking in the minutes. Mr. Cahalan said there is a revised agenda that was sent out and there are two items that are listed as "tabled", V.D. Polk Valley Road and Route 412 Traffic Signal Permit, and V.F. Discussion of Procedures for September 25th Council Hearing on Applebutter Road Zoning.

III. PRESENTATIONS/HEARINGS

A. RESOLUTION #45-2013 – HONORING LACHLAN PEEKE

Mr. Maxfield said Resolution #45-2013 has been recognizing the community service of Lachlan Peeke.

**A RESOLUTION RECOGNIZING THE COMMUNITY
SERVICE OF LACHLAN (LACH) PEEKE**

WHEREAS, Lach Peeke, a resident of Lower Saucon Township since 1963, has unselfishly served the Saucon Valley Community in various capacities for the past fifty (50) years; and

WHEREAS, Lach, a native of Long Island, NY, graduated from Lehigh University with a degree in accounting and worked in the data processing division of Bethlehem Steel until his retirement in 1985; and

WHEREAS, Lach served as a Township Council Member from 1980 to 1984, holding the positions of Vice-Mayor and Mayor during this time; and

WHEREAS, Lach began a long association with the American Red Cross as a volunteer in 1965 and served as the Executive Director of the Easton Chapter of the Red Cross before becoming the Business Administrator for the Bethlehem Area Vocational Technical School ; and

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WHEREAS, Lach began teaching swimming, water safety, first aid, and CPR as a Red Cross Water Safety and Lifeguard training instructor, and was recently recognized for completing 50 years of this volunteer service; and

WHEREAS, Lach has served as the swim coach for the Saucon Valley School District and as the Pool Director at the Saucon Valley Country Club; and

WHEREAS, Lach found time to serve as a member of the Saucon Valley School District Board from 2005 to 2011, and also on the Township Zoning Hearing Board, where he has logged 25 years of service; and

WHEREAS, Lach was recently presented with the Intergenerational Award by the Northampton County Area Agency on Aging Advisory Council for this service.

MOTION BY: Mrs. deLeon moved for approval of Resolution #47-2013.

SECOND BY: Mr. Horiszny

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

ROLL CALL: 4-0 (Mr. Kern - Absent)

B. RESOLUTION #48-2013 – HONORING BOB HOHMAN ON COMMUNITY DAY

Mr. Maxfield said Resolution #48-2013 has been prepared recognizing Bob Homan for his service to the community.

**A RESOLUTION HONORING ROBERT (BOB) HOHMAN AND SE-WY-CO BEVERAGE
FOR SERVICE TO THE COMMUNITY**

WHEREAS, Bob Hohman, who was born in Bethlehem and has been a long-time resident of the Leithsville area of Lower Saucon Township, has been serving the residents of the Saucon Valley for over twenty-two (22) years through his business, Se-Wy-Co Beverage; and

WHEREAS, after graduating from Hellertown High School in 1969, where he played soccer, basketball, and baseball, Bob continued his education at Delaware Valley College where he earned a degree in business; and

WHEREAS, Bob began his career in the Basic Oxygen Furnace (B.O.F.) at Bethlehem Steel and continued working at the plant until it closed in 1996; and

WHEREAS, Bob and his wife, Denise, knowing that Bethlehem Steel would one day shut its doors and no longer be in business, bought a beer distributorship in 1991, and for five (5) years Bob juggled the demands of two full-time jobs; and

WHEREAS, With the help and support of his parents, Helen and A.J., his in-laws, Marie and Herky Henritz, his brother-in-law, Keith Henritz, and his lifetime friend, Billy Boyle, Bob and Denise were able to grow Se-Wy-Co Beverage into a quality business that has provided exceptional service to its patrons for over 22 years; and

WHEREAS, Bob, who is affectionately known as “Bob the Beerman” throughout Hellertown and Lower Saucon, has worked hard every day to provide a great life for his family, meet his customer’s expectations, and give back to the community that he loves; and

WHEREAS, In recognition of these accomplishments, Bob and Se-Wy-Co Beverage will be honored at the 2013 Hellertown – Lower Saucon Community Day with the presentation of the Outstanding Lower Saucon Business Award.

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MOTION BY: Mr. Maxfield moved for approval of Resolution #48-2013.
SECOND BY: Mr. Horiszny
Mr. Maxfield asked if anyone had any questions? No one raised their hand.
ROLL CALL: 4-0 (Mr. Kern - Absent)

C. RESOLUTION #49-2013 – HONORING BOB MATEY ON COMMUNITY DAY

Mr. Maxfield said Resolution #49-2013 has been prepared to honor Bob Matey for his service to the community.

**A RESOLUTION HONORING ROBERT (BOB) MATEY
FOR SERVICE TO THE COMMUNITY**

WHEREAS, Bob Matey, who was born in Bethlehem and has been a long-time resident of Hellertown, has been serving the residents of the Saucon Valley for over fifty-eight (58) years in various capacities; and

WHEREAS, after graduating from Liberty High School in 1946, Bob continued his education at Moravian College where he earned a B.S. degree in 1951 in economics and business administration; and

WHEREAS, following graduation, Bob entered military service and served in the U.S. Army for two (2) years during the Korean War, and remained a member of the Army Reserves until 1959; and

WHEREAS, after working briefly for his parents at the Crossroads Hotel and as a magistrate, in 1955, Bob established the Erie Insurance Agency in Hellertown which he operated until 1997 when it was sold and became the Matey-Medei Agency; and

WHEREAS, for twenty-four (24) years while he was also running the insurance agency, Bob also served as the staff negotiator and appraiser for the PennDOT District 4-0 (Mr. Kern - Absent) and 6-0 Right-of-Way Departments, which required him to conduct appraisals and appear in court in eight (8) counties as a witness at PennDOT hearings; and

WHEREAS, in recognition of these accomplishments, Bob will be honored at the 2013 Hellertown – Lower Saucon Community Day with the presentation of the Outstanding Hellertown Business Award.

MOTION BY: Mrs. deLeon moved for approval of Resolution #49-2013.
SECOND BY: Mr. Horiszny
Mr. Maxfield asked if anyone had any questions? No one raised their hand.
ROLL CALL: 4-0 (Mr. Kern - Absent)

**D. RESOLUTION #50-2013 – HONORING HELLERTOWN AMERICAN LEGION ON
COMMUNITY DAY**

Mr. Maxfield said Resolution #50-2013 has been prepared honoring the Hellertown American Legion for their service to the community.

**A RESOLUTION HONORING THE HELLERTOWN AMERICAN LEGION FOR THEIR
SERVICE TO THE COMMUNITY**

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WHEREAS, the Edward H Ackerman American Legion Post 397, located on Main Street in Hellertown and named in honor of Hellertown’s first casualty of World War I, was opened in 1926; and

WHEREAS, the Legion building served not only as the headquarters and social hall for the organization but for many years was the site for weddings, entertainment, and various community functions in the Saucon Valley; and

WHEREAS, in 2008, after eighty-two (82) years of operation, the Post was closed because of financial difficulties and the contents of the building were auctioned off; and

WHEREAS, with the help of a dedicated group of Legion members and volunteers led by Post Commander, John Higginbotham, a four (4) year fund-raising and renovation effort enabled the Legion to re-open the building earlier this year; and

WHEREAS, on February 2, 2013, the Post’s old flag was raised once again in front of the building signifying to the community that an iconic part of the Saucon Valley’s history was alive and well once again; and

WHEREAS, in recognition of this rebirth, the Hellertown American Legion will be honored at the 2013 Hellertown – Lower Saucon Community Day with the presentation of the Community Recognition Award.

MOTION BY: Mr. Horiszny moved for approval of Resolution #50-2013.

SECOND BY: Mrs. deLeon

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

ROLL CALL: 4-0 (Mr. Kern - Absent)

IV. DEVELOPER ITEMS – None

V. TOWNSHIP BUSINESS ITEMS

A. ZONING HEARING BOARD VARIANCE

1. MIGUEL SANCHEZ – 1844 FRIEDENSVILLE ROAD – VARIANCE FOR CONSTRUCTION OF A 30’ X 50’ POLE BUILDING ON A 25’ X 25’ PRE-EXISTING PAD

Mr. Maxfield said the applicant is proposing to construct an accessory structure which does not meet the required side yard setback and may exceed the allowable lot coverage.

Mr. Sanchez said he bought the property a year ago. He did his due diligence and went to the Zoning Officer before buying the property and told him what his intent was to put a pole building up. The Zoning Officer did say Mr. Sanchez would have to go through a variance, which that’s why he is here. At the present time, he has five vehicles and a trailer and it’s taking up a lot of room. He only has a one car garage and he’s renting a facility 10’x30’ in Bath to store the rest of the stuff. He doesn’t meet the setbacks. He’s not sure as far as the square footage how much he exceeds on that. Mr. Garges said he’s good with the coverage. He provided documentation.

Mr. Maxfield asked if there was any comment from Council? Attorney Treadwell said the foundation that is there, has been there for a long time? Mr. Sanchez said as far as he knows. He just bought the property. He will use that pad for the pole building. It’s pre-existing and he’ll add to that.

Council took no action.

2. **LEHIGH GAS CORPORATION – 1251 SEIDERSVILLE ROAD – VARIANCE TO REFACE A PORTION OF THE EXISTING SIGN WITH AN LED DISPLAY**

Mr. Maxfield said the applicant is seeking to add a message sign face to the existing sign face.

Attorney Andrew Schantz was present representing Lehigh Gas. He said just to clarify your agenda, Lehigh Gas is the applicant and their address is 702 Hamilton Street. The owner of the leased property, they reside at 1251 Seidersville Road, and the property address is 3655 Route 78. This is a property that's located in the VC zoning district. It's one acre in size. Currently, there is a sign identifying a Uni-Mart on it. There are two gas displays on it and below is a Dunkin Donut sign. The existing sign is an LED display. What's being proposed is the other photograph with the same markings on there with the Uni-Mart and the Dunkin Donuts; however the display is a 5'x5' area and being proposed to have a changeable display sign and would not be animated, and would not be blinking. It would just afford the station and particularly the Mini-Mart with the opportunity to display ads. He has a representative from Lehigh Gas if you have any questions.

Mrs. deLeon said the gas prices, they change all the time, right? Ms. Lisa Frantz, an employee at Lehigh Gas Corporation said (could not hear her, wasn't at the microphone). Mr. Maxfield said from the pictures, he drove down to an Exxon station in Easton with a similar sign and he found it not to meet the spirit of blinking, flashing lights. He doesn't have a problem with this at all. Mrs. deLeon said it's pre-existing, but the sign has to keep up with the modern technology. Attorney Treadwell said it is more than for just gas prices. There are other things that will be on the screen. Mr. Schantz said correct. That other copy would not be animated or blinking or scrolling. It would be static until it would change. Attorney Treadwell said is there a color scheme, is it black on red or what? Ms. Frantz said the sign they propose to get would be a multi-colored sign, not just necessarily red on black.

Mr. Maxfield said he knows those are programmable, so anything that may approach flashing, please stay away from them. He was worried about the distraction factor and asked the Police Chief for an opinion, and the Chief had no opinion on it.
Council took no action.

3. **PAUL BRUKARDT & EMERICH STELLAR, JR. – 1510 JAKE'S PLACE – VARIANCE TO EXCEED THE MAXIMUM ALLOWABLE LOT COVERAG TO CONSTRUCT A SINGLE FAMILY DWELLING AND ASSOCIATED IMPROVEMENTS**

Mr. Maxfield said the applicant is proposing to exceed the allowable lot coverage and steep slope ratios to construct a single family dwelling on a vacant lot.

Attorney Jim Preston was present for the applicant. The names that appear that you just read are the legal owners of the property, not his client. His clients are the equitable owners, the Bilali's, who will be pursuing the variance. His client wishes to purchase the property to build a home on it. This is at Jake's Place in the Saddle Ridge subdivision. He's assuming that Council members are familiar with the development. They have graphics they can show you if you are not familiar with it. Essentially what happens here is the property that his clients hope to purchase and put their home on is in an area that is regulated with an ordinance that was amended in 2009. Prior to 2009, the subdivision had been created in accordance with an approved plan. The improvements were secured under

a recorded subdivision improvements agreement. The improvements were put in. Everything went forward. This is one of the remaining lots. At that time, the project that his clients propose prior to the amendment would have no problem with the zoning ordinance. It's only the enactment of the 2009 ordinance that gives us a problem. The problem is three-fold and it all deals with the extent of the coverage. The problems are impervious coverage, building coverage and the area of disturbance within a steep slope. We have our engineer here if you want to get into the technical details. Our plea to the ZHB will be that it's a pre-existing subdivision which was built in accordance with an approved and recorded subdivision plan. The home that's being built falls directly in the median or the homes that are there. It's no bigger, no smaller. They've done the calculations and are prepared to give them to the ZHB to show that what they are proposing will not only, as zoning likes to say, you can't bring harm to or create a condition that's inconsistent with a residential neighborhood. It's their contention that if they are not afforded the relief, that's exactly what will happen.

Mrs. deLeon said the other houses you referred to, do they have these three issues on their lots also? Attorney Preston said if they were to be built today, that would be correct.

Mr. Maxfield said it's showing a pipeline running through. Attorney Preston said there are other issues that lead into the calculations of those disturbance areas. One of those is that pipeline easement can't be included in the calculation. Mr. Maxfield said from looking at the map, there's not any doubt about the nature of hardship with this one. You really have to squeeze it into a very small area. He appreciates the fact that the resources were really paid attention to and you disturbed the least amount of resources as possible.

Mr. Willard said in the material we got, we got an indication this has to be approved by the Saddle Ridge Homeowners Association according to their covenant? Attorney Preston said that is correct. They've got in a little bit of hot water here because they might be out of sequence. They have to go to somebody first, so they came here first. Hopefully the HOA doesn't hold them against it. If they are here tonight, what they need to know is and if they come to the ZHB, they are attempting to keep the neighborhood intact. Mr. Maxfield said that is a problematic lot.

Mr. Maxfield asked if anyone else had any comment? Mr. Robert Plain said he also lives at Jake's Place. He's the Executive Director of the HOA. You are right, they are upset. It would have been nice if the HOA would have been included in these discussions. He did have discussion with Paul Brukhardt in the recent days and he's here to learn a little bit more about the issues and how it fits within with the covenants today. Attorney Preston said he'll see him at the ZHB hearing, and at that time, they will put into evidence their plans as he suspects it will all be conditions of approval. What you are going to find is that the zoning of the 2009 zoning amendment put in requirements and restrictions that take the actual allowable building footprint and envelope down to below something that may not even be permitted under your regulations. The home that's being proposed, their engineer is doing the calculations. They've Googled the existing homes and they have the footprints and square footage. This falls right in line with those. It's tastefully done. They understand they need your committee to approve it.

Mrs. deLeon asked what are the concerns of the HOA? Mr. Plain said it's more that it follows the guidelines of the covenants in place. It's consistent with the structure, the materials used, the location. The neighbors should be able to see the variance and what the impact will be on them. Attorney Preston said the reason they are probably taking a different path than most of the owners in the subdivision have taken is because they have an additional burden that's been imposed upon them by the Township. If they can't get past this, there's no point in even talking to the HOA.

Mrs. deLeon said what about the steep slopes and the percentage. Can someone explain to her why that's okay or why it can't be smaller? Mr. Garges said he took a look at the plans submitted. He showed a map of Jake's Place. There was a pipeline easement and what you see if the contour lines. They are very tightly placed which is a very high raised area and the other area is wooded. In the resource protection ordinance, it protects not only steep slopes, but woodlands as well. It also requires this area to be netted out. What they are doing in this application is trying to find the area of the least impact. This is the lot boundary; it is 2.7 acres plus or minus. The majority of that, if not all, is burdened by some type of resource. What they've done is fit the house in an area that has the least amount of obstruction into natural resources. This is the 8% to 15% slope area where this gets above 15% to 25% and also has woodlands on it. They are proposing to build in the area that's least obtrusive; however, they are not touching any of these other resources, so touching the 8% to 15% slopes, they are over the percentage they are allowed, but that's because they are sensitive to the other areas. They have taken these steps to recognize our ordinance even though it was in place after the lot was created. Mr. Maxfield asked Chris to show where the Cook's Creek tributary was. Mr. Garges showed where the tributary was and said they are trying to stay as far away from that as they can.

Mrs. deLeon said someone told her this was the last lot in the subdivision. Mr. Garges said there may be one, possibly two more, not many more. There may be one in Springfield Township. Mrs. deLeon said just so the HOA knows when you go to the ZHB, you asked them to address your concerns. Mr. Garges said all the documents are available to the HOA at the Township and he can meet with you. Mr. Maxfield said the thing that impressed him was that you managed to get that secondary septic site within the area. There's no kind of function or anything going on outside any of that environmentally sensitive area at any time. He likes what you did.

Council took no action.

B. CHROMCZAK/REIS LOT LINE CHANGE

Mr. Maxfield said the applicant is proposing a lot line change which would increase the size of the Chromczak lot and decrease the size of the Reis lot.

Mr. Greg Knoll from Keystone Engineers said they have two existing lots of record in RA zoning district. The 20 acre lot is Lot 1 and then the 5 acre being Lot 2. They are proposing to cut this lot in half to give it to Mr. Chromczak so he has 10 acres and then Mr. Reis will have 10.496 acres remaining. Mr. Maxfield asked him to identify the roadways. Mr. Knoll showed where Lower Saucon Road, Williams Church Road and Crestline Road were. Mr. Maxfield said he's going to guess all the property is environmentally sensitive woodland area. Mr. Knoll said yes it is. It's protected woodlands, slopes, and they have that all on the map. The good news is that it's an existing well and they are not proposing any new development. They are simply moving the property line. The purpose of moving the line is that Mr. Chromczak wanted to get into the Act 519 and Mr. Reis still can maintain his status.

Mrs. deLeon said Boucher & James letter mentions that the Reis lot is served by private on lot water and sewer, but the Chromczak lot doesn't say. Mr. Knoll said it's the same as the Reis lot. Mrs. deLeon said she was just wondering why they said that about the one lot and not the other lot. Mr. Knoll said the wells and septic are both clearly marked on both properties. Mrs. deLeon said she knew we didn't have public sewer out there.

Mr. Maxfield said this is considered a preliminary subdivision by the Township and we have preliminary and final approval all at the same time.

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Mr. Maxfield asked if there was any comment on this issue? No one raised their hand. Mr. Maxfield said they do have a staff recommendation with six conditions and four waivers.

**STAFF RECOMMENDATION FOR CHROMCZAK/REIS LOT LINE CHANGE 2645
CRESTLINE DRIVE AND 3729 LOWER SAUCON ROAD TAX MAP PARCELS Q8-3-7
AND Q8-3-9 PRELIMINARY/FINAL SUBDIVISION PLAN APPROVAL FOR JULY 24,
2013 LOWER SAUCON TOWNSHIP COUNCIL MEETING**

The Lower Saucon Township Staff recommends that the Township Council approve the "Preliminary/Final Plan Lot Line Adjustment on Lands Now or Formerly of Edward & Patricia A. Chromczak and Geoffrey Handforth Reis," as prepared by Keystone Consulting Engineers, Inc., dated May 30, 2013, last revised July 8, 2013, consisting of Sheets 1 of 2 through 2 of 2.

Subject to the following conditions:

1. The Applicant shall address the review comments contained in the letter dated July 17, 2013 from Hanover Engineering Associates, Inc. to the satisfaction of the Township Council.
2. The Applicant shall address the review comments contained in the letter dated July 15, 2013 from Boucher & James, Inc. to the satisfaction of the Township Council.
3. The Applicant shall provide two (2) Mylars and seven (7) prints of the Record Plans with original signatures, notarizations, and seals. Four (4) complete sets of Plans shall also be provided with original signatures, notarizations, and seals. The Applicant shall also provide two (2) CDs of all Plans in an AutoCAD format (jpeg-ROM).
4. The Applicant shall pay any outstanding escrow balance due to the Township in the review of the Plans and the preparation of legal documents.
5. The Applicant shall satisfy all these conditions within one (1) year of the date of the conditional approval unless an extension is granted by the Township Council.
6. All waivers and deferrals granted shall be noted on the Plans with the applicable section, requirements, date of approval, and any conditions of approval.

It is also recommended that Township Council approve waivers from the following requirements of the following Subdivision and Land Development Ordinance (SALDO) sections:

1. Sections 145-33.C(1), (2) and 34.B – to not require any more existing features be shown on and for the required 500 feet surrounding the site than are already shown on the Plan.
2. Sections 145-33.E(2), 34.D(1), and 49 – to not require soils testing nor delineation of replacement sewage disposal areas.
3. Section 145-46.B – to not require utility and drainage easements along property lines.
4. Sections 145.46.B(3) and 137-11.G – to permit a 50' wide drainage easement over the existing stream rather than require an easement based on hydrologic analysis.

NOTICES

1. No Plan approval, waivers, or deferrals are granted until the Township Council votes to grant the approval, waivers, or deferrals.
2. This is a "Staff Recommendation" prepared by the Township Engineer. The Township Council has not reviewed this request and, as a result of their review, the Council may take action including approval, denial, or approval with additional conditions or they may take no action.

MOTION BY: Mrs. deLeon moved for approval on the staff recommendations dated July 24, 2013.

SECOND BY: Mr. Willard

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

ROLL CALL: 4-0 (Mr. Kern - Absent)

C. **IESI BETHLEHEM LANDFILL – FOX SOIL BORROW AREA – 2243 SKYLINE DRIVE, BETHLEHEM – GP-103 GENERAL PERMIT FOR SHORT TERM CONSTRUCTION PROJECTS – TECHNICAL REVIEW COMMENTS**

Mr. Maxfield said Jim Birdsall, Hanover Engineering will discuss with Council the technical review comments on the application that has been submitted.

Mr. Birdsall said they are not sure whether the review period started with DEP. Best they can understand is under mining these standard permits can go through pretty fast. The general permits are issued statewide and as long as you meet certain criteria, the mining permits are available. In this particular situation, the application came in on a disk and none of the application papers were signed or notarized or even a facsimile of the signatures of the applicant. Normally, the clocks they worry about are when they receive a registered letter and there was no registered letter sent. Regardless of that, the review is fairly simple. There's a lot of information that they need to provide. He talked to Rick Bodner and he knows he has to provide it. In the packet today, you might have received a letter from IESI indicating they know they intend on addressing these issues and resubmitting. We would hope that we have the opportunity to provide comments to DEP when they get more information. Just in case they don't, it would be prudent to go ahead and forward this letter anyway as kind of a status letter to where we are and try to keep the door open for comments to DEP when they have more information. The other big issue is permit coordination with the Solid Waste Department. They want to make sure that is happening and also coordination with our zoning and lot grading ordinances to make sure that everyone is aware that it hasn't been subjected to any Township reviews for land use or zoning or earth disturbance. It's just making the state aware.

Attorney Treadwell said they would also need permission from Council under the amendment of the host agreement to do this on the Fox property. Mr. Birdsall said he didn't even look into that. Attorney Treadwell said it's any activity. It says "the parcel of land located west of the Phase IV expansion, i.e., the property formerly owned by Richard C. Fox and the parcel located adjacent to the Township pump station on Applebutter Road, i.e., the property formerly owned by Ronald E. and Rhoda J. Mulligan are not within the LI, Light Industrial zoning district of the Township and will not be used for landfill activities including, but not limited to stockpiling and borrowing of material and transfer station without the prior approval of the Township Council.

Mr. Birdsall said that's a very key point obviously. If we could include that with whatever information we send to DEP. That would be a great additional comment. Mrs. deLeon said this should have been the first step. She asked if IESI is paying for your reviews? Is that part of their fee we charge them from the Plans and Appeals account? Attorney Treadwell said he was always under the assumption that any time there was a DEP application reviewed by us, IESI paid for that. He doesn't know if that assumption is correct.

Mr. Maxfield said IESI did acknowledge in their letter that they are acknowledging that they have to seek our approval. Mrs. deLeon said that was the letter dated today. This was submitted on June 21st and it was discussed at committee meetings and different meetings with the Township in March. Attorney Treadwell said this issue was discussed and IESI knew that they needed Council approval.

Mr. Willard asked what document they were quoting from? Mrs. deLeon said the host agreement, page 3 of the 2001 amendment which is online. Click on landfill and the page opens up and the first paragraph has host agreement on it and you can read it. There's two parts to it, she thinks it's page 40.

Attorney Treadwell said there was a host agreement signed back in 98 and there was an amendment that was done in 2001. This is part of the amendment.

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Mr. Maxfield said in reading Jim's review letter, the two things he found interesting were that the area dedicated to storm water was twice as big as it needed to be which suggested some sort of future activity. The other, he was assuming they would use interior roads to haul soil from one side to the other. Mr. Birdsall said he would assume too, but they thought they'd better raise the issue. Mr. Maxfield said it would be nice if you could get answers for both the questions.

Mrs. deLeon said they say it's a 5 acre area, but the letter today said they were looking for different boundaries. Does anyone have any idea where the other boundaries may be? It said please be advised that IESI is going to be submitting a revised GP-103 application that will change the boundary of the Borrow area. Attorney Treadwell said he believes if he read the application correctly, that the GP-103 application shows soil borrowing within the buffer. He would guess that's what they are referring to and it's one of the revisions they need to make is to take it outside of the 100' buffer. Mrs. deLeon said don't they have a copy of our current regs? You would think they would. In reading the PDF with the application, they said it would be at least 25' deep. Mr. Birdsall said he doesn't recall that. Mr. Willard said that was mentioned somewhere. Mrs. deLeon said she's trying to visual this 5 acre, 25' deep hole. Mr. Maxfield said it says average depth of 25'. Mrs. deLeon said what are they going to do afterwards. What do you do with this hole 25' deep? What do they do? Leave it empty? Mr. Birdsall said these are all things they have to look at and question. Attorney Treadwell said part of the grading plan approval is they'd have to show what is going to be done with it. Mrs. deLeon said filled in with trash. Attorney Treadwell said he doesn't think they could do that. Mrs. deLeon said she would hope not.

Mr. Horiszny said do we know what the size of the Fox property was? Mrs. deLeon said nobody knows. She's also concerned in reading Jim's letter, she knows the consultants were under crunch time to review this because we only had one meeting this month and we don't know and have to appreciate the fact the DEP is even letting us comment. It mentions that the submission doesn't address visual or noise impacts, hours of operation, the equipment; it does not address security as far as fencing around the property, is it part of our grading? How would these be addressed in the Township? Mr. Birdsall said it's almost premature to say specifically what regulations would apply as we don't have anything we really looked at. Certainly those are issues of concern that we have that we know we are going to have and we'll be looking at those things and see how our regulations play into it. One thing for sure, the steepness of the slope, the 2:1 is in excess of what our ordinance allows. Mrs. deLeon said isn't what they did to that wall? Mr. Birdsall said yes, that was a structure of a wall. Mrs. deLeon said she doesn't mean the MSE wall, the western boundary wall. Mr. Birdsall said yes, that's much steeper than 3:1, that's almost vertical. Mrs. deLeon said she's very disappointed that it lacks all the information we need.

Mr. Willard said the term Fox soil borrow area might be the wrong terminology as that implies they are going to go over and take some soil and put it back. That's not what is necessarily being described here. It seems to him from what he read, that this is a fairly significant operation to do this. Would you characterize it that way? Mr. Birdsall said it's very significant. Borrowing in the technical terms of this operation is taking it from another site. If you are building a highway, for instance, it would have cuts and fills and sometimes you have to go to a borrow area for the fill. You never fill back in that borrow area. You take it in and build a highway, but you're right. It's a good point for someone not familiar with the technical terms. It may look like you are just using it for a little while then are going to put it back. Mrs. deLeon said who started calling it a borrow area? Mr. Willard said that's a technical term.

Mrs. deLeon said we went through this nightmare with Route 78 and the Reibman property off of 78. Remember, PennDOT borrowed an area and they left the hole. What did they ever do with that hole? Mr. Birdsall said his recollection is they never replaced the topsoil. They never filled anything in. It sterilized the property until Route 33 was built. There's still a property over there that's pretty sterile. Mrs. deLeon said that's a shame they destroyed our environment like that. She recalls this issue was discussed when the Phase IV expansion was taking place. They had

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approved to DEP that they had adequate cover soil for all the acres that they were filling and apparently they don't. Do we know when they are going to run out of adequate soil on site? Do we know that answer or can we find out? Mr. Birdsall said we can find out and the follow up question to that is, if this isn't enough, what is their strategy? Mrs. deLeon said the thing is, here's the landfill, you can only put so many tons of garbage in this given space, and to not have these answers and file an application that doesn't properly address that, she doesn't know. Mr. Maxfield said this application is for general permit construction. Mrs. deLeon said she's not making herself clear. When they applied for the Phase IV expansion and got approval from DEP, they knew exactly how much garbage was going to fit into x number of space. Some engineer should have been able to calculate that. Apparently, they were wrong. Mr. Maxfield said maybe they counted on it coming from the Fox property. Mrs. deLeon said that was illegal because it was the RA zone. Maybe in their heads they did, but we can't prove that.

Mrs. deLeon said where do we go now? As a Landfill Committee member, because of all the scrunch time, they weren't able to meet as a Landfill Committee, so when they submit this again, she hopes they are given that opportunity before the Council meeting. Do you have enough information to send DEP a letter? Mr. Birdsall said two things he sees, we want to make sure we clarify the reference to the host agreement and also then opportunity to comment when it's resubmitted and try to get that clarified. Mrs. deLeon said maybe you could find out how large the Fox hole is and that could be included in the letter. You'd think it would be on their application somewhere, but she couldn't find it.

Mr. Maxfield said he's guessing with this much missing information that IESI property isn't in any big hurry. Mrs. deLeon said when they filed their Phase IV application back in 2001, the application was so deficient that the Township asked them for more information and then they threatened us with litigation because they claimed deemed approval. That's how we got the host agreement part 2 to settle the litigation. This is unfortunate.

Mr. Maxfield said we have the basis for a letter here, let's send it off with changes that Jim is notating. You're notating reference to the host agreement and what else? Mr. Birdsall said we ask DEP's permission for an opportunity to comment after a resubmission so that they don't just think that this is the end of the comment cycle. Make sure the Fox property, he doesn't think DEP cares about, will get that back to Jack and for Council's distribution.

Mrs. deLeon said can you say that again? Mr. Birdsall said the third thing you raised when he tried to summarize before was what about the size of the Fox property and he said we will get that to you. He doesn't know that that's important for the DEP letter. Mrs. deLeon said can't it just be in parenthesis? Mr. Birdsall said sure. We can put it in there, No. 3, the size of the Fox property. Mrs. deLeon said you don't have to make a big deal out of it but when you talk about the Fox property in parenthesis, just put how many acres. Mr. Birdsall said we have this background information and clarification, we'll just add another bullet item for that. Mrs. deLeon said we kind of went through this with BRE way back when we had all those people in this room with the coordination of the different agencies. One hand doesn't usually know what the other is doing, and she's a little bit uncomfortable as we don't really have a given time period to review this. Mr. Birdsall said we're very uncomfortable with that. Mrs. deLeon said this is significant to the Township. Mr. Maxfield said do we know what the review periods are. Are we sure about them for general permits? Mr. Birdsall said he would think it would be at the discretion of the department. They could have issued the permit already. The reason general permits are set up are so that the applicants don't get bogged down with a lot of bureaucracy if you meet these particular box of standard details, you are supposed to pretty much get rubber stamp approval. In that case, our only protection is our local ordinance. Mrs. deLeon said if DEP could approve this in one of its branches, then the Township could say no. Mr. Birdsall said he'll leave that for the lawyers. The Township certainly will have the opportunity to comment and review it. Mrs. deLeon said this mining department, and forgive her, there's a notification they sent out that you have to meet local

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zoning, what's she thinking of? Mr. Birdsall said he thinks the caveat is still there that any permit issued by DEP is subject to local ordinance control. What we don't know is what local ordinance control will mean in this realm. We know what our zoning ordinance says. We know what our lot grading ordinance says, but he remembers somewhere back in history that the legislature was pretty generous in allowing mineral extraction. Mrs. deLeon said they haven't been real shy in saying this is a landfill activity. In a RA zone, you aren't allowed to do landfill activities. It's pretty simple, in her opinion.

Mr. Maxfield said he thinks they mention that they are going to have to get their approval to make this work at all. Mrs. deLeon said then DEP will know this is an RA zone in the letter? Mr. Birdsall said they don't know what our RA zone is. All we say is that it's got to come in for local review and approval. Mrs. deLeon said she thinks what it should say is this type of activity is not allowed in the zoning district. This is proposed. Mr. Birdsall said he can't make the ruling, that would be the Zoning Officer.

Attorney Treadwell said the letter does reference that it's zoned rural agricultural including residential uses, so it's referenced and it says which may or may not be allowable under Township regulations. It's notifying DEP that that has not been decided. Mrs. deLeon said can we expand that definition a little bit to say that this type of activity being a landfill is not included. You are the lawyer, you can come up with really good words. Attorney Treadwell said he doesn't know that that's correct. He doesn't know that that is technically a landfill activity. Mrs. deLeon said they said it in all their documents. She got two PDF's, one was 71 pages and one was 8 or 15 pages and it says it in there.

Attorney Treadwell said there's a question as to whether it's a landfill use or an activity because the zoning ordinance only regulates uses, not activities. Mrs. deLeon said it doesn't matter, it's not allowed – plain and simple. The RA zone does not allow landfill anything. Attorney Treadwell said the RA zone does not allow the landfill use. The zoning ordinance refers to uses. Mrs. deLeon said a lot of people got paid a lot of money to write paragraph 4 of this document. Attorney Treadwell said paragraph 4 is completely different than the zoning question. The paragraph 4 says any activity, and he forgets the exact language, needs to come to Council for approval. That's different than if it's allowed under the zoning ordinance. Mrs. deLeon said she doesn't want to hold Jim's letter up to DEP, but how can we get that in the next day or so? Mr. Maxfield said he thinks what Linc read is what we want to say. It's number 4 and 5 on page 2. Line 5 actually says may not be allowable.

Mr. Willard said just to be clear, would Linc state the definition between use and activity. Attorney Treadwell said he doesn't know that there's necessarily a cut and dry definition, but to try and put it into everyday terms, if you have a residential lot, the use is a single family residence. If you mow your lawn, that's an activity, that's not a use. Mr. Willard said would it be fair to say that putting municipal waste in a landfill is a use and going to a property to borrow soil is an activity. Attorney Treadwell said he doesn't know if that's the right analysis as we don't have anything in front of us to review.

Mrs. deLeon said can she make a suggestion. To her, the zoning thing is very significant, so under comments, can we move 5 and 6 up to 1 and 2? Mr. Birdsall said sure. Mrs. deLeon said then they get to read that first. Mr. Birdsall said probably number 1 should be the host agreement issue.

Mr. Horiszny asked Mr. Birdsall if we need to note our concern about that proposed 2:1 slope? Mr. Birdsall said there are probably going to be so many concerns that he kind of hates to focus on one.

Mr. Maxfield said he's looking at the tail end of comment number 1. That lists all the permit application and attachments. That looks like it should be number 1 and make 4 and 5, 2 and 3.

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Right off the bat, you are listing the permit sections, exhibits, make that number 1 and make number 2 and 3 the current 4 and 5. That to him makes organizational sense.

Mr. Maxfield said he would be prepared to send this off with the changes we just talked about. We should vote on it tonight. Mrs. deLeon said it needs to get out as soon as possible. We need to discuss this and will have another opportunity to discuss it. Mr. Maxfield said just so that we're sure we know what's going on here, maybe we could ask staff to call DEP and find out about review periods for general permits, specifically this one. Is this one going to a different one, Pottsville? Mr. Birdsall said they had emailed Jack the name of the best contact they found, so he should have that pretty much in front of him. Attorney Treadwell said he believes Leslie did talk to someone in the Pottsville office and he thinks they were unsure as to whether there was a comment period or not. Ms. Huhn said correct.

MOTION BY: Mr. Maxfield moved to send the Hanover letter of July 22, 2013 to DEP, with changes as discussed.

SECOND BY: Mrs. deLeon

Mr. Maxfield asked if anyone had any questions? Ms. Donna Louder said she's looking at the Fox soil borrow area, GP 103 General Permit for Short Term Construction Project, dated 2013. You open it up and you get to description of the project. This project is to remove soil, weathered and overburdened from an area of Bethlehem Landfill Fox property. The area is to be mined and will be at least five acres and will remove up to 90,000 cubic yards of soil and rock overburdened. The material will be used as daily, intermittent covered soil on the adjacent landfill. Because the landfill owns the Fox property, and will be doing the excavating, there is no contract for the project. That is what the use is for this Fox property. Mr. Maxfield said that's the activity. Ms. Louder said no, it said it's going to be used, the material will be used. Mr. Maxfield said we're talking about the word use as a zoning district. A use is associated with the zoning district. Ms. Louder said they are taking the soil and they are going to be using it on the landfill so this project itself as a whole will be part of the landfill. Correct? Attorney Treadwell said he doesn't agree with that. Mrs. deLeon said she's not sure about that. We have to look up the zoning definition. She wants to understand it to. Attorney Treadwell said the question is, the use of the Fox property could be mining or it could be, he's not even sure we have mining in our zoning ordinance. We might have extraction. Mrs. deLeon said not in RA, you don't. Attorney Treadwell said he's talking as a definition. There are different uses that taking soil off a property could fall under or it could not be a use, it could be an activity, and that's what needs to be looked at. Mrs. deLeon said for right now, are you comfortable with the letter going to DEP? Attorney Treadwell said he doesn't have a problem with it. Mrs. deLeon said this will be discussed at our committee meeting. Mr. Maxfield said there's a motion on the floor. There's a second, are there any other last minute comments?

ROLL CALL: 4-0 (Mr. Kern - Absent)

D. POLK VALLEY ROAD AND ROUTE 412 TRAFFIC SIGNAL PERMIT
Tabled

E. RECOMMENDATIONS FOR PAVILION AND TOT LOT AT POLK VALLEY PARK

Mr. Maxfield said the Planner and Manager will make final recommendations for the pavilion and tot lot at Polk Valley Park.

Mr. Cahalan said the issue of the pavilion and tot lot has been brought before Council previously. Actually these two items are the two remaining items that were on the original Polk Valley Park development plan. We have been discussing previously at Council meetings the pavilion style that we are going to put up at Kingston Park and he thinks Council was comfortable with that style which is called the Meramac. That was what they were looking for at Polk Valley Park. The Park

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& Recreation Board has reviewed these two items several times at meetings. They've looked at different configurations for the tot lot and we asked the planner to put together a sketch plan. Originally, the way this was laid out the pavilion was going to be closest to, for orientation sake, the Manny Tavormina rock at the upper part of the park. The people from Parks & Recreation looked at that and they made a recommendation that the pavilion location and the tot lot location be flipped and they would like the tot lot closer to the Manny Tavormina rock and the reason for that was that they felt parents who would be watching either baseball, soccer or lacrosse would like to keep an eye on their younger children who were in the tot lot and they didn't want that view blocked by the pavilion. They made a recommendation that the locations be flipped which the Planner did do that. The latest sketch plan dated June 4, 2013, revised July 11, 2013, shows the proposed location for the tot lot and for the pavilion. The pavilion size is 30'x66' and it's the Meramac pavilion. They've given you some examples of play structures. There are two different configurations. One is the climbing apparatus and the second one is a swing set. Those would be separated on the grassy area. They would be surrounded by the rubberized safety mulch. We also added at the top of the play structure a sun screen as that's an open area and we wanted to protect the play structures from getting overheated in the summer time. That is the layout. We did walk it with Park & Recreation and several of the Council members who came to the Park & Rec. meeting with the Planner. That is the location there. He also included in your packet, the cost for the tot lot and for the pavilion. The total cost for the tot lot which includes set up would be \$40,765.18. The pavilion cost would be \$32,215.95. The tot lot cost is fully covered by a grant that we got from Northampton County several years ago for park and open space acquisition and development. Some of that money was used for the connector trail and also for the dog park. This is the remaining funds. The tot lot cost would be fully covered. The pavilion cost, there are funds in the Polk Valley Park budget to cover that. There is a recommendation in there from the Park & Rec. board. They also asked after they looked at the pavilion that areas be set aside for barbecue grills and those are depicted on the layout that is before you from Boucher & James. That covers everything that's in the packet.

Mr. Maxfield said since we only have black and white copies, can you give us an idea of the color of the structures? Ms. Mallo said it's a green with brown and beige. The only thing that Jack didn't cover is the shade cover on the top of the play structure is a sail type rather than an umbrella so that the high winds up in that area won't tear.

Mrs. deLeon asked if this was part of the approved plan we approved? Mr. Cahalan said the Polk Valley Park plan was approved November 2003 – 2004. On that plan, it shows areas for future playground and future pavilion. Mrs. deLeon said this is just a plan showing how to implement that. You said the money we got from a grant and the other money for the pavilion, the \$32,000.00. In our financial monthly report at the end of the meeting, didn't it say we had \$98,000.00 left in there? Mr. Cahalan said correct. Mrs. deLeon said that would come out of there as it wasn't approved as part of the budget? Mr. Cahalan said that funding in Polk Valley was part of the budget. Mrs. deLeon said she knows that was part of the budget, but she didn't look at the budget. Mr. Cahalan said we didn't itemize the pavilion and the tot lot. Mrs. deLeon said that \$98,000.00 came from when we borrowed money for the development of the park. Is that all the money that's left for the development of the park? Mr. Cahalan said for that park, it is, the rest of the money was distributed to other parks for development. Mrs. deLeon said the remaining loan amount we haven't used, that \$98,000.00 is part of that money? Mr. Cahalan said there were two loans. There was a loan for the development of Polk Valley Park and there was a second loan, \$2 million that was used for the dog park and for the development of other parks such as Kingston, the Rail Trail, Easton Road Fields, and all the other parks we've acquired since then. Mrs. deLeon said so that remaining \$98,000.00 is all that we have in the account for Polk Valley Park? Mr. Cahalan said correct. These are the last two items that need to be completed from that original plan. Mrs. deLeon said then it's done according to what we approved in 2003? Mr. Cahalan said yes it's done. We just finished the meadow planting, you approved that. We had a DCNR grant to do that. The dog park is done. The only thing that needs to be done is maintenance at the park. Mr.

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Willard said on the Boucher & James drawing there's a proposed composting toilet and you mentioned about the grills being an addition later on? Mr. Cahalan said they should be on the plan. There are two areas they did put on that plan. You can see it says proposed crushed gravel grill area, 8'x13'. There are two of those on either end of the pavilion. The proposed composting toilet, while they were out there, they discussed potential sites for the toilets and that looked like it would be a good site, but they are not really at the point of making any recommendations on that? Mr. Willard said that was on an original plan? Mr. Cahalan said no. What was in the original plan were permanent toilets that were over towards the dog park area. Mr. Maxfield said he doesn't think the dog park was on the original plan. Mr. Cahalan said no. That was on a different piece of property. Mrs. deLeon said it will never be on the Polk Valley Park plan as it was a different property. Mr. Cahalan said right. Mr. Maxfield asked if there was any comment from the audience? No one raised their hand.

- MOTION BY:** Mr. Horiszny moved for approval of the tot lot and pavilion at Polk Valley Park as stated above.
- SECOND BY:** Mr. Willard
- Mr. Maxfield asked if anyone had any questions? No one raised their hand.
- ROLL CALL:** 4-0 (Mr. Kern - Absent)

F. ~~**DISCUSSION OF PROCEDURES FOR SEPTEMBER 25TH - COUNCIL HEARING ON APPLEBUTTER ROAD ZONING**~~
Tabled

G. **SAUCON VALLEY CONSERVANCY – UPDATE**

Mr. Maxfield said Council Member Priscilla deLeon would like to provide Council with an update on the Saucon Valley Conservancy.

Mr. Roger Jurczak was present. He said the Saucon Valley Conservancy Board felt that it was timely to provide an update on their activities and improvements under way. They have refurbished the herb garden by power washing all the fencing, re-mulching of beds and aisles. They did rededicate the garden on History Day. They have located several of the corner properties, survey monuments for future use in verifying property boundaries and to verify maintenance areas. The 2013 Community Day event was very successful. One of the things that was introduced was a new food menu which resulted in increased sales volume and income. They hosted the 32nd art gallery exhibit and artist reception and this is the 32nd such reception since the SVC opening in June 2007. Considerable grounds maintenance has been performed by volunteer ground maintenance members. There's an area behind the barn ruins that's approximately 20'x200' and there was substantial removal of invasive shrubs and all trees and grasses to clear that area for a better tour potential and for the Boy Scouts camping area. They've removed invasive grasses and shrub grasses over by the root cellar structure and that's needed to search for water leaks which they are finding in the root cellar. The Conservancy facilitated the Historic Barn and Farm Foundation of Pennsylvania tour. That's the first state tour ever in Northampton and Bucks County. Six or more area barn structures were seen by state-wide members of this organization. The museum room contents have been inventoried and compiled for the Heller House and the Widow's House. In the root cellar, there's been an installation of anchors and safety barrier of rope protecting and/or signaling the top of the stairs from access when we have the door open and we are showing the structure for its value. They have researched the Sanborne maps of 1925 to verify locations of all buildings listed on the Heller Homestead property and have defined building for possible reconstruction. They have responded to LST's availability of wood timbers salvaged from various historic structures and stored currently in Township rented storage trailer. They are providing a plan as to the use and storage of said timbers. He was responsible for getting layouts for that lumber to Jack and he wasn't sure if Jack was able to get that. There are three slides. Shown here is the total property or a substantial portion of it as to the Heller stone ruins and the

foundation stone ruins for the earlier wooden barn and the proposed placement of timber storage as it relates to the property. The basic information that is shown here was taken off the Sanborne insurance maps. The next slide we are showing that the stored materials will be on an existing concrete pad which is basically 10' wide and it runs from the south end of the stone barn and pretty much to the end of where the wooden barn was. It's in fairly decent shape. It certainly would support the lumber that they plan to store. The last slide shows a diagram of how the lumber will be stored on that pad. It will be covered to protect it from the elements and it will be drawn down as they construct the two historic outbuildings. At a previous Council meeting, he submitted a basic sketch of the outbuildings. He's trusting that's in memory. He asked if there were any questions for the storage of the lumber? Mr. Horiszny said it's going to be for everything that's in that trailer? Mr. Jurczak said all of the timber, the lathe that is in the trailer is going to be stored and displayed in the historic house basement. He has another sketch to show where that's at. There are a couple of items that when he looked at, he couldn't figure out what it was. It looked like there was a large door jamb that was in the trailer and Jack referred to it as somebody's barn. Mr. Cahalan said the contents consist of three things. One is the maintenance garage at the Heller Homestead. The second was the demolition of the barn at the Rentzheimer House on Polk Valley Road; and the third was the Redington Chapel demolition. It's a compilation of three demolitions. Mrs. deLeon said she forgot all about the chapel. Wasn't it a school at one point, whatever the interior was? Lenny is shaking his head no. Lenny Szy said the schoolhouse is still, the next building over. Mr. Cahalan said this is from the Chapel building that was taken down. They took some Lintels and some sills and that was about the only thing salvageable. Mr. Jurczak said a small quantity of maybe three or four boards that were different from everything else, but the predominance of that trailer is illustrated here. It's basically 4'x4', 2'x4', 8'x8' timbers. It looks to him like one or more barns or outbuildings were very delicately taken apart and the lumber salvaged and stored extremely well. It would lend itself greatly to what their plans are in terms of the outbuildings. Other than roofing materials, he would think the framing of both of those buildings could be taken from this salvaged lumber. Mr. Maxfield said we saved those because they were distinctive. Something we should really pull out of there and put in a safe place. That's something we probably should not use on other projects. Mr. Cahalan said we have the cornerstone of the building too. Mr. Maxfield said anything else, why not. Mr. Jurczak said it looks like a feeding device from a barn; he referred to it as a trough. Mr. Cahalan said trough's from the Rentzheimer barn and also the ladders. Mr. Jurczak said that trough would be very difficult to store in the way they are planning on storing this. Mrs. deLeon said how large is the trough? Mr. Jurczak said it's large. It looks like you could put a couple bales of hay in it. Mrs. deLeon said he knows you are very particular how you design all of this and she's very appreciative of it, is there a way we could just rest it in the barn ruins alongside this and cover it? We have to get the stuff out of the trailer. Mr. Jurczak said it would mean another tarp, but yes, he would imagine. Mrs. deLeon said it's part of a barn. Mr. Jurczak said it's possible up the road in the proposed wagon shed, there should be sufficient storage room in there. Mrs. deLeon said is Council aware that on the Sanborne map it showed the foundations of a wagon shed and chicken coop and she forgets what the dimensions are, but they are side-by-side. They were thinking of using the smaller one for a shed for just whatever they might need as Ken and Michael are sitting back there and they are tenders of the herb garden and they have to go into the Widow's House basement to get shovels and it's an inconvenience for them. It would go there and the other building and the other building which is the wagon house could be a one car garage and could be a place where we could store the farm artifacts that they received over the years and display them in there when they have activities. Mr. Maxfield said there are no existing foundations for those buildings that you are aware of? Mr. Jurczak said it's very overgrown and they are planning on going in there again and knock that down to be able to see it. There was a lot of overgrowth over a period of time that just hasn't been addressed there. Trying to make this more tour friendly is part of their agenda. There is a foundation there, yes. Mr. Maxfield said not the general area, but the exact site, if we'd be locked into that. We need to make sure that the property above is owned by another owner, that we meet the setbacks per our zoning and all that, unless we want to get a waiver for historic structures. Mr. Cahalan said Roger is working with Chris Garges on everything.

Mr. Jurczak said they have a designed area for displaying the Stever lathe. This is the scaled basement of the Heller historic house. Where the lathe assembly is shown is on the eastern most wall and you come down the stairway from the main floor heading in the direction in the front of the house and what we envisioned was that would be a great location for the lathe to be presented. Currently there are storage shelves there. They are mobile and there are four to six doors that have been accumulated and we believe there are doors from the Widow's House and/or the upper stair bedroom of the Heller House. They are old doors but are in fair condition. What we planned on doing was to make the partition walls by just taking two doors and butting them end to end and just putting a timber from the floor structure above to the floor and to screen off the fuel tank on the north end and to screen off basically storage areas on the south side of the lathe and the lathe is 12' long, so it's pretty substantial. It sits about 4' tall. It's in really good shape. The wood has not been deteriorated and it's quite a piece. Our hopes that are when the house is open for tours and display, that's one additional item of historic interest that can be shown. The three car garage that was knocked down was the original location of the Stever saw mill. Our conjecture is that this lathe was used for the turning of posts on a lot of housing that was significant at that time. It's a worthy item to display and we feel two things are accomplished. One we can get it out of the trailer, our primary goal and the second thing is it shouldn't be in storage as it's a historic piece. That's what they are proposing to do. He's meeting with Chris and Mike Metzger, the building inspector, early next week and they'll review what they should be doing that makes that area accessible to the public.

Mr. Maxfield said this is the lathe that was in the garage. Wasn't that Marcus's lathe? Didn't he own it and store it in the barn there? He never came back for it. Mrs. deLeon said she doesn't know if it was Marcus's or who found it for them. He came across it. Mr. Maxfield said he remembers someone saying he owned it but never came back for it. We waited and waited and he was notified, and he never picked it up. Mr. Jurczak said the tags on it indicated it was Heller. Mr. Maxfield said maybe Marcus got it from a source. It's interesting and will be nice to find out where it really comes from.

Mr. Jurczak said we are preparing drawings in greater detail prior to the construction of the proposed wagon shed and attached chicken coop. Chris has pointed out to him what would be more appropriate for your review and approval. Preparations are underway to host at the Homestead, 22 out of area Heller descendants from Ohio, Vermont, and Florida. This is to take place, Saturday, July 27th. These visitors will be coming to the Wagner Grist Mill, then to the Heller Homestead, then finally to the Lime Kiln cemetery during their visit. They were very pleased that they were in great shape to be able to show them and they are doing a lot of this because it's Heller.

Mr. Maxfield thanked Mr. Jurczak for his involvement. Mr. Maxfield said good luck and let us know how it's going.

He asked if anyone had any comments for Roger? Mr. Lenny Szy said he is working on a project. He doesn't know if Priscilla knows. He was told out in the woods between LST and Williams Township there is an old piece of equipment, possibly in the woods, and there's a possibility it is the steam engine from the Heller Homestead. Somehow he's going to try to get through the woods and see if anything's still there and see if it's useable. He will keep you posted on it. He was told something was there.

H. LUTZ-FRANKLIN SCHOOLHOUSE – EXTERIOR PAINTING SCOPE OF WORK

Mr. Maxfield said the Manager would like to discuss with Council a scope of work for exterior painting that needs to be done at the Lutz-Franklin Schoolhouse.

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Mr. Cahalan said the LST Historical Society were here at previous meetings and pointed out that the schoolhouse has areas where painting is needed to protect the structure. Primarily, it's the wood components there which consist of the cupola, and weather vane, the eaves around the roof, the front porch, and the front door. There are eight side windows, two front windows and two attic windows. He put some photographs in your folder which show some of the paint peeling on those structures. The cupola looks like it only was given one coat of paint, so it was faded. There are some paint chips falling away from the top part of it. On the windows, you can see where the paint has been peeling off the sills and off the casings. On the front porch, on the beams there, and on the bead board ceiling, the surrounding boards are all in need of painting. The other issue they pointed out was there are seven windows which are broken or have been replaced with plexi-glass panes. They did discuss with them the replacement of that. There was a discussion here where the Township offered just regular glass and the Historical Society said they would pay the difference between the regular glass and the imported glass that Dale from the Glass Doctor said he could obtain for them. Other windows need window glazing where it's missing. He put this together as the first look at the scope that's needed. You don't have to take any action on it if you don't want to. He hasn't heard back from Glenn Kern. He was out there with us, with Ron, when we did our walk around when we prepared our scope of work. He can bring it back at a later date. The idea would be to get this out to contractors and then bring it back to Council for your review and approval. The other item that was pointed out was that the cupola seems to be sagging on the roof. Fran Robb pointed that out to us. He had Bob Doerr who did work on the schoolhouse take a look at it. He was out there today and he is going to provide a report that he will share with Council with what he's found out there on the cupola. If you take a look at this, let him know if you would like anything added or corrected. They do have a Benjamin Moore paint that Glenn preferred. Fran Robb did say that they prefer Sherwin Williams. The Historian they worked with, Christine Ussler, had recommended Sherwin Williams. They will bring it back at the next meeting and get it approved.

Mrs. deLeon said is this the same scope of pretty much that the Homestead used? Mr. Cahalan said yes. Mrs. deLeon said did anything change? Mr. Cahalan said other than the items, the wood components. There's no work on here to restore any wood rot or any of the other steps that were necessary on the Heller Homestead. There's a lot more rotten wood that had to be dealt with there. The wood here is in good shape, it just needs to be scraped and sanded. Mrs. deLeon said we need to keep it that way, that's why it needs to be painted. Her other point is that the contractor that painted the Heller Homestead the second time painted the windows shut. She knows the windows open at the Lutz-Franklin. Is there any way we can add wording in here about the painting of the windows? Mr. Cahalan said he can do that. Mrs. deLeon said they had a meeting and an event, and the upstairs was unbearable. The only window you could open was at the top of the steps. Some of the other windows opened as their meeting room was painted by students the August before and they had fans in the windows. That's how she noticed the previous painters paint was peeling off. They are still painted shut. She would really appreciate it if they didn't do that at the schoolhouse.

Mr. Maxfield said on the first item it says cupola and weather vane, what's with the weather vane part of it? Mr. Cahalan said actually what he's referring to, maybe there's another term for it, but it's the wooden piece that supports the vane. He didn't look to see what the actual terminology is for that. It looks like a wooden dowel. He'll fix that. The vane is on top of that.

Mr. Cahalan said he's just asking for Council to review the scope of work and then he'll bring it back at the next meeting. He wants to get some input from Glenn Kern.

I. UPDATE ON TOWNSHIP NEWSLETTER

Mr. Maxfield said Council Member Dave Willard would like to provide Council with an update on the newsletter redesign.

Mr. Willard said he, Leslie and Carol met with the designer, Caroline on July 18th. She has produced five sample layouts, five different alternatives for a new look for the Township newsletter. Our objective was to give this a refreshed look and to make it more user-friendly by adding some features like the Table of Contents and bringing the most important items up front which is an editorial function. They are hopeful that with some of the changes they are making, they will be able to introduce color and color photography and stay within the budget, so they are going to rebid it on that basis. They took some actual information that will be in the next newsletter to get a proposed layout. Once they agree on which of these five they'd like to use, then Caroline was going to work with himself, Leslie and Carol to lay out the next issue that's coming out in early September so we can work it through together. Carol will familiar with the templates that are going to be used which will be Microsoft Word, which is simple to work with. Then the only key is getting the content in a timely fashion and getting interesting items in the Township newsletter. He can either tell you which one he would recommend or get your comments. He likes Sample No. 2 because of the large word "newsletter" on top and it clearly says what it is. The guidelines were our logo and the tree for LST that it should remain unchanged, but also it should have a refreshed look. You can also see the intended Table of Contents.

Mr. Maxfield said on a first glance, he'd agree on Sample No. 2, but he'd like to take some time and digest it. Are we okay until the next meeting? Ms. Huhn said the next meeting would be okay.

J. RESOLUTION #51-2013 – AUTHORIZING EXECUTION OF DUI GRANT DOCUMENTS

Mr. Maxfield said Resolution #51-2013 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 application that the Police Department submits to the State and the grant covers the wages of the DUI Coordinator. It also covers the wages of the Township officers when they are engaged in special events, which include DUI checkpoints, roving patrols, cops and shops and mobile awareness. It also provides funding for equipment and for reimbursement for expenses related to the Coordinator's attendance at the annual DUI conference in Harrisburg, PA.

- MOTION BY:** Mr. Horiszny moved for approval of Resolution #51-2013.
SECOND BY: Mr. Willard
Mr. Maxfield asked if anyone had any questions? No one raised their hand.
ROLL CALL: 4-0 (Mr. Kern - Absent)

K. RESOLUTION #52-2013 – APPOINTING SPECIAL FIRE POLICE

Mr. Maxfield said Resolution #52-2013 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.

Special Fire Police – 2013 Se-Wy-Co Fire Company

Robert Gearhart, Captain – #1891
Ronald W. Horiszny, Lieutenant – #1892
James Petrowski – #1893

Mr. Cahalan said the resolution is done annually to appoint Fire Police. They are invaluable to us. Thank goodness we have three individuals who volunteer to do this. They are fortunate to have three to appoint from Se-Wy-Co as stated above.

MOTION BY: Mr. Maxfield moved for approval of Resolution #52-2013.

SECOND BY: Mrs. deLeon

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

ROLL CALL: 4-0 (Mr. Kern - Absent)

L. RESOLUTION #53-2013 – RELEASE OF PUBLIC WORKS CREWMEN FOR FIRE CALLS

Mr. Maxfield said Resolution #53-2013 has been prepared revising the policy and procedures for Public Works employees to respond to fire calls.

A RESOLUTION REVISING THE POLICY AND PROCEDURES FOR PUBLIC WORKS EMPLOYEES TO RESPOND TO FIRE CALLS

WHEREAS, the Council of Lower Saucon Township, County of Northampton Pennsylvania is empowered by the Second Class Township Code, Optional Plan to adopt regulations relating to pay the expense incurred by Elected and Appointed Township Officials in connection with their duties or other Township business and to adopt regulations for the prevention of fires; and

WHEREAS, the Council, in cognizance that the Township volunteer fire companies were facing a shortage of trained firefighters able to respond to fire calls weekdays from 6:00 a.m. to 6:00 p.m., adopted Resolution #58-2009 which permits Township Public Works employees who are trained firefighters to respond to fire calls during regular Township business hours; and

WHEREAS, Resolution #58-2009 outlined the circumstances and conditions under which the Public Works employees would be released to respond to fire calls; and

WHEREAS, those circumstances and conditions were as follows:

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1. Public Works employees who are qualified fire fighters shall be released to respond fire calls for the following:
 - a. Any confirmed working fire involving a structure, dwelling, vehicle or brush;
 - b. Any confirmed motor vehicle accidents with injury or rescue;
 - c. Any confirmed rescues (EX: trench, etc.);
 - d. For major hazardous waste spills.

2. Public Works employees who are qualified fire fighters shall not be released to respond to fire calls when conducting the following activities:
 - a. Snow plowing;
 - b. Paving of streets;
 - c. Painting of street lines and/or striping;
 - d. Staffing the Compost Center;
 - e. Activities which in the sole and absolute discretion of the Public Works Director would create a safety hazard;

WHEREAS, Resolution #58-2009 did not address the issue of mutual aid fire calls.

NOW, THEREFORE, BE IT RESOLVED by the Lower Saucon Township Council, Northampton County, Pennsylvania, that the following addition to this policy is hereby enacted setting forth the procedures and guidelines for public works employees to respond to mutual aid fire calls:

1. The Lower Saucon Township Public Works employees who are qualified fire fighters may be released from work for confirmed fire calls as set down in Section #1 when a mutual aid request is made to the SE-WY-CO/Leithsville Volunteer Fire Company, the Steel City Volunteer Fire Company and the Southeastern Volunteer Fire Company by the volunteer fire companies in the following contiguous municipalities:
 - a. Upper Saucon Township
 - b. Salisbury Township
 - c. Springfield Township
 - d. Williams Township
 - e. Bethlehem Township
 - f. Freemansburg Borough
 - g. Fountain Hill Borough

Mr. Cahalan said back in 2009, the Township Council adopted a policy to augment the number of fire fighters that were available to respond to fire calls in the Township during the Monday through Friday, 6 AM to 6 PM period. In order to increase that number, the Township Council agreed to release Public Works employees who were trained fire fighters to respond to those fire calls. Along with fire fighters who are in the Public Works in Hellertown Borough, and also there's a member of the LS Authority, we were able to have up to four or five fire fighters available, which is critical to covering fire services during the week. That original policy you adopted did not include language specifying crewman could be released for mutual aid calls. That's a call from a surrounding municipality, primarily for backup or to fight a fire in one of the contiguous municipalities to LST. The Fire Chief's meet regularly with the Council members, Glenn Kern and Dave Willard and at the last meeting this issue was brought up and it was the recommendation of the Council members to revise the policy that would allow for the release of crew members for mutual aid calls. He has put together Resolution #53-2013 and that does specify that they can be released for specific types of activities. Those are fire calls for confirmed working fires involving a structure, dwelling, vehicle or brush; any confirmed motor vehicle accidents with injury or rescue; any confirmed rescues; or for any hazardous waste spills. They did specify the municipalities who could make a mutual aid call that they could respond to.

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Mr. Maxfield said there are seven contiguous municipalities. Mr. Cahalan said we are reciprocating for those municipalities. They are coming in here, and we are going out and helping them.

MOTION BY: Mrs. deLeon moved for approval of Resolution #53-2013.

SECOND BY: Mr. Horiszny

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

ROLL CALL: 4-0 (Mr. Kern - Absent)

M. RESOLUTION #54-2013 – AUTHORIZATION OF GRANT SUBMISSION TO COMMONWEALTH FINANCING AUTHORITY

Mr. Maxfield said Resolution #54-2013 has been prepared authorizing submission of a grant application to the Commonwealth Financing Authority for the purchase of open space land located on Polk Valley Road.

A RESOLUTION AUTHORIZING SUBMISSION OF A GRANT APPLICATION TO THE COMMONWEALTH FINANCING AUTHORITY FOR THE PURCHASE OF OPEN SPACE LAND LOCATED ON POLK VALLEY ROAD (TMP#R7-12-11G)

BE IT RESOLVED, that the Council of Lower Saucon Township, Northampton County, Pennsylvania, hereby requests a Greenways, Trails, and Recreation Program (GTRP) grant of \$250,000.00 from the Commonwealth Financing Authority to be used for the purchase of open space land located on Polk Valley Road, Lower Saucon Township, PA (TMP #R7-12-11G).

BE IT FURTHER RESOLVED, that Lower Saucon Township does hereby designate Glenn C. Kern, Council President and Jack Cahalan, Township Manager as the official(s) to execute all documents and agreements between Lower Saucon Township and the Commonwealth Financing Authority to facilitate and assist in obtaining the requested grant.

Mr. Cahalan said they are asking for Council's approval to submit a grant application to the Commonwealth Financing Authority. This is for funding to help defray the cost of acquisition of an 8.82 acre parcel that's for sale along Polk Valley Road near Polk Valley Road and the Saucon Valley School district campus. This funding, which has a maximum of \$250,000.00 is being made available around the State under the Act 13 Marcellus Shale funding and can be used by municipalities to acquire, develop open space for recreational properties. The EAC Open Space Sub-committee is currently evaluating this property for a potential open space acquisition.

Mrs. deLeon said last meeting we voted to authorize an appraisal, but we haven't taken any action, so is this putting the horse before the cart? Mr. Cahalan said there's a deadline of July 31st, and that's why they are bringing it to Council now. It is subject to Council's decision. Mrs. deLeon said there's grant money out there and we all pay tax dollars. She'd like to see those tax dollars going to our local municipality. Mr. Cahalan said it doesn't commit us to anything. Attorney Treadwell said he doesn't think there's a legal problem with it. If you apply for the grant, you don't have to accept the grant. Mrs. deLeon said the grant doesn't say whether or not you're the owner of the property. Mr. Cahalan said if there's no agreement of sale submitted at some point, they would not get the money.

Mr. Maxfield said these are the three properties we identified by lot numbers last time. Mr. Cahalan said we're just applying for the front property. The other two in the back we will be submitting to Northampton County for the open space and park funding at a later date. Those are actually reimbursable grants.

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MOTION BY: Mr. Horiszny moved for approval of Resolution #54-2013.
SECOND BY: Mr. Maxfield
Mr. Maxfield asked if anyone had any questions? No one raised their hand.
ROLL CALL: 4-0 (Mr. Kern - Absent)

N. RESOLUTION #55-2013 – AUTHORIZING PARTICIPATION IN NJPA

Mr. Maxfield said Resolution #55-2013 authorizes the Township to sign the agreement to join the National Joint Powers Alliance (NJPA), a government-sourcing program that assists public agencies in reducing the cost of their purchased goods by pooling purchasing power. There is no cost to sign up with the NJPA and membership will allow the Township to purchase off NJPA contracts while satisfying the state competitive bid requirements.

**RESOLUTION AUTHORIZING EXECUTION OF MEMBERSHIP AGREEMENT WITH
THE NATIONAL JOINT POWERS ALLIANCE (NJPA)**

WHEREAS, the NJPA was created by Minnesota Statute §123A.21 as a service cooperative (with membership further defined in M.S. §471.59) to serve cities, counties, towns, public or private schools, political subdivisions of Minnesota or another state, any agency of the State of Minnesota or the United States including instrumentalities of a governmental unit and all non-profits; and

WHEREAS, NJPA’s purpose as defined in M.S. §123A.21 is to assist in meeting specific needs of clients which could be better provided by NJPA than by the members themselves; and

WHEREAS, the NJPA Board of Directors has established the ability for an “Applicant” desiring to participate in NJPA contracts and procurement programs to become a Participating Member; and

WHEREAS, the NJPA Board of Directors has determined that Participating Members will have no financial or organizational liability to NJPA or to its organizational activities.

NOW THEREFORE BE IT RESOLVED, that it is the desire of Lower Saucon Township to become a Participating Member of NJPA with contract purchasing benefits, in accordance with terms and conditions of the applicable contract(s), and that by authorizing the Council President to execute the Membership Agreement the NJPA be requested to grant said membership to Lower Saucon Township.

Mr. Cahalan said this is similar to the Costars system that we participate in. It allows us to take advantage of the contracts and vendors that have been leveraged by this group. It has over 11,000 member school districts, cities, counties, and other governmental units. He’ll give you an example of one of the benefits. If we had gone to the supplier for the tot lot equipment that you just approved, the quote for that equipment was \$37,283.14. Under the NJPA, the same equipment is listed with the contract price of \$32,115.18, for a savings of \$5,167.00. There’s no cost and no obligation for us to join it. This authorizes the Council President to sign the agreement to participate in the NJPA.

MOTION BY: Mr. Horiszny moved for approval of Resolution #55-2013.
SECOND BY: Mr. Maxfield
Mr. Maxfield asked if anyone had any questions? No one raised their hand.
ROLL CALL: 4-0 (Mr. Kern - Absent)

VI. MISCELLANEOUS BUSINESS ITEMS

A. APPROVAL OF JUNE 19, 2013 MINUTES

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Mr. Maxfield said the draft minutes of the June 19, 2013 Council meeting have been prepared and are ready for Council's review and approval.

MOTION BY: Mrs. deLeon moved for approval the June 19, 2013 minutes, with corrections.
SECOND BY: Mr. Willard
Mr. Maxfield asked if anyone had any questions? No one raised their hand.
ROLL CALL: 3-1 (Mr. Horiszny – No and Mr. Kern - Absent)

B. APPROVAL OF JUNE 2013 FINANCIAL REPORTS

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

MOTION BY: Mr. Horiszny moved for approval of the June 2013 financial reports.
SECOND BY: Mrs. deLeon
Mr. Maxfield asked if anyone had any questions? No one raised their hand.
ROLL CALL: 4-0 (Mr. Kern - Absent)

VII. PUBLIC COMMENT/CITIZEN NON-AGENDA ITEMS

- Gene Boyer, Saucon Avenue, said he's been up a number of times in front of the Council trying to talk about some of the numbers in the budget and so forth. This is a non-agenda item; he'd like to talk about the budget. He knows Jack has requested a couple of times that he comes to the office. He did so. He was there a couple of weeks ago and he went through 15 years worth of budgets, extracting information on numbers and some of the comments that were made on the budgets in the past. The 2002 budget message, which wasn't in Jack's reign, but a gentleman prior to Jack, made some comments. It says "Now we know where we are. We have identified what our needs may be. We can begin planning for tomorrow. The 2002 budget is provided, to look into the future four ways. A five year budget forecast; Phase II eleven year capital improvements; a conservative estimate of host municipal fees from the landfill, and the beginning of the bolstering of parks and recreation". That was one of the comments he made in his report. He also stated that it is known that IESI landfill has approximately two years of useful life in their existing phase III. IESI has submitted to the Township and the PA DEP a request for Phase IV expansion. This application is under review in the Township and PA DEP. The proposal expansion will provide a landfill approximately 13 years of additional life. We're now talking 2002 when this was made. Because they are expansion application is under review, he is anticipating the landfill will reduce the tonnage brought to its site in order to extend two years of the life while the application is reviewed and possible construction of the new phase. Obviously no exact slow down figures exist, but the proposed budget assumes 25% reduction in tonnage and correlation of host fees. He has it italicized here that it is very important to point out that an operating budget in no form depends on the revenue from the landfill. If the landfill were to cease operation this year, there would be no significant impact in the way that the Township operates. The landfill revenue finds and provides payment for the building loan fund which is \$394,000.00 and set aside funds to the fire companies of \$150,000.00. If the revenue of the landfill were to cease, the capital improvement plan would adjust accordingly and there would still be no tax increase anticipated in the next five years. His point being that the Township in 2002 apparently ran without the landfill's money without being a requirement and today he knows we hear and we've seen literature from IESI that they provide \$2 million to the budget which is a \$6 million operating budget, which is 30%. It scares everybody for taxes. There's been a number of people at this table who have talked about they don't want their taxes to increase. That was 2002. In 2003, basically we went through the same kind of thing with the comments and it also said it indicated in the 2002 budget there was in no form does the Township operating budget rely on the revenue of the landfill. The 2003 budget is balanced at \$4,562,107.00 with no millage increases and anticipates zero revenue landfill funds. That's another year we went through without any anticipation. Granted it was a different time period. In November 2005, Jack was now part of the Township and Jack made these comments. Jack said

that he discussed with Martha in what they will be doing with the account and laying out a plan to take the money from the landfill, put it into a lock box and put the money aside to have it build up so that the landfill closure fund will have \$10 to \$15 million in it. We can do this. He has to check with the State to see if it's permitted and will come back to Council. Mr. Boyer said he didn't follow up with that, but the point was that a few years after that we were going to create a huge fund. He asked Cathy Gorman how much revenue we had in contingency funds. As of 2012, the budget we were going to have, she states "Ms. Gorman said it came to about \$3.5 million in funds that were non-restricted and \$4.3 million in contingency funds that were restricted. \$7.9 million in total. Understanding that the ones that were restricted were certain governmental funds and so forth". What he'd like to do is say that he went through all those budget figures and he'd like to say that he went through each one year by year and it would be too numerous for him to figure out or explain each year, so he combined the total amount of all the budgets stating we have received in fifteen years from 1998 to 2012, \$61,969,715.00 in what Jack calls the operating budget. In the landfill fund, we received \$17,164,762.00. If he takes that, and he understands that the budget is not a true figure of what the Township received, nor what it actually expended, but if he takes those figures as a guideline, it's 21% of the revenue, not 30% of the revenue what the landfill contributed. If he takes those numbers as well and goes through what the landfill funds contributed, what the landfill actually disbursed outside of paying for the loans, outside of the cost that it takes to operate, but just transferring into other special funds or back into the capital fund, the amount of money was only \$7,580,560.00 or 13% of the money of the landfill received was used in the budget, agreeing that the budget is not really total revenue, total expense, so he went back to public records again and took the audit figures of the Township for seven years, 2011 back to 2005, and did the same analysis that he went through for the budget. He'd like to read the numbers to give you the specific numbers that the landfill contributed to the budget as far as expenses and revenue. The amount of revenue in 2005 that was received, the total amount of revenue based on the audit was \$6,082,653.00. Out of that money, \$1,437,913.00 was received from the landfill which was only 23%. Again, it is not the 30% we hear in the public and what's been announced. We did pay \$803,580.00 for principal interest out of the landfill fund which is what the landfill was back in 2002 and 2003 up to here. Out of the 23%, the balance that was used in the budget, the only money that was used in the budget from the landfill excluding the loans was \$634,333.00 which is only 10% of the budget, not 30%.

Mr. Maxfield said he has to stop him. First of all, you are talking budget once again, Jack said it and he would second his statement. You need to come in and talk to the people who work with the budget every day. What you are telling us we don't know if you've done your math right or not. There are landfill funds that go over from year to year that give us a seed for our budget. There are all kinds of things in there that you may not be getting the right information on and he really thinks we don't even have a budget sitting here on the desk. What is your point? Mr. Boyer said his point is if you let him speak to the very end, he will tell you that out of the 10% instead of what people think is 30%. Fearful for the people who think that it is actually being considered, higher taxes if the landfill closes, it's not true. If we pay off the loans, the only thing we need left is 10% in 2005. Mr. Maxfield said now you got figures there that contradict what our finance controller tells us. Mr. Boyer said they don't contradict the finance controller, you're telling him that. You don't know that. He's telling you this is from the audit report. Do you want to see the audit report? We pay for the audit report. Mr. Maxfield said who pays for the audit report? Mr. Boyer said the Township pays for the audit report. Mr. Maxfield said right. We pay a private company to do our audit. Mr. Boyer said that's exactly where these figures come from. Mr. Cahalan said what Mr. Boyer is trying to say is that the information that has been provided by an outside source, not by the Township, he's trying to correct that by doing research through our budgets and our audits. He's saying what's being given out to the public, not by the Township, but by other entities is incorrect. Mr. Boyer said correct. For the record, the Township should have and they do have various things on line for the public to look at. The public, in his case, and he's making a statement, is that probably out of all of the 10,000 people, they don't look online to look at all the details of these reports. They look at the headlines that are either in the mailer that they get, or they

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look at the headlines that are in the newspaper. Mr. Maxfield said we don't write the newspaper articles. We also don't send out these mailers, so those are facts and figures coming from somebody else, other than the Township. That's why we repeatedly tell you to come in and talk to our Finance Director to find out if your facts and figures are anywhere near being reasonable.

Mr. Willard said he'd like to step in and make a comment on this. He thinks Jack made a very good summary of why you are making this presentation. He thinks as we go through the rezoning issue and the landfill expansion, we need to deal with the facts. We all agree with that. The Manager of the landfill told him that yesterday. He thinks we need to have a clear financial presentation of what's the impact on the Township budget and what a budget would look like; whether the landfill closes in three years or fifteen years. The only thing we can reasonably project is a couple of years going forward. He does feel with the public hearing coming up on September 15th, **(he did say the 15th, it should have been the 25th)** this definitely needs to be input from the Township in terms of a pro forma projection of what our budget will be and what the potential impact would be on taxes based on decisions as we as a Council make. Mr. Maxfield said which is what you initially asked for in another meeting and which our Finance Director is working on. He doesn't want to take that from Mr. Boyer. He wants it from our Finance Director and he wants her to tell us where we are going. Mr. Willard said yes. He has requested this at previous meetings when this discussion was taking place last year and he did make that request again this afternoon to our Finance Director, so we'll leave it at that.

Mr. Maxfield asked Mr. Boyer where were you during our budget hearings? Why weren't you here asking questions then? Mr. Boyer said he was here in the last year and he and probably two other people were here during your budget hearing. Mrs. deLeon said she remembers seeing him, but on the other hand, a resident has the right to come and speak under non-agenda items and he did follow the advice. He did go in. He copied information from the finance office or the Township minutes and he's here talking to Council. Mr. Maxfield said please, Mr. Boyer has been here repeatedly and we've given him the same advice over and over and over again and that is to talk to the Finance Director. You can ask Linc this. We are here to conduct business. We're not here to teach school. We're not here to answer a million questions. We're here to conduct business. If you have questions, there is a method to get those answers and it's here at the Township. You don't sit here and ask us budget questions when we don't even have a budget in front of us. Mr. Boyer said has he asked you one question tonight? Mr. Maxfield said no, but you will. Mrs. deLeon said you didn't let him finish. Mr. Maxfield said you will say what is going to ... Mrs. deLeon interrupted and said she objects.

Mr. Willard said he's sure we can expect greater attendance at the October budget hearing, probably a full room. Mr. Maxfield said he wants those full facts to come from somebody who is in the know. He's sorry; he can't trust Mr. Boyer's figures.

Mrs. deLeon said Mr. Boyer has the right to speak to Council and she'd like to hear what he has to say. Mr. Boyer said he appreciates Priscilla's comments. He thinks that Jack has made the statement that he was getting too, but he was trying to do it with the fact that there are factual numbers that are indicated that make the third party numbers that are out in the public void because it's not really what the Township actually has revenues of, nor expenditures of, on how the balances work out. Mr. Maxfield said and that goes into the minutes as our opinion. Let's say that's your opinion, you're not an accountant. You're somebody that is from our conversations here, you're discovering how a budget works. You're discovering how our budget works. He's not going to trust that as the figures that come in and become official figures. He's not going to do that. He wants it from the horse's mouth. He wants it from somebody who's an accountant. He wants it from somebody who's been working with this stuff for months on end. He doesn't want to sit here and listen to this litany over and over again of figures that we can corroborate. You've done this repeatedly. We've given you the same advice every time. Come in and talk. Mr. Boyer said he will come in with his papers and corroborate with Cathy with all his numbers and he'd like

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to finish up with this one statement for this 2005 so when he comes back and they say his numbers are correct, if they are based on Cathy's conversation, based on the Township people, that you will understand that he was here once before when he come back with correct figures that came from your audit reports. Mr. Maxfield said talk to Cathy.

Mrs. deLeon said Linc, we do have a Sunshine Law that says we are allowed to have public comment, is that not correct? Attorney Treadwell said absolutely. Mrs. deLeon said with respect to our residents, she doesn't want to intimidate anyone. She wants people to know that they can come here and speak to Council whatever they desire under non-agenda and they should be allowed to speak. Mr. Maxfield said we have listened to this same thing many times. In the past, we have asked people not to repeat themselves and even within a meeting not to repeat exactly what somebody else has said. We've given Mr. Boyer the advice that will solve the problem, solve the problem. Don't come to us with this list of figures again, solve the problem. Mr. Boyer said can he come with the list of figures if they are given by the Township? Mr. Maxfield said we have our own financial person. That's where he gets his figures about the Township. He doesn't need your figures. He needs her figures. He doesn't know where his figures come from. Mr. Boyer said did you listen to what he just said, Tom? He said if Cathy gives him the figures, can he come back here at a public meeting and give you those figures? Mr. Maxfield said you can if you want to, but he's going to listen to what she says. He thinks every other Council member will do the same thing. Mr. Boyer said so he should bring Cathy with him? Mr. Maxfield said you can try and do whatever you want to Gene. Mrs. deLeon said we're here as a checks and balance on the administration, so she will listen to the residents also.

Mr. Maxfield asked if Mr. Boyer has found some impropriety that we've done? Mr. Boyer said absolutely not, and he didn't expect that. There's nothing here that's impropriety. It's just the fact that the public is being misled by the figures given out. Mr. Maxfield said by whom? Mr. Boyer said by a lot of people. Mr. Maxfield said not by us. Mrs. deLeon said he didn't say that. Mr. Maxfield said yes, he did. Mr. Boyer said third party. Mr. Maxfield said he said newspaper, the other things; people don't get the facts straight. What passes for newspapers these days is ridiculous. He's not going to listen to that. He wants it from the mouth of our Finance Director. That's where it comes from. That's what he trusts.

Mrs. deLeon said she'd like the record to reflect that Mrs. deLeon would like to hear from the residents under non-agenda items and you shouldn't feel intimidated to come here. Mr. Maxfield said he's not trying to intimidate you; he's trying to make business go. Mr. Boyer said he wants to speak to Jack. He wants to ask Jack a question about his Finance Director. Jack, if he comes into the office, and goes over the figures he has here now, and he speaks to Cathy and she takes the time to go over the figures with him, the correct or incorrect figures, whatever the case may be, in his presentation, would it be possible for Cathy to come back with him and sit here and go over the figures? Mr. Cahalan said we're not going to do that unless Council directs us to. First of all, he doesn't know what Mr. Boyer is working on. Mr. Boyer said he's just asking the question, as you want him to come in. Mr. Cahalan said you can come in and ask us questions and you can look at information, you can look at budgets, audits and you can take that information and do what you want with it. You can come back here, or write a letter to the editor, or put a blog on the Patch, whatever you want to do, but we're not going to sit down with your figures and work through whatever it is that you are doing. You can obtain the information and present it however you want at a meeting under non-agenda items, but no, Cathy Gorman will not collaborate with you on whatever you are doing. She'll do the job she's paid to do. Mr. Boyer said can he ask the question to Tom? If he comes in and speaks to Cathy, and he sits down and she does her due diligence of conversation with him, to provide information, and she provides that information, he said I can come back to Council, and present that information? Attorney Treadwell said didn't Mr. Willard just say that he has asked the Finance Director to provide all this information, so isn't she going to come back to Council at some point and provide it? Mr. Willard said yes. Attorney Treadwell said so what is the point of doing all this in between stuff. Why don't we just wait until she provides it?

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Mr. Willard said he was going to say that she has routinely appeared at our meeting where there were questions to be answered, so if that is the case, you can expect her to be here. We didn't set a deadline for her to provide this information, but with the public hearing two months away, he would expect it would be done very timely. He appreciates you throwing the ball to him, as he will add two facts that are in our budget that he discussed with our Finance Director this afternoon which are factual. You'll see where the inaccuracies come from. Our operating budget this year is \$6.8 million in revenue, and \$6.8 million in expenses. It's a balanced budget and you can see that on line. Our special fund revenue from the landfill is \$1,950,000.00. That happens to be 29%. That's where the 30% figure, he believes, is coming from. That assumes all that money goes into the annual operating budget, which it does not. This is the point you are trying to illustrate, but please, let's have an orderly process. He agrees with our Solicitor. This is being undertaken by the Township staff as it should be and it will be reported back to the community. Mrs. deLeon said the information that you found in your LST audit documents, if he was to ask for a Right to Know request for this information...Attorney Treadwell said that's where he got it. Mrs. deLeon said he got it from the Township. Mr. Maxfield said that doesn't mean he's doing the right things with those figures, figuring them out the right way. He would like to hear what our Finance Director says. He's sorry that he snapped at Gene, but you know that he has a sensitivity to this and the feeling he gets that he is digging for some kind of dirt. That's why he asked did you find any impropriety? Did you find anything? Mr. Boyer said he said no. Mr. Maxfield said you continue to dig. Mr. Boyer said don't be upset with him. He didn't find any impropriety. Jack actually summed it up in a very good way and said there are third parties and people out there misquoting the numbers that are out there. Mr. Maxfield said again, it's not us. Talk to the media. Talk to the people who are misquoting the numbers. Attorney Treadwell said he doesn't think you should believe anything you read in the newspaper or any flyer you ever get in the mail. Mr. Boyer said thank you, relax Tom. Mr. Maxfield said he's relaxed, he's just very tired.

- Selene Busch, resident, said this is her first meeting. She has a question. Throughout the whole meeting, Mr. Maxfield has been very calm and collective. When Mr. Boyer started questioning the budget, in relationship to the landfill, you got very defensive. You accused him of trying to find dirt. Are you hiding dirt, Mr. Maxfield? Mr. Maxfield said is that a serious question? If it is, he finds it offensive. Ms. Busch said it's a question. Mr. Horiszny said it's five acres, 25' deep. Ms. Busch said why do you want the public to believe what the landfill is saying at 30% as opposed to the true numbers that are coming out? Mr. Maxfield said did he say he wanted you to believe what the landfill says? Ms. Busch said it's not what you said; it's what you didn't say. Mr. Maxfield said that again is your interpretation. His experience with Mr. Boyer has been meeting after meeting after meeting after meeting after meeting. Ms. Busch said this is her first meeting. She's just getting a first impression. Mr. Maxfield said then you wouldn't be sensitive to it like he is. Not only this meeting, but EAC and other meetings too. You get really tired of hearing it. We've told him the same advice over and over again, talk to the Finance Director. He comes in and talks to her and comes out with the same thing. Ms. Busch said as a taxpayer, she would like to know, what the bottom line is, 30%, 10%? Mr. Maxfield said who do you want to hear it from? The Finance Director or would you like to hear it from Mr. Boyer's questionable facts and figures? Ms. Busch said whoever is going to honestly, truthfully show it to us and she's not going to trust the landfill, she can assure you that. Mr. Maxfield said you talk like they are our buddies or something. They are not. They don't have anything to do with our budget. Ms. Busch said so get our accountant put it together and publish it. Mr. Maxfield said that's what we're doing. Ms. Busch said Mr. Willard said he asked her a year ago. Then he said he re-asked her two months ago. Mr. Willard said it needs to be redone in any case. We had an incident at the last meeting where people felt intimidated at the meeting and it wasn't from action from the Council table, it was a result of inaction. He agrees with Mrs. deLeon. We need to create an atmosphere where you can come and say what you feel as residents and taxpayers and we will be respectful of that. Mrs. deLeon said no matter what our opinion is. Mr. Maxfield said it goes both ways. Ms. Busch said thank you. She didn't mean to offend you. She was speaking to the Vice President, she was speaking to you. Mr. Maxfield said that's another thing. He sits on the P/C and the P/C hearings over this whole landfill issue, we've been accused of many things like taking money from the

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landfill, we've been threatened by Mrs. Louder. Ms. Louder warned them. We were told we were doing all sorts of bad thing and they called Linc names. It's been a whole history of things. This is your first meeting. Ms. Busch said she sat through the whole meeting and when this budget thing came up, you just got in total disarray and it was a big red flag. Mr. Maxfield said you're not a teacher, or anything? Did you ever teach school and have a student ask you that same damn question day after day after day? Ms. Busch said that's because somebody's not answering the question completely. Mr. Maxfield said it's just to get a rise out of the teacher. That's what he feels like at these meetings sometimes. Ms. Busch said it's a good thing you aren't a teacher then. Mrs. deLeon said he is a teacher. Mr. Willard said he would say to our fellow Council members, welcome to the public service and welcome to elective office. Mr. Maxfield said if we can't say as elected officials what we think, then it's not worth doing, and that's what he's thinks. He doesn't want to be anybody's tool. Ms. Louder got up to speak. Mr. Maxfield said are you going to warn him again? Ms. Louder said are you okay Mr. Maxfield? Mr. Maxfield said he's tired of this stuff.

➤ Ms. Donna Louder said you just met her sister. The reason she's here is that the last meeting at the landfill, on the report, she doesn't know if anybody else picked it up, but BRE is up and running. She believes with the preparedness plan in place, the tanks have to be emptied every three days. She believes they are up and running now for almost two weeks. She's not sure if the Township had received any information regarding any kind of activity like that. She doesn't know how we follow up with that if they are to answer you or not. She just wanted to bring it to your attention as it has been a concern of hers and will always be a concern of hers to make sure that they do especially after the incidents of April 2012 that we keep an eye on them. Mrs. deLeon said let's follow up on that. Wasn't that a condition of the approval? Attorney Treadwell said he doesn't know if it's a condition of approval. He thinks it's in their PPC Plan if it's anywhere. Mrs. deLeon said did anyone check on that to see if it's happening. Ms. Mallo said she thinks they were supposed to put a monitor in the tank to tell when it was full and it was approximately every three days. It wasn't like a calendar, clockwork and it had to be every three days. It was the report from the outside consultant that he suggested they put in a monitor to tell when it was full. Mr. Willard said were we notified they restarted operations? On the July 1st inspection report, he believes it said they were not operating. Mrs. deLeon said they learned at the landfill meeting last Thursday they were operating for about five days. Ms. Louder said there were running for five days as of July 18th. She said she immediately pulled out the report and it said every three days that storage tanks should be pumped and that was the agreement. Mrs. deLeon said again, does the Township care? She thinks the Township should care. Maybe a phone call. She doesn't know whose job that is to follow up. We sit here and we approve all these things with conditions. We hear comments in the audience for assurances. What does it mean? Mr. Maxfield said their agreement was exactly as what Ms. Mallo said. They have monitors inside the tank. When it gets to that point, they are emptied out. Mrs. deLeon said she hears him, she was here and understands that. She wants to ask who is going to check on that to see if it's followed up on? Whose job is that? Nobody ever answers her. Ms. Louder said are they supposed to send us a monthly report. They can't be governed by the DEP as nobody knows how to watch them. Attorney Treadwell said he doesn't have the file. He doesn't know what the conditions were. He doesn't remember what the PPC plan says. Mrs. deLeon said she'd like to ask the administration to please take the time and look into this and find out because we're very concerned about this at the Landfill Committee to make sure it doesn't happen again. We want to make sure the assurances are being followed. Is there any way you can get back to us? Ms. Louder said BRE is no longer emptying into the Bethlehem Waste Treatment Center Plant. They are basically stocking it up. If they aren't going to be diligent about taking care of it, she thinks we really need to police them to make sure they are taking care of it. She doesn't know how or what the Township can do. A report of every time something is shipped out, a report every time the tanks are emptied, whose watching them emptying it? She knows there are procedures that when trucks come in, and hook up and empty those tanks. Mr. Horiszny said he doesn't remember that we asked them to report that. They probably could and we don't know that they haven't emptied them. Right? Ms. Louder said that's why she's asking. They started up. The flare has been shut off. Mr. Cahalan said they can get that information to you. The only thing we dealt with was the approval of the PPC plan which describes some of these controls. We can

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get back and we can confirm they are up and running and let you know what the status of the plant is. Beyond that, there haven't been any other agreements. Ms. Louder said there isn't any communication between the Township and them? Mr. Cahalan said there wasn't any communication prior to the incident you described. He's not aware of any other steps that have been imposed here or that we're supposed to see that they are implemented or policed. Mr. Kocher said they checked for weeks to see if DEP permitted the tanks, and nobody at DEP could even give them a yes or a no. The best they could get on the PPC plan was that it wasn't regulated by anyone that they had to have one, and there wasn't necessarily a reviewing agency that did that. Ms. Louder said she talked to Chris from Hanover and she asked him who does inspections on this kind of a plant. He said the DEP doesn't have any regulations set for this kind of operation. The thing is they have nobody trained. Hanover would not have any engineers trained to even go in there and inspect it. Basically, they are just flying. We're just sitting here thinking that they are doing the right thing, but are they doing the right thing because they are not answering to anybody. There's no monthly report. There's no weekly report. There's no any kind of report coming in. The rules are set, but are they following them? That's what she's getting at. Mrs. deLeon said they sat here and heard that nobody's checking up on them, so what's the incentive. Can we just make a phone call tomorrow asking them that we understand they are up and running and could you please tell us what your schedule is for emptying the tanks? Has it occurred yet? Mr. Kocher said yes, we can ask them if they are following their own plan, but he doesn't know if there are regulations, either Township or State that backs that up, which is the bottom line of what they've found. Ms. Louder said in the PPC report it was mentioned they need to send some kind of report to the Township on when the storage tanks are emptied, what is being emptied out of those storage tanks. Mr. Cahalan said there was some discussion. He believes that Mr. Hollis said he'd be amenable to that. They will follow up on that and see what they will do. They will give a report on that information. Mrs. deLeon said wasn't there legal language put in the approval of the conditions that if there was some kind of an environmental problem they would have to contact us? Attorney Treadwell said yes, but an environmental problem is different than whether they empty the tank every three days. Mr. Cahalan said they will look into it and get you a report. Mr. Horiszny said do you think the DOT would be monitoring those kinds of shipments? Mr. Kocher said you just said it was waste water, so maybe not. Attorney Treadwell said only if there's a problem. Mr. Kocher said he doesn't know how much DOT really monitors other than tells them what they have to do. Mr. Horiszny said they don't say we're carrying a full tanked truck today. Mr. Kocher said he thinks it depends on what the contents are and he doesn't know enough about the contents. Mr. Boyer said in the budget, it says we get money from that facility, is that correct? Mr. Cahalan said yes, gas royalties. Mr. Boyer said he understands and she's concerned about the tank and the waste coming out of it, how do we know what we're getting as far as the dollar value of what they are generating? Is there a meter? Mr. Horiszny said we don't get money from BRE, we get money from the landfill for the gas that's sold. We get 3% of the gas that's sold. Mr. Boyer said in the budget it shows BRE, so the landfill measures the amount of gas they give them. Mrs. deLeon said somewhere in the host agreement it says what we're supposed to get for the gas. Attorney Treadwell said he thinks its 3%.

VIII. COUNCIL & STAFF REPORTS

A. TOWNSHIP MANAGER

- Mr. Cahalan said he has two appointments to recommend. The first one is Jay Lazar to the Zoning Hearing Board that was created with the resignation of Ted Griggs. Jay is an Attorney who formerly worked at Bethlehem Steel. We're also pleased that he's a graduate of the first Citizen's Academy class. That's how he learned about the vacancy on the ZHB. Jay's term will run to 12/31/2013.

MOTION BY: Mr. Willard moved for approval of the appointment of Jay Lazar to the ZHB with the term ending on 12/31/13.

SECOND BY: Mr. Horiszny

ROLL CALL: 4-0 (Mr. Kern – Absent)

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- Mr. Cahalan said he's recommending the appointment of Sarah Stanlick as an Associate member of the Township EAC. Sarah lives with her husband on Old Harrow Road and she's currently pursuing her PhD at Lehigh University in Learning Sciences and Technology. Sarah will serve out the remainder of a one-year term until 12/31/3013.

MOTION BY: Mr. Willard moved for approval of the appointment of Sarah Stanlick as an Associate member of the EAC with the term ending on 12/31/13.

SECOND BY: Mr. Horiszny

ROLL CALL: 4-0 (Mr. Kern – Absent)

- Mr. Cahalan said there should be a memo from Chief Lesser. He's asking the Council to authorize the Manager to send a letter to PennDOT requesting they consider reducing the speed limit on Seidersville Road between Old Philadelphia Pike and Fire Lane at the Salisbury township line. The speed limit there is currently 35 MPH. The Chief advises that the road is very narrow and has a bend at the top and a sharp downhill grade as it approaches a stop sign, with Yianni's restaurant there at the bottom. The homes are in close proximity to the road surface and the school bus stop is also near the bottom. The Chief indicated he has received numerous complaints from residents who feel unsafe due to the road conditions and the speed of the passing vehicles. The request to PennDOT would state that the Township would erect and maintain the speed limit signs if PennDOT approves the speed limit reduction. He would need authorization for Mr. Cahalan to send a letter to look into the speed limit reduction.

MOTION BY: Mr. Maxfield moved for approval for Mr. Cahalan to send PennDOT a letter requesting them to consider reducing the speed limit on Seidersville Road between Old Philadelphia Pike and Fire Lane at the Salisbury township line.

SECOND BY: Mr. Horiszny

ROLL CALL: 4-0 (Mr. Kern – Absent)

- Mr. Cahalan said he received a request from the Four Seasons community. They are undertaking a project to seal coat the roads in their community and they requested permission to erect two (2) temporary handicapped parking signs out on Skibo Road. It's for a fourteen day period between July 23rd and August 6th. The request has been reviewed by the Police Department and Public Works. They have no problem with it, so he's asking for ratification of that by Council.

MOTION BY: Mr. Horiszny moved for approval on the request from Four Seasons community as stated above.

SECOND BY: Mr. Maxfield

ROLL CALL: 4-0 (Mr. Kern – Absent)

- Mr. Cahalan said there is a copy of a draft support letter that's been requested by the City of Bethlehem. They are submitting a grant to DCED for a Bethlehem Trailway Feasibility Study and they've requested we give them a support letter for that application. He's asking for approval to send the letter.

MOTION BY: Mr. Horiszny moved for approval to send a support letter that has been requested by the City of Bethlehem for submittal of a grant to DCED for a Bethlehem Trailway Feasibility Study.

SECOND BY: Mr. Maxfield

ROLL CALL: 4-0 (Mr. Kern – Absent)

- Mr. Cahalan said he wanted to correct something that was out in the newspapers following the Council meeting on June 19, 2013. You approved at that time language that clarified that firearms could be lawfully carried on the Saucon Rail Trail and in Township parks.

The article appeared in the Morning Call and it seemed to indicate the Township had approved hunting on the preserved land that the Township had acquired. Since that article came out, he got numerous calls from people saying when can they go hunting on the property. He said that's not what Council approved. He wanted to clarify that "No Hunting" is permitted on any Township property.

B. COUNCIL

Mrs. deLeon

- She said she wanted to let everyone know that this week is Restaurant Week in the Saucon Valley. There's about seven or eight restaurants offering specials so please go out and eat.
- She asked if there was an update on Fire Lane and Black River Road? Mr. Cahalan said Hanover is still doing the work on that. They recently went out. Mr. Kocher said they did the PA-1 Call to try and find out where the utilities and laterals are and they measured them. Not in a detailed survey, but enough to do the feasibility. They looked at some good inlet locations so they are still in the process of putting it together. Mrs. deLeon said it continues to rain and the residents are having issues.
- She said why were procedures taken off the meeting agenda this evening? Mr. Cahalan said it's not ready for Council. Mrs. deLeon said we only have one meeting before the public hearing.
- She said she asked Leslie to put it in your packet, a copy of a letter from DEP. It stated July 15. It's regarding Olexion. It's their third notification of being overweight. They are way overweight. They discussed this at their landfill meeting and IESI and they are upset too as they can't control the weight of the trucks coming into their facility. Once they are weighed on the scale, it's documented and they cannot send them away. They have to accept the load. Periodically, DEP comes in and they review the files and then they issue letters like this. On May 29, 2013, there were 17,060 lbs. overweight. There were two vehicles, one was 17,060 lbs. overweight and the other was 35,760 lbs. overweight. This says it's their third notification. Last year a similar situation happened and they received a NOV. The NOV wasn't attached to this letter, so she's not sure what's happening there. Four times they were overweight, 24,380, 4,540, 3,640 and 4,460 lbs. The landfill committee wanted her to bring this to their attention and see what we can do about it as a Township. In the Council approved budget we approved funding for a scale, like for the officers to use, could you provide her with an update on what's going on there. Mr. Cahalan said he checked with Chief Lesser about the scale and he said his request for the truck scale was not to enforce weight limits on trucks traveling to the landfill. Primarily because the route they take is on state roads or City of Bethlehem roads for a majority of the route. Also because PennDOT, State Police, and the City of Bethlehem PD, are enforcing the weight limit of those trash trucks as they travel over those roads. The scale he was looking for he intends on ordering later this year. He intends on having four or five officers attend training that has to be given to certify them for the use of the scale. That will occur later this year. The intention of the scale he was talking about was not to enforce the weight limit on the landfill trash trucks. Mrs. deLeon said this was an opportunity for him to ask for an update. It's already the end of July. This was talked about in the budget. We didn't approve that many things in the budget, so this to her is pretty significant for Council to approve and she just is disappointed that it hasn't been done yet or even ordered. Mr. Cahalan said the officers have to be trained in the use of the scale, so it wouldn't make any sense to order something and then have it sitting there under a warranty while he was waiting to get the officers trained. The training is only offered two times a year. He has it in the works and is planning to do that. Mrs. deLeon said we lost six to seven months now and they could have been trained. More importantly, is the issue on the overweight trucks. She's not real sure what we can do to keep these trucks off the roads. The landfill and the committee are concerned. What are our options? Mr. Horiszny said it's not in our jurisdiction and there's nothing we can do about it. It's the Department

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of Transportation or the State Police. Mrs. deLeon said we can't write a letter to DEP? Mr. Horiszny said we've done that. We've asked the landfill to warn them and they do it every time. It's not our issue. Mrs. deLeon said she'll take that back to the committee then if that's the wish of the full Council then. Mr. Maxfield said once they exit 78, they are in Bethlehem and they are on a Bethlehem road until they make that final turn into the landfill which is 20'. That's the only time they are on a LST road. Mrs. deLeon said maybe we can send them a letter and ask them to do an inspection. She doesn't know what the answer is. Mr. Maxfield said they were cited and fined? Mrs. deLeon said the letter doesn't say that. It just records the overweight. It says please provide a written response within ten days of receipt of this inspection report. A letter was dated July 15th. Mr. Horiszny said he thought they were going to try to suspend that truck. Mrs. deLeon said this is different. The landfill does do that. This is DEP doing it. The landfill does that. They work that out and it's pretty nice of them to do that. She gave you copies. Mr. Maxfield said he thinks Ron hit it on the nose when he said it's out of our jurisdiction. They are being caught and they are being cited. Mrs. deLeon said she'll report it back. Mr. Horiszny said if they are 5,000 lbs. overweight, he's surprised the truck can move. Ms. Louder said how can it stop when it's coming off of 78? Mr. Lenny Szy said where did you say the borderline was? Mr. Maxfield said it runs up Applebutter Road. Mrs. deLeon said the Township line starts at the sheep farm. Mr. Maxfield said after the curve on the left lane going up the hill is Lower Saucon. It's a PennDOT road. They maintain it.

➤ She said her other concern is we just received the annual landfill operations report for 2012. At the end of it, it has a section on benefits. She knows we were talking about benefits and comments and the dollar amount that the landfill contributes on an annual basis. It really didn't have the dollar amounts in there except for ten \$1,000 scholarships, which is \$10,000.00. The other stuff was donations to various organizations. What caught her eye was they said they paid host fees to Northampton County. She sent Allen an email asking him how much money IESI has paid Northampton County since Phase IV. He didn't respond. He thought she wanted him to respond at the meeting, so verbally he said nothing, they haven't paid for years. Their documents on the other hand falsely say that they pay Northampton County and they've been doing that for years. We need to let DEP know that these documents are in error. They are not really paying Northampton County and they haven't for years. She'd like staff to send a letter to DEP notifying them that there's an error on their 2012 annual operations report.

MOTION BY: Mrs. deLeon moved to authorize staff to send a letter to DEP notifying them that there's an error on their 2012 annual operations report.

Mr. Cahalan said could he ask if he can obtain information from the County and the landfill and bring that back before we send a letter. Mrs. deLeon said absolutely. She knows the answer, but go right ahead as she's not the expert. Mr. Maxfield said it would be nice to have documentation if we're going to accuse somebody of something. Mr. Horiszny said it seems that the County ought to be concerned and not us. Mrs. deLeon said with the County there was some kind of a legal opinion, legal precedence set with the County being paid a host fee. They used to get a dollar a ton, but then that stopped. This is just her saying it and you might not believe her, but two other landfills in Northampton County, Chrin and Waste Management, have subsequently negotiated contracts with the County and they are paying the County, so the County is receiving money. IESI on the other hand has met with the County and has failed to sign a contract, so the County is getting nothing. Mr. Maxfield said at least Chrin, on the other hand doesn't pay Williams Township anything. They get no tipping fees at all. Mrs. deLeon said that was one of the things she's done sitting up here for the past 26 years, getting host fees and that's 4% escalator and all kinds of stuff.

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Mrs. deLeon said she'll withdraw her motion and wait for Jack to report back with the information.

**SECOND BY:
ROLL CALL:**

Mr. Horiszny

- He said there was a fire hydrant demonstration at fire department practice the other day that the Authority held and set up. A question came up again that they are wondering what the status is of Bethlehem's hydrants in our Township and trying to get the connectors on them. The fire departments are asking Bethlehem again to update their hydrants. If we can check on that and see when is the last time we contacted them and what the answer was. Mrs. deLeon said she does remember that. We have different type connectors. She doesn't know what the answer was. Mr. Cahalan said they asked the City to put the similar equipment on and they said they couldn't. Mr. Horiszny said he'd like to find what the status was and the fire department feels strongly enough that we get grants to buy the valves and have them installed by the City. The City might not do it anyway. Mr. Cahalan said we could do that. Hellertown got grants from the Gaming Authority for adapters. Mr. Maxfield said how many hydrants are we talking about? Mr. Cahalan said off the top of his head, he's thinking maybe 26 or so.

Mr. Maxfield

- He said a couple of months ago we voted on the removal of the right hand turn stop sign at Bingen and Apples Church. He saw that it was still up. Mr. Cahalan said yes, that will be removed by Public Works. Attorney Treadwell said we drafted the ordinance, but did not adopt it yet. Ms. Huhn said she believes it's advertised for the next meeting.
- He said in our Library Task Force, we've had a couple of scheduling conflicts and Dave mentioned a September deadline meeting. We are asking for a one month extension and give the kind of presentation you deserve. If it's okay with Council, they'd like to do one month later which will take us into October.

MOTION BY: Mr. Maxfield moved to extend the deadline for the Library presentation from the September meeting to the October meeting.
Mr. Maxfield asked if there was any comment? Mr. Willard said the point was to have time to deal with it before we could make notification for next year. Mr. Maxfield said October is when we start to have budget talks.

SECOND BY: Mr. Willard
ROLL CALL: 4-0 (Mr. Kern – Absent)

Mr. Willard

- He said he met with a team of six high school students that are participating in the PA school of Global Entrepreneurship at Lehigh University. He mentioned this last time. They were contacted because this particular team took as their project, the Lehigh County Governments Academy curriculum. He had a chance to sit with them and talk about our Citizen's Academy and they did give him a copy of their work plan and asked for comments. He did ask about Northampton County and it looks like their project will be incorporated in Northampton County through Northampton County Community College. Their Dean is one of the advisors for the project. They will be presenting this on August 1st at 2:00 at the PBS 39 Studio and if anyone are interested in seeing the presentation, please let him know and he'll send out an email. There's also a dinner at 6:00 PM, but he doesn't know if we're invited to that or not.
- He said for the residents who have stuck it out until 10:00 PM at night, the first public meeting that will provide input for our hearing in September takes place tomorrow evening. It's the LVPC. It's at 7:00 PM at 961 Marcon Blvd. in Allentown. Their

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meeting room is on the third floor. It's located very close to Lehigh Valley International Airport and open to the public. We did send out the post card mailing notifying the residents of various meetings taking place leading to the September 25th public hearing. Leslie said she would provide copies for the members of the press who are here tonight.

Mr. Kern – Absent

- B. SOLICITOR** – No report
- C. ENGINEER** – No report
- D. PLANNER** – No report

V. ADJOURNMENT

MOTION BY: Mr. Willard moved for adjournment. The time was 10:04 pm.

SECOND BY: Mr. Horiszny

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

ROLL CALL: 4-0 (Mr. Kern - Absent)

Submitted by:

Jack Cahalan
Township Manager

Glenn C. Kern
President of Council